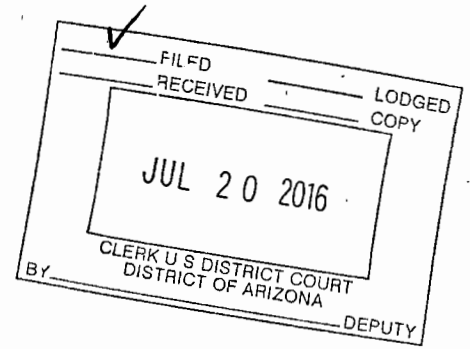


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13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE DISTRICT OF ARIZONA

15 United States of America,
 16
 17 Plaintiff,
 18
 19 vs.
 20
 21 Peter Steve Plesinger,
 22
 23 Defendant.

24 CR 14-1362-001-TUC-JAS(LAB)
 25
 26 Plea Agreement

27 The United States of America and the defendant, Peter Steve Plesinger, agree to
 28 the following disposition of this matter:

PLEA

The defendant agrees to plead guilty to Counts Sixteen (16), Thirty-three (33) and
 Fifty-eight (58) of the Superseding Indictment, charging the defendant with Exportation
 of Arms and Munitions, in violation of Title 22, United States Code, Sections 2778(b)(2)
 and 2778(c) and Title 22, Code of Federal Regulations, Sections 121.1 and 123.1, a
 felony offense, Engaging in the Business without a License (Firearms), in violation of
 Title 18, United States Code, Sections 922(a)(1)(A), 923(a) and 924(a)(1)(D), a felony
 offense, and Money Laundering, in violation of Title 18, United States Code, Section

1 1956(a)(2)(A), a felony offense. The defendant also agrees to forfeit any interest in any
2 of the firearms, ammunition, and silencers seized as part of this investigation and submits
3 to a money judgment of \$64,500. The balance of the Superseding Indictment will be
4 dismissed at the time of sentencing.
5

6 ELEMENTS OF THE OFFENSES

7 The essential elements of **Exportation of Arms and Munitions** are that:

- 8
- 9 1. The defendant intentionally exported and caused to be exported from the
10 United States to the country of Hong Kong Special Administrative Region of
11 the People's Republic of China, articles listed on the Munitions List of
12 technology relating to articles on the Munitions List, which are:
13 A Ruger model SR22, .22LR semi-automatic pistol, bearing serial
14 number 362-21397;
15 A Ruger model SR22, .22LR semi-automatic pistol, bearing serial
16 number 362-33260;
17 2 silencers; and
18 1000 rounds of .308 WIN ammunition;
 - 19 2. A license was required from the United States State Department for the
20 defendant's export of the defense article;
 - 21 3. The defendant exported the firearms and/or munitions without first obtaining a
22 license or written approval from the U.S. Department of State; and
 - 23 4. The defendant acted willfully.

24 The essential elements of **Engaging in the Business Without a License (Firearms)** are
25 that:

- 26 1. The defendant was willfully engaged in the business of dealing in firearms
27 within the dates specified in the indictment; and
- 28 2. The defendant did not then have a license as a firearms dealer.

The essential elements of **Laundering of Monetary Instruments** are that:

- 1 1. The defendant, and others, transferred or transmitted;
- 2 2. Monetary instruments or funds;
- 3 3. To a place in the United States from or through a place outside the United
- 4 States, that is, the country of Hong Kong Special Administrative Region of the
- 5 People's Republic of China;
- 6 4. And did so, knowing that the monetary instruments or funds were to promote
- 7 the carrying on of a specified unlawful activity, that is, smuggling or export
- 8 control violations involving an item controlled on the United States Munitions List
- 9 established under section 38 of the Arms Export Control Act (22 U.S.C. § 2778).

10 STIPULATIONS, TERMS AND AGREEMENTS

11 Maximum Penalties:

12 **Exportation of Arms and Munitions:** The defendant understands and agrees that the
13 maximum penalty for the offense of to which he is pleading are a fine of \$1,000,000, a
14 maximum term of twenty (20) years imprisonment, or both, and a maximum term of three
15 (3) years supervised release.

16 **Dealing without a License:** The defendant understands and agrees that the maximum
17 penalty for the offense of to which he is pleading are a maximum term of five (5) years
18 imprisonment, a fine of \$250,000, or both, and a maximum term of three (3) years
19 supervised release.

