

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 07-CR-20355-DT-01

Plaintiff,

HON. MARIANNE O. BATTANI

v.

D-1, DAWN HANNA,

Defendant.

GOVERNMENT'S SENTENCING MEMORANDUM

The United States of America, by its undersigned attorneys, respectfully submits this sentencing memorandum to inform the Court of its position at sentencing. Based on the sentencing guidelines range of 235-293 months and the other factors listed in 18 U.S.C. § 3553(a), the government requests a sentence at the low end of the guidelines range.

I. INTRODUCTION

On October 2, 2008, Dawn Hanna was convicted at trial for willfully exporting a mobile telecommunications network to Iraq in late 2002 and early 2003, shortly before the U.S. invasion of Iraq. Testimony at trial showed that the telecommunications equipment was for use by the Iraqi government, which was ruled by Saddam Hussein at the time. During this period, the U.S. embargo made exports

to Iraq illegal.

The jury found the defendant guilty of conspiracy to violate the International Emergency Economic Powers Act (“IEEPA”), in violation of 18 U.S.C. § 371; five counts of violating IEEPA, in violation of 50 U.S.C. § 1705(b); money laundering conspiracy, in violation of 18 U.S.C. § 1956(h); and false statements, in violation of 18 U.S.C. § 1001. The jury found the defendant not guilty of one count of violating IEEPA, involving an attempted shipment of global positioning equipment through Chicago. In finding the defendant guilty of the IEEPA offenses, the jury found that the defendant committed these crimes willfully, meaning that she was aware of the embargo on Iraq and knew that her conduct was illegal.

II. STATEMENT OF FACTS

Dawn Hanna was the director of sales for Technology Integration Group Services (“TIGS”) in Rochester, Michigan. The evidence at trial showed that Dawn Hanna conspired with Emad Yawer, a middleman in Jordan, and his company Advanced Technical Systems (“ATS”), Walid Al-Ali and his company Dresser International, and others to ship the telecommunications equipment to Iraq. TIGS received \$9.5 million in letters of credit from Dresser International to pay for the telecommunications equipment.

Beginning in December 2001, the defendant agreed to supply and ship the

equipment to Iraq. Dawn Hanna spent the next several months searching for suppliers. During this time, the defendant made statements which demonstrated her knowledge of the embargo on Iraq and the fact that her conduct violated the law. She stated that she and Yawer were “doing a job for Iraq that nobody on earth wants to touch because of politics.” Trial Exhibit P-BW-14. She explained to Yawer that “we are keeping confidential the nature of our project for obvious reasons,” and that “[s]ome areas are blacklisted, as you well know due to politics and such climate.” Trial Exhibit P-BW-16. She acknowledged that if she were caught, the authorities “would be at my doorstep with the department of commerce -- and you would NEVER SEE ME AGAIN!!!” Trial Exhibit P-BW-15.

Many of the suppliers that the defendant initially approached refused to participate in the deal because of the embargo on Iraq. For example, after disclosing to a supplier in Texas called Alcatel that the equipment was destined for Iraq, the supplier responded to Dawn Hanna by email in March 2002 by stating:

Alcatel won't go to Iraq before getting the green light from political authorities (UN and/or French government and/or European Union . . .) Shipment of GSM equipment (especially the TRX part which includes a ciphering algorithm) is bound by french customs authorisation (sic). So this is my cease and desist order. I can no longer help you. . . .

Trial Exhibit P-BW-29. After receiving rejections from potential vendors, defendant described herself as "desperate" to find suppliers. Trial Exhibit P-BW-32. Defendant

stated in one email message: “I want to do this job, but we have been getting sideways looks due to the climate and region. You know. People are nervous about the end destination at this point. But I have managed to work around it.” Trial Exhibit P-BW-20.

Defendant “managed to work around it” by fabricating cover stories that the equipment was destined for a third country, or that the deal was approved by the United Nations, so that suppliers and shippers would work with her. In February 2002, for example, the defendant requested that Yawer provide her with a “home made” document fraudulently showing that “your trading company has a license to install a mobile GSM system in JORDAN.” Trial Exhibit P-BW-18. The defendant offered to “update it later tonight,” so that she could “[m]ake it look official.” *Id.* According to the defendant, the purpose of the fraudulent license was so that the conspirators could “show the vendors that when they ship to Jordan (we will handle the freight forward to destination location of use in IQ), someone qualified can work with the stuff.” *Id.* The defendant instructed Yawer to “get creative . . . I want to see how good the document reproduction efforts can be.” *Id.* When Yawer sent her the fraudulent license he created, the defendant said it looked “GORGIOUS [sic]. I am going to add some final touches on to it.” Trial Exhibit P-BW-19.

