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**U.S. Department of Justice**

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April 3, 2018

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MAY 7 2018

AT GREENBELT  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

DEPUTY

Sheri Silver Derrow and Elizabeth Oyer  
Assistant Federal Public Defenders  
100 S. Charles Street  
Tower II, Ninth Floor  
Baltimore, MD 21201

Re: *United States v. Nisar Ahmed Chaudhry*  
Criminal No. DKC-18-0226

BY

Dear Ms. Derrow and Ms. Oyer:

This letter, together with the Sealed Supplement, confirms the plea agreement which has been offered to the Defendant by the United States Attorney's Office for the District of Maryland ("this Office"). If the Defendant accepts this offer, please have him execute it in the spaces provided below. If this offer has not been accepted by April 16, 2018, it will be deemed withdrawn. The terms of the agreement are as follows:

Offense of Conviction

The Defendant agrees to waive indictment and plead guilty to a Criminal Information to be filed in the District of Maryland charging him with Failure to File a Foreign Agent Registration Statement, in violation of 22 U.S.C. §§ 612 and 618(a). The Defendant admits that he is, in fact, guilty of that offense and will so advise the Court.

Elements of the Offense

The elements of the offense to which the Defendant has agreed to plead guilty, and which this Office would prove if the case went to trial, are as follows:

1. Defendant acted as an agent of a foreign principal;
2. Defendant failed to file a registration statement notifying the Attorney General that he was acting as an agent of a foreign principal, as required by law; and
3. Defendant's failure to file said statement was knowing and willful.



### Penalties

The maximum sentence provided by statute for the offense to which the Defendant is pleading guilty is as follows: a term of imprisonment of five years, a term of three years of supervised release, and a \$10,000 fine. In addition, the Defendant must pay \$100 as a special assessment pursuant to 18 U.S.C. § 3013, which will be due and should be paid at or before the time of sentencing. This Court may also order him to make restitution pursuant to 18 U.S.C. §§ 3663, 3663A, and 3664.<sup>1</sup> If a fine or restitution is imposed, it shall be payable immediately, unless, pursuant to 18 U.S.C. § 3572(d), the Court orders otherwise. The Defendant understands that if he serves a term of imprisonment, is released on supervised release, and then violates the conditions of his supervised release, his supervised release could be revoked - even on the last day of the term - and the Defendant could be returned to custody to serve another period of incarceration and a new term of supervised release. The Defendant understands that the Bureau of Prisons has sole discretion in designating the institution at which the Defendant will serve any term of imprisonment imposed.

### Waiver of Rights

The Defendant understands that by entering into this agreement, he surrenders certain rights as outlined below:

(1) If the Defendant had persisted in his plea of not guilty, he would have had the right to a speedy jury trial with the close assistance of competent counsel. That trial could be conducted by a judge, without a jury, if the Defendant, this Office, and the Court all agreed.

(2) If the Defendant elected a jury trial, the jury would be composed of twelve individuals selected from the community. Counsel and the Defendant would have the opportunity to challenge prospective jurors who demonstrated bias or who were otherwise unqualified, and would have the opportunity to strike a certain number of jurors peremptorily. All twelve jurors would have to agree unanimously before the Defendant could be found guilty of any count. The jury would be instructed that the Defendant was presumed to be innocent, and that presumption could be overcome only by proof beyond a reasonable doubt.

(3) If the Defendant went to trial, the government would have the burden of proving the Defendant guilty beyond a reasonable doubt. The Defendant would have the right to confront and cross-examine the government's witnesses. The Defendant would not have to present any defense witnesses or evidence whatsoever. If the Defendant wanted to call witnesses in his defense, however, he would have the subpoena power of the Court to compel the witnesses to attend.

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<sup>1</sup> Pursuant to 18 U.S.C. § 3612, if the Court imposes a fine in excess of \$2,500 that remains unpaid 15 days after it is imposed, the Defendant shall be charged interest on that fine, unless the Court modifies the interest payment in accordance with 18 U.S.C. § 3612(f)(3).



