

Date: 03-30-12
Time: 11:32 To 12:25

SENTENCING

Judge: O'GRADY
Reporter: N. Linnell

UNITED STATES of AMERICA

Case Number: 1:11CR00561-001

V.

SYED GHULAM NABI FAI

Counsel/Govt: Gordon Kromberg and John Gibbs

Counsel/Deft: Nina Ginsberg

Court adopts PSI (X) with exceptions: The defendant objected to the probation officer's determination that Counts 1 and 2 should not be grouped under USSG 3D1.2 - argument heard and the court finds that grouping Counts 1 and 2 are not appropriate and the guideline calculations are proper. The defendant also objected to the two level adjustment for sophisticated means - argument heard and the court finds the 2 points are appropriate. The court did impose a sentence below the guideline range for the reasons stated from the bench, pursuant to the factors set forth in 18 USC 3553.

SENTENCING GUIDELINES :

Offense Level: 18
Criminal History: 1
Imprisonment Range: 27 to 33 months
Supervised Release Range: 1 to 3 years
Fine Range: \$6,000.00 to \$60,000.00
Restitution \$ 344,150.00

Court departs from Guidelines pursuant to:

- USSG 5H1.3 and 5H1.4
- USSG 5K1.1
- USSG 5K2.12
- USSG 5C1.2
- Other:

Special Assessment \$ 200 () Satisfied () Unsatisfied, due immediately (\$100 on each count)

JUDGMENT OF THE COURT:

BOP for 24 Months on each of Counts 1 and 2, to run concurrently

Supervised Release for 3 years on each count, to run concurrently with special conditions: (x)Yes () No

Supervised Probation for Years, with special conditions: () Yes () No

Fine Imposed of \$ due immediately/ monthly installments of \$ to begin w/in days of release from custody/imposition of sentence

(X) Fine/costs of incarceration waived

SPECIAL CONDITIONS:

- Dft. shall maintain uniform good behavior.
- Dft. to remain drug free, submit to In/Out patient testing as directed. Dft shall waive all rights of confidentiality.
- Dft. shall notify any employer or potential employer of the conviction for the instant offense, and not hinder or impede the probation officer in confirming such notification.
- No new credit
- X Dft. shall provide the probation officer with any requested personal and business financial documents, including tax returns, auditors' statements, pay stubs, and bank records.
- X Dft. shall have no contact with any conspirators in this case, including all of the unnamed straw donors and cohorts in other countries who were assisting him in the conspiracy.
- X Apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gain to the outstanding court-ordered financial obligation, as directed by the probation officer.
- X Pay restitution of \$ 344,150.00 in monthly installments of at least \$ 500.00 to begin within 60 days of release, until paid in full as directed by probation officer.
- X Drug testing waived; however this will not preclude the probation officer from administering drug tests if deemed necessary.
- X If not already completed, the defendant shall ensure, to the best of his ability, that true and correct tax returns for 2005 through 2011 for the KAC be filed with the IRS within 60 days of his release, and he shall provide copies of the returns to the probation officer.

RECOMMENDATIONS to BOP:

 X Dft. to be designated to: FCI Cumberland, Maryland, to be near his family

Defendant shall surrender after June 30, 2012, as designated by the Bureau of Prisons, as notified by the probation officer.