In October 2002, the conspirators finally located a supplier in London called

Shields Environmental. Telling the employees at Shields Environmental that the destination of the equipment was Turkey, the defendant purchased equipment that was shipped to Syria, then on to Iraq. The defendant purchased equipment in Germany using the same tactics. Shipments occurred on October 15, 2002, January 6, 2003, January 7, 2003, January 20, 2003. Nawar Bihnam, an ATS employee who at one point became the defendant's fiance, testified at trial that he arranged for the shipment of the equipment from Syria to the Ministry of Communication of the Government of Iraq in Baghdad. The attempted fifth shipment was intercepted by British Customs officials in London on March 3, 2003, less than three weeks before the war in Iraq began.

During the course of the conspiracy, the defendant selected a British shipper, Charle Malas of Skyport Ltd., to help ship the telecommunications equipment from the United Kingdom to Syria. Dawn Hanna met Charle Malas through her uncle Kenny Hanna. Malas testified at trial that the defendant initially told him that the equipment was destined for Turkey. Later, the defendant admitted to Malas that the equipment was destined for Iraq, but falsely claimed that it was approved by the United Nations. After the fifth shipment was intercepted in March, 2003, British Customs officers sought to interview Malas. Dawn Hanna contacted her uncle Kenny Hanna for assistance. Kenny Hanna testified at trial that Dawn Hanna instructed him

to call Malas and tell Malas that Dawn Hanna needed to speak with him so that they could “get their story straight.” Malas testified that he received this call from Kenny Hanna, that Kenny Hanna passed along Dawn Hanna’s message, but Malas did not attempt to contact Dawn Hanna.

In connection with her exports to Iraq, the defendant engaged in numerous sophisticated financial transactions that violated the money laundering laws. TIGS was the beneficiary of two letters of credit, totaling \$9.5 million, which Dresser and ATS opened to pay for the telecommunications equipment. These letters of credit falsely stated that the equipment was destined for Turkey. Evidence at trial also showed that on three occasions, Dawn Hanna submitted false shipping records to the Bank of New York to obtain payment under the letters of credit, once by submitting a false air waybill from Skyport, Ltd., once by submitting a false air waybill from the British shipper SDV, and once by submitting a false bill of lading from Mercator, Inc., of Houston, Texas.¹

¹ Defendant admitted at trial that she submitted a false bill of lading from Mercator to the Bank of New York. With respect to the SDV air waybill, a portion of a recorded interview with British Customs Officer Tracy Wilson was played at trial, during which defendant admitted that she submitted the SDV air waybill to the Bank of New York, but that the shipment did not occur. With respect to the Skyport air waybill, Malas testified that he had provided a sample of a Skyport air waybill to Dawn Hanna to assist her in filling out other air waybills, that the Skyport air waybill that was submitted to the Bank of New York by Dawn Hanna was not one that he had supplied, that his genuine air waybills include a stamp

In addition, defendant Dawn Hanna maintained bank accounts in the United States as well as in London, which were used to facilitate these transactions. Millions of dollars in wire transfers were made by TIGS to Yawer in banks in Spain, London, Jordan and the United Arab Emirates. In some instances, the defendant directed that these payments to Yawer be made. In one email message, for example, Dawn Hanna told her mother and TIGS office manager Linda Buck to send a \$1.5 million payment to Yawer in “chunks” because it “looks better.” Trial Exhibit P-DP-11.

After a shipment by TIGS to ATS of global positioning equipment was seized in Chicago, defendant Dawn Hanna was interviewed by U.S. Customs agents for 2 ½ hours in February 2003. During that interview, she at first pretended not to recognize the name of Emad Yawer, and then provided information that she knew was false when she stated that she was not aware of any illicit trade with Iraq and that she was not involved in any illicit trade with Iraq. These false statements were the basis of Dawn Hanna’s conviction in Count Ten under 18 U.S.C. § 1001.