(4) The Defendant would have the right to testify in his own defense if he so chose, and he would have the right to refuse to testify. If he chose not to testify, the Court could instruct the jury that they could not draw any adverse inference from his decision not to testify.

(5) If the Defendant was found guilty after a trial, he would have the right to appeal the verdict and the Court's pretrial and trial decisions on the admissibility of evidence to see if any errors were committed which would require a new trial or dismissal of the charges against him. By pleading guilty, the Defendant knowingly gives up the right to appeal the verdict and the Court's decisions.

(6) By pleading guilty, the Defendant will be giving up all of these rights, except the right, under the limited circumstances set forth in the "Waiver of Appeal" paragraph below, to appeal the sentence. By pleading guilty, the Defendant will also be giving up any right to suppress or otherwise challenge the evidence used against him, including the manner and method of collection of that evidence. By pleading guilty, the Defendant understands that he may have to answer the Court's questions both about the rights he is giving up and about the facts of his case. Any statements the Defendant makes during such a hearing would not be admissible against him during a trial except in a criminal proceeding for perjury or false statement.

(7) If the Court accepts the Defendant's plea of guilty, there will be no further trial or proceeding of any kind, and the Court will find him guilty.

(8) By pleading guilty, the Defendant will also be giving up certain valuable civil rights and may be subject to deportation or other loss of immigration status. The Defendant recognizes that if he is not a citizen of the United States, pleading guilty may have consequences with respect to his immigration status. Under federal law, conviction for a broad range of crimes can lead to adverse immigration consequences, including automatic removal from the United States. Removal and other immigration consequences are the subject of a separate proceeding, however, and the Defendant understands that no one, including his attorney or the Court, can predict with certainty the effect of a conviction on immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any potential immigration consequences.

#### Advisory Sentencing Guidelines Apply

The Defendant understands that the Court will determine a sentencing guidelines range for this case (henceforth the "advisory guidelines range") pursuant to the Sentencing Reform Act of 1984 at 18 U.S.C. §§ 3551-3742 (excepting 18 U.S.C. §§ 3553(b)(1) and 3742(e)) and 28 U.S.C. §§ 991 through 998. The Defendant further understands that the Court will impose a sentence pursuant to the Sentencing Reform Act, as excised, and must take into account the advisory guidelines range in establishing a reasonable sentence.

#### Factual and Advisory Guidelines Stipulation

This Office and the Defendant understand, agree and stipulate to the Statement of Facts set forth in Attachment A hereto which this Office would prove beyond a reasonable doubt, and to the



following applicable sentencing guidelines factors:

The parties stipulate and agree that since the offense to which the Defendant is pleading guilty constitutes a felony for which no Sentencing Guideline expressly has been promulgated, the provisions of 18 U.S.C. § 3553 control, pursuant to U.S.S.G. § 2X5.1, and certain Chapter Five and Six guidelines and policy statements (referenced in Application Note 1 of § 2X5.1) can be relied on by all parties in calculating the Defendant's sentence under 18 U.S.C. § 3553.

This Office does not oppose a reduction in the Defendant's sentence consistent with the parameters set forth in U.S.S.G. § 3E1.1 to account for the Defendant's apparent prompt recognition and affirmative acceptance of personal responsibility for his criminal conduct. This Office may oppose *any* credit for acceptance of responsibility if the Defendant (a) fails to admit each and every item in the factual stipulation; (b) denies involvement in the offense; (c) gives conflicting statements about his involvement in the offense; (d) is untruthful with the Court, this Office, or the United States Probation Office; (e) obstructs or attempts to obstruct justice prior to sentencing; (f) engages in any criminal conduct between the date of this agreement and the date of sentencing; or (g) attempts to withdraw his plea of guilty.

The Defendant understands that there is no agreement as to his criminal history or criminal history category, and that his criminal history could alter his offense level if he is a career offender or if the instant offense was a part of a pattern of criminal conduct from which he derived a substantial portion of his income.

