

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 UNITED STATES OF AMERICA,) Case No.: 15CR1298-AJB
11)
12 Plaintiff,) FINDINGS AND RECOMMENDATION
13 v.) OF THE MAGISTRATE JUDGE
14) UPON A PLEA OF GUILTY
15 MOHAMAD SAEED KODAIMATI)
16 (1),)
17)
18 Defendant.

19 Upon Defendant's request to enter a guilty plea to
20 Count *one* of the Indictment pursuant to Rule 11
21 of the Federal Rules of Criminal Procedure, this matter
22 was referred to the Magistrate Judge by the District
23 Judge, with the written consents of the Defendant,
24 counsel for the Defendant, and counsel for the United
25 States.

26 Thereafter, the matter came on for a hearing on
27 Defendant's guilty plea, in full compliance with Rule
28

1 11, Federal Rules of Criminal Procedure, before the
2 Magistrate Judge, in open court and on the record.

3 In consideration of that hearing and the allocution
4 made by the Defendant under oath on the record and in
5 the presence of counsel, and the remarks of the
6 Assistant United States Attorney,

7 **I make the following FINDINGS - that the Defendant**
8 **understands:**

- 9 1. The government's right, in a prosecution for
10 perjury or false statement, to use against the
11 defendant any statement that the defendant
12 gives under oath;
13
14 2. The right to persist in a plea of "not guilty";
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16 3. The right to a speedy and public trial;
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18 4. The right to trial by jury, or the ability to
19 waive that right and have a judge try the case
20 without a jury;
21
22 5. The right to be represented by counsel-and if
23 necessary to have the court appoint counsel-at
24 trial and at every other stage of the
25 proceeding;
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27 6. The right at trial to confront and cross-
28 examine adverse witnesses, to be protected from
compelled self-incrimination, to testify and

present evidence, and to compel the attendance of witnesses;

7. The defendant's waiver of these trial rights if the court accepts a guilty plea or nolo contendere;

8. The nature of each charge to which the defendant is pleading;

9. Any maximum possible penalty, including imprisonment, fine, and term of supervised release;

10. Any applicable mandatory minimum penalty;

11. Any applicable forfeiture;

12. The court's authority to order restitution;

13. The court's obligation to impose a special assessment;

14. In determining a sentence, the court's obligation to calculate the applicable sentencing guideline range and to consider that range, possible departures under the Sentencing Guidelines, and other sentencing factors under 18 U.S.C § 3553(a);

15. The term of any plea agreement and any provision in that agreement that waives the

1 right to appeal or to collaterally attack the
2 conviction and sentence; and

3 16. That, if convicted, a defendant who is not a
4 United States citizen may be removed from the
5 United States, denied citizenship, and denied
6 admission to the United States in the future.
7

8 **I further find that:**

9 17. The defendant is competent to enter a plea;

10 18. The defendant's guilty plea is made knowingly
11 and voluntarily, and did not result from force,
12 threats or promises (other than those made in a
13 plea agreement); and
14

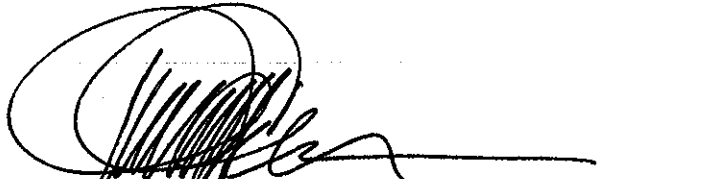
15 19. There is a factual basis for Defendant's plea.

16 **I therefore RECOMMEND that the District Judge**
17 **accept the Defendant's guilty plea to Count *One***
18 **of the Indictment.**
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20 The sentencing hearing will be before United States
21 **District Judge Anthony J. Battaglia, on 1/11/2016 at**
22 **9:00 AM.** The court excludes time from 10/29/2015
23 through 1/11/2016 pursuant to 18 USC § 3161(h)(1)(G)
24 on the ground that the District Judge will be
25 considering the proposed plea agreement.
26
27
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1 Objections to these Findings and Recommendations
2 are waived by the parties if not made within 14 days of
3 this order. If the parties waive the preparation of the
4 Presentence Report, objections are due within three
5 days of this order.
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8 Dated: 10/29/2015
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10 **Hon. Karen S. Crawford**
11 United States Magistrate Judge
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13 Copies to:
14 Judge Anthony J. Battaglia
15 Assistant United States Attorney
16 Counsel for Defendant
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