In October 2003, defendant Dawn Hanna was interviewed in London by British

containing stars in the logo, and that the air waybill that Dawn Hanna submitted to the Bank of New York did not contain stars, that the signature on the air waybill that Dawn Hanna submitted to the Bank of New York was not that of anyone who worked at Skyport, which employed only Malas and his brother, and that the number contained on the air waybill that Dawn Hanna submitted to the Bank of New York belonged to a different shipment that had gone to China.

Customs Officer Tracy Wilson. Evidence at trial showed that the defendant was evasive, misleading and untruthful during that four-hour interview, during which she persisted in the false story that the equipment was going to Turkey.

In June, 2004, U.S. Immigration and Customs Enforcement Agent Brian Wallace interviewed Dawn Hanna, and she stated that she was not facilitating any trade with Iraq.

Testimony and documentary evidence at trial showed that the telecommunications equipment the defendant exported from England to Iraq contained a ciphering algorithm for encrypting communications. This encryption technology was so sensitive that it was restricted for export by the British Government because it had "dual use" capabilities – meaning that it could be used for both civilian and military applications.

During the trial, defendant Dawn Hanna committed perjury on numerous occasions when she falsely testified that, among other things, she believed the shipments were going to Turkey, not Iraq.

III. ARGUMENT

A district court must impose a sentence “sufficient, but not greater than necessary, to comply” with the purposes of 18 U.S.C. § 3553(a). *United States v. Vonner*, 452 F.3d 560, 565 (6th Cir. 2006). Section 3553(a)(2) lists the following purposes of sentencing: (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

In seeking to achieve these purposes, the court must consider: (1) the nature and circumstances of the offense and the history and characteristics of the defendant; (2) the purposes listed above, (3) the kinds of sentences available; (4) the appropriate sentencing guideline range; (5) any other pertinent policy statement issued by the Sentencing Commission; (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and (7) the need to provide restitution to any victims of the offense. 18 U.S.C. 3553(a); *see Vonner* 452 F.3d at 565.

Although sentencing guidelines are no longer mandatory after *United States*

v. Booker, 543 U.S. 220 (2005), “a district court should begin all sentencing proceedings by correctly calculating the applicable Guidelines range.” *Gall v. United States*, 128 S.Ct. 586, 596 (2007). The U.S. Supreme Court explained in *Gall* that “[a]s a matter of administration and to secure nationwide consistency, the Guidelines should be the starting point and the initial benchmark.” *Id.* Then, “after giving the parties an opportunity to argue for whatever sentence they deem appropriate, the district judge should then consider all of the § 3553(a) factors to determine whether they support the sentence requested by a party.” *Id.* The court “may not presume that the Guidelines range is reasonable.” *Id.*

A. Sentencing Guidelines

The Probation Department has determined that the guidelines range is 188 to 235 months, based on an offense level of 36 and a criminal history category of I. The government agrees with this calculation except that another two levels should be added for sophisticated laundering, pursuant to U.S.S.G. § 2S1.1(b)(3), resulting in an offense level of 38 and guidelines range of 235-293.

1. Sophisticated Laundering

Two levels should be added for sophisticated laundering, pursuant to U.S.S.G. § 2S1.1(b)(3), because the defendant engaged in the complex and intricate execution and concealment of the money laundering conspiracy. This position is based on the

fact that the defendant obtained and submitted fraudulent documents to banks to disguise the dates and destination of the equipment, used letters of credit containing false information about the destination of the equipment, and laundered money through multiple bank accounts in the United States, as well as overseas bank accounts in the United Kingdom, the United Arab Emirates, Spain and Jordan. In addition, the defendant recommended that transactions sometimes be structured into smaller amounts, even when they were transferred on the same day. For example, on May 2, 2003, Dawn Hanna recommended that three separate wire transfers of \$500,000 each should be sent from Technology Integration Group Services to her coconspirator, Emad Yawer, in the UK and the UAE. This was done because, as Dawn Hanna stated in an email message, it “Looks better.” Trial Exhibit P-DP-11.

2. Defendants’ Objections Should Be Overruled

Defendant has raised a number of objections to the Probation Department’s calculations. The Probation Department correctly used the guidelines section applicable to the money laundering offense, § 2S1.1(a)(1), because that section carries the highest offense level. Section 2S1.1(a)(1), in turn, references the base offense level for the underlying offense. The base level for the underlying offense here is 26. The Probation Department then added six levels because the offense involved national security, pursuant to § 2S1.1(b)(1)(iii), two levels for a conviction under 18 U.S.C.

