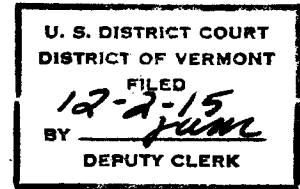


UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT



UNITED STATES OF AMERICA

v.

NIMA GOLESTANEH,
Defendant.

Docket No. 2:13-CR-160

PLEA AGREEMENT

The United States of America, by and through the United States Attorney for the District of Vermont (hereafter "the United States"), and the defendant, NIMA GOLESTANEH, agree to the following in regard to the disposition of pending criminal charges.

1. NIMA GOLESTANEH agrees to plead guilty to Counts 4 and 6 of the Indictment charging him with Wire Fraud in violation of 18 U.S.C. §§ 1343 and 2, and Fraud in Connection with Computers, in violation of 18 U.S.C. §§ 1030(a)(2), (c)(3)(B)(iii) and 2.

2. NIMA GOLESTANEH understands, agrees and has had explained to him by counsel that the Court may impose the following sentence on his plea: As to Count 4, up to 20 years of imprisonment, pursuant to 18 U.S.C. § 1343; up to three years of supervised release, pursuant to 18 U.S.C. § 3583; up to a \$ 250,000 fine, pursuant to 18 U.S.C. § 3571; and a \$100 special assessment. As to Count 6, up to 5 years of imprisonment, pursuant to 18 U.S.C. § 1030(c)(2)(B)(iii); up to three years of supervised release, pursuant to 18 U.S.C. §3583; up to a \$250,000 fine, pursuant to 18 U.S.C. § 3571; and a \$100 special assessment. NIMA GOLESTANEH further understands that the Court must order full restitution to the victims of the offense in an amount determined by the Court, pursuant to 18 U.S.C. § 3663A.

3. NIMA GOLESTANEH agrees to plead guilty because he is, in fact, guilty of the above crimes.

4. NIMA GOLESTANEH understands that it is a condition of this agreement that he refrain from committing any further crimes, whether federal, state or local, and that if on release he will abide by all conditions of release.

5. NIMA GOLESTANEH acknowledges that he understands the nature of the charges to which he will plead guilty and the possible penalties. He also acknowledges that he has the following rights: the right to persist in a plea of not guilty; the right to a jury trial; the right to be represented by counsel – and if necessary have the court appoint counsel – at trial and at every other stage of the proceeding; the right at trial to confront and cross-examine adverse witnesses; the right to be protected from compelled self-incrimination; and the right to testify and present evidence and to compel the attendance of witnesses. He understands that by pleading guilty, he will waive these rights. He also understands that if his guilty plea is accepted by the Court, there will be no trial and the question of guilt will be resolved; all that will remain will be the Court's imposition of sentence.

6. NIMA GOLESTANEH fully understands that he may not withdraw his plea because the Court declines to follow any recommendation, motion or stipulation of the parties to this agreement, other than an agreement between the parties pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C). The United States specifically reserves the right to allocute at sentencing. There shall be no limit on the information the United States may present to the Court and the Probation Office relevant to sentencing and the positions the United States may take regarding sentencing (except as specifically provided elsewhere in this agreement). The United States also

reserves the right to correct any misstatement of fact made during the sentencing process, to oppose any motion to withdraw a plea of guilty, and to support on appeal any decisions of the sentencing Court whether in agreement or in conflict with recommendations and stipulations of the parties.

7. NIMA GOLESTANEH fully understands that any estimates or predictions relative to the Guidelines calculations are not binding upon the Court. He fully understands that the Guidelines are advisory and that the Court can consider any and all information that it deems relevant to the sentencing determination. He acknowledges that in the event that any estimates or predictions by his attorney (or anyone else) are erroneous, those erroneous predictions will not provide grounds for withdrawal of his plea of guilty, modification of his sentence, or for appellate or post-conviction relief.

8. NIMA GOLESTANEH agrees that if he provides a financial affidavit to the Probation Office during the presentence investigation, he will also provide a copy to the United States at the same time.

9. NIMA GOLESTANEH agrees to provide the Clerk's office, at the time this plea agreement is executed, a bank cashier's check, certified check, or postal money order payable to the Clerk, United States District Court, in payment for the mandatory special assessment of \$100 for which he will be responsible when sentenced. He understands and agrees that, if he fails to pay the special assessment in full prior to sentencing, the sentencing recommendation obligations of the United States under this plea agreement will be terminated, and the United States will have the right to recommend that the Court impose any lawful sentence. Under such circumstances, he will have no right to withdraw his plea of guilty.