20 **Laundering of Monetary Instruments:** The defendant understands and agrees that the
21 maximum penalty for the offense of to which he is pleading are a maximum term of
22 twenty (20) years imprisonment, a fine of not more than \$500,000, or both, and a
23 maximum term of three (3) years supervised release.

24 The defendant agrees to pay a fine unless the defendant establishes the
25 applicability of the exceptions contained in § 5E1.2(e) of the Sentencing Guidelines.

26 **Special Assessment:** The defendant understands that in accordance with Title 18,
27 United States Code, Section 3013, upon entry of judgment of conviction, there shall be
28 assessed a \$100.00 special assessment for each felony count.

1 **Immigration consequence:** The defendant recognizes that pleading guilty may
2 have consequences with respect to his immigration status if defendant is not a citizen of
3 the United States. Under federal law, a broad range of crimes are removable offenses,
4 including the offense(s) to which defendant is pleading guilty. Removal and other
5 immigration consequences are the subject of a separate proceeding, however, and
6 defendant understands that no one, including defendant's attorney or the district court,
7 can predict to a certainty the effect of defendant's conviction on defendant's immigration
8 status. Defendant nevertheless affirms that he wants to plead guilty regardless of any
9 immigration consequences that this plea may entail, even if the consequence is
10 defendant's automatic removal from the United States.

11 **Agreement Regarding Sentencing:**

12 a. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the parties agree that the below
13 stipulated sentence is an appropriate disposition of this case:

14 **Eighty-seven (87) months** of imprisonment.

15 Furthermore, in reaching this stipulated and agreed upon sentencing range, the Court may
16 consider all the facts related to this investigation and consider the relevant conduct
17 involved in the counts of the Superseding Indictment that will be dismissed at the time of
18 sentencing. The Court may also consider:

- 19 1. The defendant sent 21 firearms, 14,917 rounds of various calibers of
20 ammunition, and 2 silencers (as charged in the Superseding Indictment);
- 21 2. The defendant possessed an additional 10 firearms and 7,703 rounds of various
22 calibers of ammunition which were seized from his home during the execution of
23 a federal search warrant that were intended to be shipped to the country of Hong
24 Kong Special Administrative Region of the People's Republic of China at a later
25 date;
- 26 3. The defendant possessed 65 items that appeared to be silencers which were
27 seized from his home during the execution of a federal search warrant. One of the
28 items was sent to the ATF laboratory where it was tested and determined to be a

1 Parker-Hale model MMI silencer, bearing no serial number. These items also
2 appeared to be intended to be shipped to the country of Hong Kong Special
3 Administrative Region of the People's Republic of China; and

4 4. The defendant received \$64,500 from Kin Wai Wong via wire transfers from
5 the country of Hong Kong Special Administrative Region of the People's
6 Republic of China into the defendant's designated Pay Pal account in the United
7 States for the acquisition and shipment of firearms, ammunition and silencers from
8 the United States to Hong Kong on Mr. Wong's behalf.

9 b. The defendant may withdraw from the plea agreement if he receives a sentence in
10 excess of the stipulated eighty-seven (87) month sentence.

11 c. The defendant understands and agrees that this plea agreement contains all the
12 terms, conditions and stipulations regarding sentencing. If the defendant requests
13 or if the Court authorizes any reduction of sentence, either by departure or
14 variance, not specifically agreed to in writing by the parties, the government may
15 withdraw from the plea agreement.

16 d. If the Court departs from the terms and conditions set forth in this plea
17 agreement, either party may withdraw.

18 e. If the Court, after reviewing this plea agreement, concludes any provision is
19 inappropriate, it may reject the plea agreement and allow the defendant an
20 opportunity to withdraw the defendant's guilty plea, all pursuant to Rule 11(c)(5)
21 and Rule 11(d)(2)(A), Fed. R. Crim. P.

22 f. The defendant understands that if the defendant violates any of the conditions of
23 the defendant's supervised release, his supervised release may be revoked. Upon
24 such revocation, notwithstanding any other provision of this agreement, the
25 defendant may be required to serve an additional term of imprisonment or the
26 defendant's sentence may otherwise be altered.

27
28

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