1956, pursuant to § 2S1.1(b)(2)(B), and two levels for obstruction of justice, pursuant to § 3C1.1, resulting in an offense level of 36.

A. Base Offense Level

First, defendant contends that the guideline section associated with the underlying offense of conviction should be ignored, and that the Court should instead apply a different section, § 2S1.1(a)(2). Under § 2S1.1(a)(1), the base offense level is “[t]he offense level for the underlying offense from which the laundered funds were derived if (A) the defendant committed the underlying offense . . . and (B) the offense level for that offense can be determined.” Here, the defendant committed the underlying embargo violations and the offense level for that offense can be determined. The application notes reject the approach suggested by defendant, instructing that “Subsection (a)(2) applies to any case in which (i) the defendant did not commit the underlying offense; or (ii) the defendant committed the underlying offense . . . but the offense level for the underlying offense is impossible or impracticable to determine.” Here, neither of these conditions exists.

The appropriate offense level is typically determined by referring to the statutory index in Appendix A to the U.S. Sentencing Guidelines. U.S.S.G. § 1.B1.2(a). Here, Appendix A directs that § 2M5.3 applies to violations of 50 U.S.C. § 1705(b), the offense of conviction. However, as defendant points out, the conduct

covered in § 2M5.3, “Providing Material Support or Resources to Designated Foreign Terrorist Organization or Specially Designated Global Terrorists or for a Terrorist Purpose,” does not accurately describe the conduct in this case. Although the index specifies this guidelines section for violations of 50 U.S.C. § 1705(b), the guideline that better characterizes the underlying conduct in this case is § 2M5.1. Section 2M5.1 applies to violations of 50 U.S.C. § 1701, which is the general provision for IEEPA violations. Section 2M5.1 states that it applies to “Evasion of Export Controls,” the very type of conduct involved in this case. The base offense level of 26 under § 2M5.1 is the same as the base offense level obtained under § 2M5.3 and used by the Probation Department.

Section 2M5.1(a)(1) applies where (A) “national security controls . . . were evaded” or (B) “the offense involved a financial transaction with a country supporting international terrorism.” Here, national security controls were evaded where defendant violated the U.S. embargo against Iraq. Immediately after Iraq’s invasion of Kuwait in 1990, the President issued Executive Order 12722, which initiated the embargo. The Executive Order stated that “the policies and actions of the Government of Iraq constitute an unusual and extraordinary threat to the national security and foreign policy of the United States,” and declared “a national emergency to deal with that threat.” When the President places an embargo on a foreign country

because that country constitutes an extraordinary threat to our nation's security, the "national security controls" requirement of § 2M5.1(a)(1)(A) applies. *United States v. McKeeve*, 131 F.3d 1, 14 (1st Cir. 1997) (Applying § 2M5.1(a)(1)(A) because "[t]he embargo is an exercise of executive power authorized by IEEPA 'to deal with any unusual and extraordinary threat ... to the national security.' In short, the embargo is intended as a national security control."); *United States v. Harb*, 111 F.3d 130, *2 (4th Cir. 1997) (unpublished) (same).

Part (B) of Section 2M5.1(a)(1) is also satisfied because "the offense involved a financial transaction with a country supporting international terrorism." U.S.S.G. § 2M5.1(a)(1)(B), App. Note 4; 50 U.S.C. § 2405(j). At the time of the offense, Iraq was a country designated by the U.S. Secretary of State as a state sponsor of terrorism. 55 Fed. Reg. 37793-01 (Sept. 13, 1990). Because the offense level for the underlying offense can be determined, § 2S1.1(a)(1), and not § 2S1.1(a)(2), applies here, resulting in a base offense level of 26.

B. National Security Enhancement

Defendant next argues that the Probation Department incorrectly added a six-level enhancement under 2S1.1(b)(1)(iii), which applies where "the defendant knew or believed that any of the laundered funds were the proceeds of, or were intended to promote . . . an offense involving . . . national security" Here, defendant Dawn

Hanna was convicted of willfully violating the embargo on Iraq. The jury was instructed that the defendant acted “willfully” if she knew about the embargo on Iraq and knew that her conduct was illegal. By finding the defendant guilty of the export offenses, the jury found that Dawn Hanna knew about the U.S. embargo on Iraq – which, as explained above, was a national security control – and knew that her actions were against the law. In addition, the defendant acquired and shipped the mobile telecommunications system to Iraq at a time when the United States was on the verge of war with Iraq. Records and testimony presented at trial showed that the shipments were made during late 2002 and early 2003, a time when war between the United States and Iraq was imminent. Based on this record, the national security enhancement for the money laundering offense applies.

