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9 Attorneys for Plaintiff
 UNITED STATES OF AMERICA

10 UNITED STATES DISTRICT COURT

11 FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 VLADIMIR GOHMAN, et al.,

16 Defendants.

No. CR 21-259-AB-3

PLEA AGREEMENT FOR DEFENDANT IGOR
 PANCHERNIKOV

17
 18
 19 1. This constitutes the plea agreement between defendant Igor
 20 Panchernikov ("defendant") and the United States Attorney's Office
 21 for the Central District of California (the "USAO") in the above-
 22 captioned case. This agreement is limited to the USAO and cannot
 23 bind any other federal, state, local, or foreign prosecuting,
 24 enforcement, administrative, or regulatory authorities.

25 DEFENDANT'S OBLIGATIONS

26 2. Defendant agrees to:

27 a. At the earliest opportunity requested by the USAO and
 28 provided by the Court, appear and plead guilty to count one of the

1 indictment in United States v. Vladimir Gohman, et al., CR No. 21-
2 259-AB, which charges defendant with conspiracy to violate the Arms
3 Export Control Act, in violation of 22 U.S.C. §§ 2778(b)(2), (c), and
4 22 C.F.R. §§ 121.1, 123.1, and 127.1(a)(4).

5 b. Not contest facts agreed to in this agreement.

6 c. Abide by all agreements regarding sentencing contained
7 in this agreement.

8 d. Appear for all court appearances, surrender as ordered
9 for service of sentence, obey all conditions of any bond, and obey
10 any other ongoing court order in this matter.

11 e. Not commit any crime; however, offenses that would be
12 excluded for sentencing purposes under United States Sentencing
13 Guidelines ("U.S.S.G." or "Sentencing Guidelines") § 4A1.2(c) are not
14 within the scope of this agreement.

15 f. Be truthful at all times with the United States
16 Probation and Pretrial Services Office and the Court.

17 g. Pay the applicable special assessment at or before the
18 time of sentencing unless defendant has demonstrated a lack of
19 ability to pay such assessments.

20 THE USAO'S OBLIGATIONS

21 3. The USAO agrees to:

22 a. Not contest facts agreed to in this agreement.

23 b. Abide by all agreements regarding sentencing contained
24 in this agreement.

25 c. At the time of sentencing, move to dismiss the
26 remaining counts of the indictment as against defendant. Defendant
27 agrees, however, that at the time of sentencing, the Court may
28 consider any dismissed charges in determining the applicable

1 Sentencing Guidelines range, the propriety and extent of any
2 departure from that range, and the sentence to be imposed.

3 d. At the time of sentencing, provided that defendant
4 demonstrates an acceptance of responsibility for the offense up to
5 and including the time of sentencing, recommend a two-level reduction
6 in the applicable Sentencing Guidelines offense level, pursuant to
7 U.S.S.G. § 3E1.1, and recommend and, if necessary, move for an
8 additional one-level reduction if available under that section.

9 e. Recommend that defendant be sentenced to a term of
10 imprisonment no higher than the low end of the applicable Sentencing
11 Guidelines range, provided that the offense level used by the Court
12 to determine that range is 20 or higher. For purposes of this
13 agreement, the low end of the Sentencing Guidelines range is that
14 defined by the Sentencing Table in U.S.S.G. Chapter 5, Part A.

15 4. If defendant is eligible and applies to transfer his
16 sentence to Israel pursuant to the International Prisoner Transfer
17 Program, the USAO agrees to recommend that defendant's transfer
18 application be granted, provided that defendant has not breached the
19 plea agreement. Defendant acknowledges and understands, however,
20 that the transfer decision rests solely in the discretion of the
21 Office of International Affairs ("OIA") of the Criminal Division of
22 the United States Department of Justice, and that the position of the
23 USAO is neither binding nor determinative of the positions of other
24 federal agencies or on the final transfer decision of OIA. Defendant
25 further understands that in addition to OIA, federal law and the
26 underlying transfer treaties require that the foreign government
27 (i.e., the government of Israel) must also approve the transfer.
28 Defendant understands that should the USAO decide to oppose his

1 transfer application because he has breached the plea agreement, or
2 if defendant is denied acceptance into the transfer program by OIA
3 for any reason, defendant will not be able to withdraw his guilty
4 plea.

5 NATURE OF THE OFFENSE

6 5. Defendant understands that for defendant to be guilty of
7 the crime charged in count one, that is, conspiracy to violate the
8 Arms Export Control Act, in violation of 22 U.S.C. §§ 2778(b)(2),
9 (c), and 22 C.F.R. §§ 121.1, 123.1, and 127.1(a)(4), the following
10 must be true:

11 a. First, there was an agreement between two or more
12 persons to knowingly and willfully export defense articles that were
13 designated on the United States Munitions List without first
14 obtaining a license or other written approval from the United States
15 Department of State; and

16 b. Second, defendant became a member of this conspiracy
17 knowing of its object and intending to help accomplish it.

18 Defendant acted willfully if defendant knew that his conduct of
19 conspiring to export defense articles from the United States was
20 unlawful.

