

Carey Law Offices, P.C.

Attorneys and Counsellors at Law

333 East Onondaga Street
Syracuse, New York 13202

Phone: (315) 474-0077
(24 Hour Answering Service)

Fax: (315) 474-1048

March 3, 2022

Hon. Glenn T. Suddaby, Chief U.S. District Judge
Federal Building and U.S. Courthouse
P.O. Box 7367
Syracuse, NY 13261-7367

United States of America

vs

Chasib Hafedh Saadoon Al Fawadi
Docket No.: DNYN 5:20CR00241-001

Your honor please accept this as Mr. Al Fawadi's Presentence Memorandum.

On October 6, 2021 pursuant to a written Rule 11(c)(1)A plea agreement, Mr. Al Fawadi entered a plea of guilty to Counts 1 and Counts 2 of indictment of 20-CR-241, charging him with making false statements on an immigration application and making false statements to a government agency.

Mr. Al Fawadi on June 8, 2017 in Onondaga County, did knowingly give a false statement with respect to a material fact in his pursuit of immigration status to a permanent resident of the United States.

On April 9, 2019 in Onondaga County, Northern District of New York, Mr. Al Fawadi took responsibility for making a false statement regarding a material representation to the executive branch of the United States Government. He admitted he did so when he was interviewed by a member of the United States Citizen and Immigration Service, when he made an application to adjust his immigration status to become a lawful permanent resident of The United States.

It is the defendants understanding that the government will move to dismiss Count 3 when it was alleged that Mr. AL FAWADI made a false statement to an official of The United States Citizen and Immigration Application process.

Given Mr. AL FAWADI's admission of wrongful conduct the government agrees to bring no further criminal charges against Mr. AL Fawadi related to this indictment. Further the government agrees to recommend a 3 level reduction pursuant to USSG §3E1.1. Acknowledging that Mr. Al Fawadi demonstrated acceptance of responsibility.

Mr. Al Fawadi has been advised and does understand that he waves any and all rights to appeal collaterally attack the conviction and any sentence of imprisonment of 18 months or less.

Pursuant to the please agreement, Mr. Al Fawadi voluntarily agrees to a stipulated judicial order of removal pursuant to 8 U.S.C. §§1228 (c) (5) and 1227. Mr. Al Fawadi has admitted that he is a native and citizen of Iraq and not a citizen of The United States and that he thereby waves his right to a notice and a hearing regarding his legal status in The United States and any issues regarding deportation.

Mr. Al Fawadi understands that the judicial order of removal renders him permeably inadmissible to The United States.

As detailed in the pre-sentencing report there remains an outstanding charge in the Onondaga County Crimal Court, presided over by Judge Gordon Cuffy.

Mr. Al Fawadi understands that his false statements were in violation of the laws of The United States. He does offer to the court that the reason he provided false statements is concern that he, his wife and three children would be sent back to Iraq where they would face imminent danger. Such danger is detailed in the pre-sentence report starting on page 5, paragraph 13 to page 7, paragraph 19.

The United States government is moving to enhance Mr. AL FAWADI's sentence based on unsupported evidence that he was a member of a jihad Muslim terrorist group. He does acknowledge pictures in the governments' possession do show him in a camouflage uniform with other people alleged to be jihad Muslims. Mr. Al Fawadi explains that he was forcibly recruited by that organization and that he never engaged in any combat or terrorist acts, that his only purpose was a position of service regarding food and supplies to the group. As for the pictures that portray a series of deceased individuals Mr. Al Fawadi explains that those were pictures sent to him from a friend to his cell phone and that he never deleted those pictures. He adamantly denies being involved and the actions that lead to what is portrayed as deceased individuals.

As for adjustment for obstruction of justice Mr. Al Fawadi does admit providing false statements, however he provided those statements not to obstruct justice but to maintain safety and residency for his family.

Mr. Al Fawadi has been provided with detailed information regarding his offence level computation. We do object to any enhancement where the government was alleging he was a member of a military, parametric police organization that was involved in a serious human rights offence. An increase of five-levels is unjustified due to a lack of credible evidence indicating Mr. Al Fawadi was a member of that group.

As to Mr. AL Fawadi's criminal history he has no convictions and therefore a criminal history of 0 establishes a criminal history category of 1.

Mr. Al Fawadi was January 19, 1985 in Bagdad, Iraq. There is some confusion regarding his statements regarding his father's death. Mr. Al Fawadi has explained to me that his father was shot in Iraq and later died of complications. His mother presently lives in Iraq with his five brothers and four sisters. Mr. Al Fawadi is currently divorced from his wife but maintains good communication with his three children as mandated by Onondaga Family Court. Conclusion before the Court stands Mr. Chasib Hafedh Saadon Al Fawadi who's taken full responsibility for false statements given to The United States government and its agents. His justification for those false statements was he was doing that to protect his wife and three children.

We request that the court give a sentence outside the guideline imprisonment range of twelve to eighteen months. Mr. Al Fawadi has now been incarcerated for approximately nineteen months and therefore a sentence of time served is applicable especially in light of his deportation status.

Very truly yours,

Paul G. Carey

A handwritten signature in blue ink that reads "Paul G. Carey/amt". The signature is written in a cursive style with a large initial 'P' and 'C'.

PGC/amt