B. Other Factors under 18 U.S.C. 3553(a)

1. The Nature and Circumstances of the Offense

Under 18 U.S.C. § 3553(a)(1), one factor the Court should consider is the nature and circumstances of the offense. Here, the defendant’s conduct involves a serious offense. As discussed above, the crime involved shipping dual-use communications equipment to Saddam Hussein on the eve of war between the United States and Iraq. The crime was committed over a lengthy period of time. The defendant worked on the deal for more than one year. She obstructed justice

throughout the duration of the investigation: she misled Customs officials in London in 2003, in Chicago in 2003, and in Detroit in 2004; she attempted to tamper with a witness that she knew was of interest to British Customs investigators; and she ultimately committed perjury during the trial. The transaction was worth almost \$10 million, and the profit to defendant, her family and her company was more than \$1 million.

The application notes to § 2M5.1 state that an upward departure may be warranted based on the degree to which the violation threatened the security interest of the United States, the volume of commerce involved, the extent of planning or sophistication, and whether there were multiple occurrences. U.S.S.G. § 2M5.1, Application Note 2. Although the government does not seek an upward departure here, these factors underscore the seriousness of the offense. First, the violation threatened the security interest of the United States. Testimony and documentary evidence at trial showed that the telecommunications equipment the defendant exported from England to Iraq contained a “dual use” ciphering algorithm for encrypting communications. The evidence at trial showed that the export violations involved a stand-alone mobile telephone network that was to be used "in case of war," according to the defendant's coconspirator, Emad Yawer. A former ATS employee testified that the equipment was sent to the Ministry of Communication for the

government of Iraq. Records and testimony showed that the shipments were made during late 2002 and early 2003, a time when war between the United States and Iraq was imminent. The last attempted shipment was detained on March 3, 2003. The war began less than three weeks later on March 20. Accordingly, the violation threatened the security of the United States.

Second, the volume of commerce involved was substantial. Evidence at trial showed that the defendant invoiced and received approximately \$9.5 million for shipping the equipment to Iraq. The defendant used this money to pay suppliers and Yawer his share of the profits. The profit to defendant, her family and her business was more than \$1.1 million.

Third, the planning and sophistication involved were extensive. Defendant Dawn Hanna worked on this deal for more than a year, using a variety of suppliers and shippers from Europe, traveling internationally to facilitate the deal, shipping the goods through third countries to avoid detection of the ultimate destination, utilizing complex payment instruments, creating fake licenses, and submitting false shipping documents to banks to obtain payment.

Fourth, there were multiple occurrences in this case. The defendant was convicted of making four separate shipments of equipment to Iraq and attempting a fifth. Shipments were made on October 15, 2002, January 6, 2003, January 7, 2003,

January 20, 2003. The attempted fifth shipment was intercepted by British Customs officials in London on March 3, 2003. All of these factors demonstrate that defendant Dawn Hanna committed a serious offense, that her illegal activity was extensive, and that her illegal conduct persisted over a long period of time.

2. History and Characteristics of the Defendant

Under 18 U.S.C. § 3553(a)(1), the Court should also consider the history and characteristics of the defendant. Defendant Dawn Hanna holds a Master's Degree in International Business. Her crime was motivated not by financial need, but by greed. Defendant has no criminal history, but this factor is already considered in the calculation of defendant's sentencing guidelines range. Although the defendant has no criminal convictions before this case, her criminal activity – consummating the telecommunications deal for Iraq and concealing it – has consumed about a fifth of her life. Her criminal activity was not the result of a single mistake or bad decision. It was instead the product of her lengthy and intense effort to commit the crime and actively conceal it so as to avoid responsibility.