This Office and the Defendant agree that with respect to the calculation of the advisory guidelines range and application of the 18 U.S.C. § 3553(a) factors, no other offense characteristics, sentencing guidelines factors, potential departures or adjustments set forth in the United States Sentencing Guidelines will be raised or are in dispute.

#### Obligations of the United States Attorney's Office

At the time of sentencing, and in consideration of the factors set forth in 18 U.S.C. § 3553(a), namely, 1) the Defendant's age and medical issues, 2) protection of the public from further crimes of the Defendant, 3) adequate deterrence to criminal conduct, and 4) a just punishment to promote respect for the law, and address the nature, circumstances and seriousness of the offense, this Office will recommend a sentence of five years probation, to include a term of six months of home detention.

The parties reserve the right to bring to the Court's attention at the time of sentencing, and the Court will be entitled to consider, all relevant information concerning the Defendant's background, character and conduct. The Defendant will notify the Court, the United States Probation Officer, and government counsel at least ten days in advance of sentencing of the facts or issues he intends to raise in consideration of sentencing.



Waiver of Statute of Limitations

The defendant understands and agrees that should the conviction following his plea of guilty pursuant to this agreement be vacated for any reason, then any prosecution that is not time-barred as of the date of the signing of this agreement (including any indictment or counts that this Office has agreed to dismiss at sentencing) may be commenced or reinstated against the Defendant, notwithstanding the expiration of the statute of limitations between the signing of this agreement and the commencement or reinstatement of such prosecution. The Defendant agrees to waive all defenses based on the statute of limitations with respect to any prosecution that is not time-barred on the date this plea agreement is signed.

Waiver of Appeal

In exchange for the concessions made by this Office and the Defendant in this plea agreement, this Office and the Defendant waive their rights to appeal as follows:

(1) The Defendant knowingly waives all rights and constitutional claims, pursuant to 28 U.S.C. § 1291 or otherwise, to appeal the Defendant's conviction;

(2) The Defendant and this Office knowingly waive all rights and constitutional claims, pursuant to 18 U.S.C. § 3742 or otherwise, to appeal whatever sentence is imposed (including the right to appeal any issues that relate to the establishment of the advisory guidelines range, the determination of the Defendant's criminal history, the weighing of the sentencing factors, and the decision whether to impose and the calculation of any term of imprisonment, fine, order of forfeiture, order of restitution, and term or condition of supervised release).

(3) Nothing in this agreement shall be construed to prevent the Defendant or this Office from invoking the provisions of Federal Rule of Criminal Procedure 35(a), or from appealing from any decision thereunder, should a sentence be imposed that resulted from arithmetical, technical, or other clear error.

(4) The Defendant waives any and all rights under the Freedom of Information Act relating to the investigation and prosecution of the above-captioned matter and agrees not to file any request for documents from this Office or any investigating agency.

Obstruction or Other Violations of Law

The Defendant agrees that he will not commit any offense in violation of federal, state or local law between the date of this agreement and his sentencing in this case. In the event that the Defendant (i) engages in conduct after the date of this agreement which would justify a finding of obstruction of justice under U.S.S.G. § 3C1.1, or (ii) fails to accept personal responsibility for his conduct by failing to acknowledge his guilt to the probation officer who prepares the Presentence Report, or (iii) commits any offense in violation of federal, state or local law, then this Office will be relieved of its obligations to the Defendant as reflected in this agreement. Specifically, this Office will be free to argue sentencing guidelines factors other than those stipulated in this



agreement, and it will also be free to make sentencing recommendations other than those set out in this agreement. As with any alleged breach of this agreement, this Office will bear the burden of convincing the Court of the Defendant's obstructive or unlawful behavior and/or failure to acknowledge personal responsibility by a preponderance of the evidence. The Defendant acknowledges that he may not withdraw his guilty plea because this Office is relieved of its obligations under the agreement pursuant to this paragraph.


