

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

UNITED STATES OF AMERICA,)	No. 07-10201-02-WEB
)	
Plaintiff,)	
)	
v.)	
)	
Teru J. Sabbagh,)	
)	
Defendant.)	
_____)	

Memorandum and Order

The defendant Teru Sabbaugh 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 the Superseding Information, Misprision of Felony, in violation of Title 18 U.S.C. §4. She is now before the court for sentencing. There are no objections to the Pre-sentence report. This written memorandum will supplement the court's rulings.

In the case the Government requested that the sentencing order include a statement reiterating the terms of the plea agreement made in paragraph 5 regarding forfeiture of property.

Paragraph 5 of the plea agreement (Doc. 46) stated the following :

“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.”

The Defendant then requested the order reflect that there was not a firearm involved in this case. This request was made so as to avoid any confusion with a toy gun that was found during a search related to the case. Moreover, the Defendant requested that her pre-sentence report reflect that she has completed her GED for programming purposes. There was no objection by the government to these requests.

After hearing these requests, the Court ordered the Defendant to the tentative sentence in the pre-sentence report of 21 months, with 1 year supervised release.

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 Pre-sentence Report made available to the Bureau of Prison. IT IS SO ORDERED this 31st of July, 2008 at Wichita, KS.

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