The Court should also consider that defendant Dawn Hanna testified at trial in her defense and perjured herself extensively on material issues. For example, the defendant testified that the telecommunications equipment was destined for Turkey, not Iraq. In email messages, however, the defendant stated that the equipment was

going to Iraq. Defendant Dawn Hanna's former best friend testified that Dawn Hanna told her that Turkey was being used as a false destination in order to evade the U.S. embargo on Iraq. Several other witnesses gave similar testimony.

Dawn Hanna also created an elaborate story at trial about how these shipments of equipment were approved by the United Nations, despite the fact that email messages introduced at trial were directly to the contrary. Dawn Hanna testified that her statements in email messages that the deal was "not UN approved" did not mean that the deal was not UN approved, but, rather, that the funds were not being held in a UN escrow account. The jury rejected this testimony in finding Dawn Hanna guilty.

In addition to committing perjury, Dawn Hanna made numerous false statements to law enforcement officers over the course of several years. In February, 2003, while the defendant was in the midst of illegally exporting the equipment to Iraq, she was interviewed for 2 1/2 hours by a U.S. Customs Special Agent David Purefoy. During the interview, Dawn Hanna claimed not to know her co-conspirator, Emad Yawer. When Yawer's name was written on a piece of paper, Dawn Hanna pretended to mispronounce the name. Dawn Hanna only admitted to knowing Emad Yawer when Agent Purefoy confronted her with shipping documents containing Yawer's name. Dawn Hanna also told Agent Purefoy that she was not aware of any illicit trade with Iraq and was not doing any illicit trade with Iraq, statements the jury

found to be false.

In October, 2003, Dawn Hanna was interviewed by British Customs Officer Tracy Wilson in London, England. Officer Wilson testified at trial and excerpts of the recorded four-hour interview were played for the jury. During the interview, Dawn Hanna gave misleading answers to questions about her suppliers. Dawn Hanna denied that her family had any connections to Iraq, despite the fact that her father and uncle Najib Shemami -- whom the evidence at trial showed brought this deal to Dawn Hanna -- were born and raised in Iraq. In fact, evidence at trial showed that the Shemami operated a courier service to transport goods to Iraq in 2003. Dawn Hanna also declined to answer some of the British Customs agent's questions and instead promised to provide the agent with business records, none of which were ever provided.

In June, 2004, U.S. Immigration and Customs Enforcement Agent Brian Wallace interviewed Dawn Hanna, and she stated that she was not facilitating any trade with Iraq.

In addition to lying on the witness stand and misleading investigators, Dawn Hanna actively sought to obstruct justice. Once British Customs detained the fifth shipment of equipment, the defendant's British shipper, Charle Malas, informed the defendant that he had been interviewed by British Customs officers. In response,

defendant instructed her uncle, Kenny Hanna, to call Malas, and ask that Malas contact her so that they could “get their story straight.” Making sure that Malas lied on her behalf was important to the defendant, not only because Malas knew the logistical details of her shipments, but also because she had confided in Malas that the true destination of the equipment was not Turkey, but Iraq.

Dawn Hanna’s lack of remorse continues, as reflected in her letter attached to the Pre-Sentence Report. She persists in the story rejected by the jury that she “believed the United Nations had approved” installation of a cellular telephone system in Iraq, and that when she “subsequently learned that [her] participation in the project would not be legal,” she “ceased working on it.” She goes on to state that “Mr. Yawer later approached [her] about obtaining used telecommunications equipment for a project in Turkey,” and that she believed that the equipment she obtained and shipped was intended for Turkey, and not for Iraq. She claims to have learned that the equipment was destined for Iraq only from her lawyer just before trial. This representation of the facts directly contradicts the evidence presented at trial and the verdict of the jury.

3. Purposes of sentencing

Another factor for the Court to consider is the purposes of sentencing listed in 18 U.S.C. § 3553(a)(2). That section lists the following purposes: (A) to reflect the

seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense; (B) to afford adequate deterrence to criminal conduct; (C) to protect the public from further crimes of the defendant; and (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner.

Here, although there is little need to protect the public or to provide the defendant with needed training, there is a need for a sentence severe enough to reflect the seriousness of the offense, to promote respect for the law, to provide just punishment and to afford adequate deterrence to this defendant and others who would be tempted to violate United States export control laws.

IV. CONCLUSION

For all of the foregoing reasons, the government respectfully requests that the Court impose a sentence at the low end of the guidelines range.

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Dated: March 16, 2009

CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2009, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the following: N.C. Deday LaRene, Esq.

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