Court Not a Party

The Defendant expressly understands that the Court is not a party to this agreement. In the federal system, the sentence to be imposed is within the sole discretion of the Court. In particular, the Defendant understands that neither the United States Probation Office nor the Court is bound by the stipulation set forth above, and that the Court will, with the aid of the Presentence Report, determine the facts relevant to sentencing. The Defendant understands that the Court cannot rely exclusively upon the stipulation in ascertaining the factors relevant to the determination of sentence. Rather, in determining the factual basis for the sentence, the Court will consider the stipulation, together with the results of the presentence investigation, and any other relevant information. The Defendant understands that the Court is under no obligation to accept this Office's recommendations, and the Court has the power to impose a sentence up to and including the statutory maximum stated above. The Defendant understands that if the Court ascertains factors different from those contained in the stipulation set forth above, or if the Court should impose any sentence up to the maximum established by statute, the Defendant cannot, for that reason alone, withdraw his guilty plea, and will remain bound to fulfill all of his obligations under this agreement. The Defendant understands that neither the prosecutor, his counsel, nor the Court can make a binding prediction, promise, or representation as to what guidelines range or sentence the Defendant will receive. The Defendant agrees that no one has made such a binding prediction or promise.

Entire Agreement

This letter supersedes any prior understandings, promises, or conditions between this Office and the Defendant and, together with the Sealed Supplement, constitutes the complete plea agreement in this case. The Defendant acknowledges that there are no other agreements, promises, undertakings or understandings between the Defendant and this Office other than those set forth in this letter and the Sealed Supplement and none will be entered into unless in writing and signed by all parties.

Very truly yours,  
Stephen M. Schenning  
Acting United States Attorney

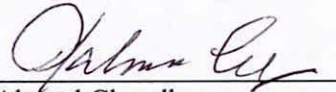
By:   
Christine Manuelian  
Assistant United States Attorney



I have read this agreement, including the Sealed Supplement, and carefully reviewed every part of it with my attorney. I understand it, and I voluntarily agree to it. Specifically, I have reviewed the Factual and Advisory Guidelines Stipulation with my attorney, and I do not wish to change any part of it. I am completely satisfied with the representation of my attorney.

3-5-2018

Date



Nisar Ahmed Chaudhry  
Defendant

We are Mr. Chaudhry's attorneys. We have carefully reviewed every part of this agreement, including the Sealed Supplement with him. He advises us that he understands and accepts its terms. To our knowledge, his decision to enter into this agreement is an informed and voluntary one.

3/5/18

Date



Sheri Silver Derrow



Elizabeth Oyer  
Assistant Federal Public Defenders  
Counsel for Defendant



**ATTACHMENT A**  
**STIPULATED STATEMENT OF FACTS**  
**United States v. Chaudhry**

*The parties agree that if this matter had proceeded to trial, the government would have proven the following facts beyond a reasonable doubt. The parties also agree that the following facts do not encompass all facts that would have been proven had this matter proceeded to trial.*

Defendant Nisar Ahmed CHAUDHRY, a national of Pakistan and lawful permanent resident of the United States, represented himself to be the President of the Pakistan American League, an unincorporated entity he created and associated with his residential address in Maryland.

During the period from in or about 2012 through the date of the filing of the Criminal Information in this case, the defendant acted as an agent of the Government of Pakistan in order to engage in political activities for, and in the interests of, the Government of Pakistan. These activities were designed by the defendant to obtain and manage information on matters of interest to the Government of Pakistan, namely, the status of the United States Government's policies regarding Pakistan, and its views of, and intentions towards, Pakistan.

The defendant engaged in these activities by: 1) failing to file a registration statement with the Attorney General, as required by law, providing notification of his activities on behalf of the Government of Pakistan; and 2) by falsely representing that his activities in relation to Pakistan were solely educational in nature and executed for the benign purpose of encouraging better relations between the United States and Pakistan. The defendant's activities on behalf of the Government of Pakistan included the following:

The defendant interacted on a routine basis with representatives of the Government of Pakistan, which maintained an Embassy in Washington, D.C. and a consular office in New York City to which it posted diplomatic officers and employees officially identified to, and recognized by, the United States Department of State.

