

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 07-10201-01-WEB
	)	
Everette E. Sabbagh,	)	
	)	
Defendant.	)	
_____	)	

**Memorandum and Order**

The defendant Everette E. Sabbagh entered into a plea agreement with the United States on May 12, 2008. The defendant entered a plea of guilty to Count 1 of a Superseding Indictment for Possession with Intent to Distribute More than 500 Grams of Cocaine, in violation of Title 21 U.S.C. §841(a)(1). The matter came before the court on July 28, 2008. The court ruled orally on these matters at the sentencing hearing. This written memorandum will supplement the court's rulings.

The Defendant filed 4 Objections to the Pre-sentence report. Counsel, Laura Shaneyfelt, stated the objections were made in the event that the Court were to reject the parties Rule 11(c)(1)(C) plea agreement the Defendant would have these objections on the record. The Court notified Defendant and the Government that it intended to follow the agreed upon terms of the plea agreement. Following this declaration, the Defendant withdrew his objections to the pre-sentence report.

The Government then proceeded to request that the Order include a statement reiterating the terms of the plea agreement made in paragraph 6 regarding forfeiture of property. There was

no objection by the Defendant. Paragraph 6 of the Plea Agreement (Doc. 48) stated:

“The defendant agrees not to contest the criminal forfeiture allegations contained in the Superseding Indictment, and in so doing, defendant forfeits all right, title and interest in the property listed in this paragraph. Defendant acknowledges that the following property was involved in and used to facilitate Count 1 or represents proceeds derived from the criminal violations set out in Count 1 and therefore is subject to forfeiture to the United States:

A. CURRENCY Approximately \$30,418.00 in United States currency.

B. VEHICLES

1. 2001 Mercedes S430 / VIN WDBNG70J51A139425
2. 2000 Lincoln LS / VIN ILNHM86S4YY848941
3. 1972 Chevrolet Chevelle / VIN ID3MF2F609233
4. 1987 Chevrolet Monte Carlo / VIN IGIGZIIG5HP147691

Defendant knowingly and voluntarily waives his right to a jury trial on the forfeiture of the property listed above. Defendant knowingly and voluntarily waives all constitutional, legal and equitable defenses to the forfeiture in any proceeding. Defendant acknowledges and agrees that the forfeiture of the property described herein shall not be treated as satisfaction of any fine, restitution, cost of imprisonment, or any other penalty the Court may impose upon the defendant in addition to forfeiture. Defendant agrees to the forfeiture freely, voluntarily, knowingly and intelligently waives any right to collaterally attack any matter in connection with this prosecution and sentence, including the forfeiture of assets.

Defendant agrees to the immediate entry of the preliminary order of forfeiture. Defendant agrees to sign any and all documents necessary to effectuate the forfeiture and transfer of his interest and possession in the property identified herein to the United States. Defendant agrees not to file a claim to any of the listed property in any forfeiture proceeding, whether it be an administrative, civil or criminal proceeding, which may be initiated, and further agrees to waive his/her right to notice of any forfeiture proceeding involving the property identified herein.”

With the Court having no objections to rule upon and receiving no argument from either the Defendant or the Government regarding the 11(c)(1)(C) plea agreement, the Court ruled to enforce the Rule 11(c)(1)(C) sentence of 84 months in prison and 4 years supervised release, no fine and \$100 special assessment.

## **II. Conclusion**

The Probation Officer in charge of this case shall see that a copy of this order is appended to any copy of the Presentence Report made available to the Bureau of Prison. IT IS SO ORDERED this 31<sup>st</sup> of July, 2008 at Wichita, KS.

S/Wesley E. Brown  
U.S. Senior Federal Judge  
Wesley E. Brown