10. NIMA GOLESTANEH recognizes that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States. Removal and other immigration consequences are the subject of a separate proceeding, however, and NIMA GOLESTANEH understands that no one, including his attorney or the district court, can predict to a certainty the effect of his conviction on his immigration status. NIMA GOLESTANEH nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that his plea may entail, even if the consequence is his automatic removal from the United States.

11. The United States agrees that in the event that NIMA GOLESTANEH fully and completely abides by all conditions of this agreement, the United States will:

- a. not prosecute him in the District of Vermont for any other criminal offenses known to the United States as of the date it signs this plea agreement, related to his involvement in software hacking and cracking offenses against U.S. businesses between 2012 and 2014;
- b. move to dismiss the remaining Counts of the Indictment at the time of sentencing;
- c. recommend that he receive two-point credit for acceptance of responsibility under Guideline § 3E1.1(a), provided that he cooperates truthfully and completely with the Probation Office during the presentence investigation, including truthfully admitting the conduct comprising the offense(s) of conviction, and abides by the conditions of his release and further provided that no new information comes to the attention of the United States relative to the issue of his receiving credit for acceptance of responsibility; and
- d. move for an additional one-point credit for timely acceptance of responsibility, if the offense level (before acceptance) is 16 or greater and he meets the conditions in the subparagraph above.

12. If the United States determines, in its sole discretion, that NIMA GOLESTANEH has committed any offense after the date of this agreement, has violated any condition of release, or has provided any intentionally false information to Probation, the obligations of the United States in this agreement will be void. The United States will have the right to recommend that the Court impose any sentence authorized by law and will have the right to prosecute him for any other offenses he may have committed in the District of Vermont. NIMA GOLESTANEH understands and agrees that, under such circumstances, he will have no right to withdraw his previously entered plea of guilty.

13. It is understood and agreed by the parties that should NIMA GOLESTANEH's plea not be accepted by the Court for whatever reason, or later be withdrawn or vacated, this agreement may be voided at the option of the United States and he may be prosecuted for any and all offenses otherwise permissible. NIMA GOLESTANEH also agrees that the statute of limitations for all uncharged criminal offenses known to the United States as of the date it signs this plea agreement will be tolled for the entire period of time that elapses between the signing of this agreement and the completion of the period for timely filing a petition under 28 U.S.C. § 2255, or if such petition is filed, the date of any decision by a court to vacate the plea or the conviction.

14. It is further understood that this agreement is limited to the Office of the United States Attorney for the District of Vermont and cannot bind other federal, state or local prosecuting authorities.

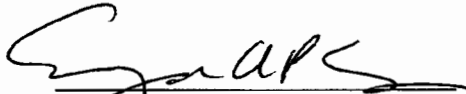
15. NIMA GOLESTANEH expressly states that he makes this agreement of his own free will, with full knowledge and understanding of the agreement and with the advice and assistance

of his counsel, Steven Barth, Esq. NIMA GOLESTANEH further states that his plea of guilty is not the result of any threats or of any promises beyond the provisions of this agreement. Furthermore, NIMA GOLESTANEH expressly states that he is fully satisfied with the representation provided by his attorney, Steven Barth, Esq., and has had full opportunity to consult with his attorney concerning this agreement, concerning the applicability and impact of the Sentencing Guidelines (including, but not limited to, the relevant conduct provisions of Guideline Section 1B1.3), and concerning the potential terms and conditions of supervised release.

16. No agreements have been made by the parties or their counsel other than those contained herein or in any written agreement supplementing this agreement.

UNITED STATES OF AMERICA

11/10/15
DATE

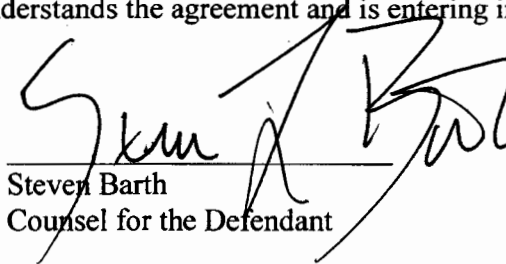

By: EUGENIA A.P. COWLES
First Assistant U.S. Attorney

12/2/15
DATE


NIMA GOLESTANEH
Defendant

I have read, fully reviewed and explained this agreement to my client, NIMA GOLESTANEH. I believe that he understands the agreement and is entering into the agreement voluntarily and knowingly.

12/2/15
DATE


Steven Barth
Counsel for the Defendant