The defendant interacted on a routine basis with numerous institutes, foundations, and organizations operating in and around Washington, D.C., commonly referred to as "think tanks," that played a role in shaping and influencing United States foreign policy. These entities employed scholars and other individuals with specialized knowledge in South Asia affairs, including former United States government employees who had been engaged in South Asia matters during their tenure as government officials with the Departments of State and Defense and other United States government institutions. The defendant cultivated influential contacts within these entities and the United States government in order to obtain in-depth information regarding the United States government's policies towards Pakistan.

The defendant organized roundtable discussions in Washington, D.C., and Maryland between his American government and think tank contacts and Pakistan government officials to obtain information regarding American views of, and intentions towards, Pakistan that could be



used during the roundtable discussions and in the future, to influence United States foreign policy in a direction favorable to Pakistan's interests.

The defendant traveled regularly to Pakistan to brief high-level Pakistan government officials on information obtained from his American government and think tank contacts, and obtain briefings on matters of interest to Pakistan relevant to his activities in the United States on behalf of the Pakistan government.

The defendant met with Pakistan government officials in the United States to discuss information obtained from his American government and think tank contacts, report on the details of his meetings in Pakistan with high-level Pakistan government officials, and obtain information regarding matters of interest to Pakistan relevant to his activities in the United States on behalf of the Pakistan government.

During his interactions with current and former United States government officials and American South Asia scholars, the defendant employed certain methods of discussion, of his own devising or as directed by Pakistan government officials, in order to neutralize unfavorable views of Pakistan held by those United States officials and scholars. The defendant's methods of discussion included controlling and manipulating discussion at roundtable events with these officials and scholars that he organized and/or attended.

The defendant organized press briefings in the Washington, D.C., and Maryland metropolitan areas for visiting Pakistan government dignitaries.

The defendant arranged for various South Asia scholars and/or former United States government officials to attend conferences in Pakistan organized by Pakistan government officials, including members of the National Defence University (hereafter "NDU"), Pakistan's highest-level professional military educational institution responsible for training the country's senior military leadership.

In order to be more effective in obtaining information of interest to Pakistan, and to gain a strategic advantage in acquiring information that might not otherwise be divulged to official representatives of the Government of Pakistan, the defendant falsely represented that his activities were solely educational in nature and not affiliated with the Pakistan government. These representations were made not only to American think tank scholars, but also to current and former United States government officials, including U.S. Customs and Border Patrol agents who interviewed the defendant upon entry into the United States from his travels to Pakistan.

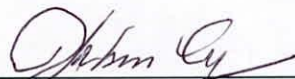
In order to maintain the appearance that he was not acting on behalf of the Government of Pakistan, the defendant knowingly and willfully, without registering with the Attorney General as required by law, acted as an agent of the Government of Pakistan, despite his knowledge, during the time frame charged in the Criminal Information, that he was required to register with the Attorney General and that his failure to do so was in violation of United States law.



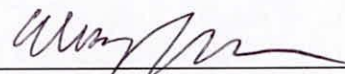
In order to establish a level of trust with the Pakistan government officials with whom he interacted, the defendant elected to forego seeking naturalization as a United States citizen and used that fact to establish his bona fides as a true representative of the interests of the Government of Pakistan.

In consideration for his activities on behalf of the Government of Pakistan, the defendant was granted, among other things: invitations to events at, or sponsored by, the Pakistan Embassy; introductions to, and meetings with, high-level Pakistan government officials; assistance with procuring civilian, military, or government-related jobs and preferential postings for relatives and associates in Pakistan; assistance with securing Pakistani visas on an expedited basis for friends, relatives, or associates; reimbursement for certain travel expenses; and the use of diplomatic channels to ship personal items to and from Pakistan.

**SO STIPULATED:**

  
\_\_\_\_\_  
Nisar Ahmed Chaudhry  
Defendant

  
\_\_\_\_\_  
Sheri Silver Derrow

  
\_\_\_\_\_  
Elizabeth Oyer  
Assistant Federal Public Defenders  
Counsel for the Defendant