21 PENALTIES

22 6. Defendant understands that the statutory maximum sentence
23 that the Court can impose for a violation of 22 U.S.C. §§ 2778(b)(2),
24 (c), and 22 C.F.R. §§ 121.1, 123.1, and 127.1(a)(4), is: 20 years of
25 imprisonment; a three-year period of supervised release; a fine of
26 \$1,000,000 or twice the gross gain or gross loss resulting from the
27 offense, whichever is greatest; and a mandatory special assessment of
28 \$100.

1 7. Defendant understands that supervised release is a period
2 of time following imprisonment during which defendant will be subject
3 to various restrictions and requirements. Defendant understands that
4 if defendant violates one or more of the conditions of any supervised
5 release imposed, defendant may be returned to prison for all or part
6 of the term of supervised release authorized by statute for the
7 offense that resulted in the term of supervised release, which could
8 result in defendant serving a total term of imprisonment greater than
9 the statutory maximum stated above.

10 8. Defendant understands that, by pleading guilty, defendant
11 may be giving up valuable government benefits and valuable civic
12 rights, such as the right to vote, the right to possess a firearm,
13 the right to hold office, and the right to serve on a jury.
14 Defendant understands that he is pleading guilty to a felony and that
15 it is a federal crime for a convicted felon to possess a firearm or
16 ammunition. Defendant understands that the conviction in this case
17 may also subject defendant to various other collateral consequences,
18 including but not limited to revocation of probation, parole, or
19 supervised release in another case and suspension or revocation of a
20 professional license. Defendant understands that unanticipated
21 collateral consequences will not serve as grounds to withdraw
22 defendant's guilty plea.

23 9. Defendant understands that, if defendant is not a United
24 States citizen, the felony conviction in this case may subject
25 defendant to: removal, also known as deportation, which may, under
26 some circumstances, be mandatory; denial of citizenship; and denial
27 of admission to the United States in the future. The Court cannot,
28 and defendant's attorney also may not be able to, advise defendant

1 fully regarding the immigration consequences of the felony conviction
2 in this case. Defendant understands that unexpected immigration
3 consequences will not serve as grounds to withdraw defendant's guilty
4 plea.

5 FACTUAL BASIS

6 10. Defendant admits that defendant is, in fact, guilty of the
7 offense to which defendant is agreeing to plead guilty. Defendant
8 and the USAO agree to the statement of facts provided below and agree
9 that this statement of facts is sufficient to support a plea of
10 guilty to the charge described in this agreement and to establish the
11 Sentencing Guidelines factors set forth in paragraph 12 below, but is
12 not meant to be a complete recitation of all facts relevant to the
13 underlying criminal conduct or all facts known to either party that
14 relate to that conduct.

15 a. Beginning no later than December 9, 2016, and
16 continuing until at least May 16, 2018, in Los Angeles County,
17 California, Lake County, Illinois, and elsewhere, defendant conspired
18 and agreed with other individuals, including co-defendant Vladimir
19 Gohman ("co-defendant Gohman"), co-defendant Boris Polosin ("co-
20 defendant Polosin"), and co-defendant Elena Shifrin ("co-defendant
21 Shifrin"), to knowingly and willfully export from the United States
22 to Russia defense articles that were designated on the United States
23 Munitions List ("USML"), without first obtaining from the United
24 States Department of State ("State Department") a valid license or
25 other approval for such exports. Defendant joined in this agreement
26 and became a member of the conspiracy knowing that the object of the
27 conspiracy was to unlawfully export defense articles to Russia, and
28 intending to help accomplish that object.

1 b. At all times relevant to the conspiracy, neither
2 defendant nor his co-conspirators, including co-defendants Gohman,
3 Polosin, and Shifrin, applied for, received, or possessed a license
4 or approval of any kind -- from the State Department -- to lawfully
5 export or broker the export of defense articles from the United
6 States.

7 c. In furtherance and throughout the course of the
8 conspiracy, co-defendants Polosin and Gohman purchased defense
9 articles that were covered by the USML -- namely, thermal
10 riflescopes, weapons sights, monoculars, and night vision goggles --
11 from various online sellers located in the United States, and
12 directed the sellers to mail those items to defendant's residence in
13 Corona, California (the "Corona Residence").

14 d. Co-defendant Polosin further directed co-defendant
15 Gohman to export these defense articles, once received by defendant,
16 from the United States to Russia, and to conceal the contents of the
17 exports by falsely describing the items contained in the shipments as
18 non-export-controlled items.

19 e. Co-defendant Gohman, in turn, instructed defendant to:
20 (1) mail the defense articles to co-defendant Shifrin at her
21 residence in Mundelein, Illinois (the "Mundelein Residence"); or
22 (2) mail and export the defense articles to Russia and to falsely
23 describe the contents of the shipments as non-export-controlled
24 items, such as clothing, tools, and tool kits. Co-defendant Gohman
25 further instructed defendant to use a fictitious name when exporting
26 the defense articles to Russia.

27 f. From January 2017 to May 2018, defendant received at
28 least 19 thermal riflescopes, weapons sights, monoculars, and night

1 vision goggles at the Corona Residence, which had been purchased by
2 co-defendants Polosin and Gohman from online sellers located in the
3 United States. After receiving these items, defendant inspected the
4 items to ensure that they were undamaged and operational. Defendant
5 then: (1) mailed and exported two of the items to co-conspirators in
6 Russia; and (2) mailed 17 of the items to co-defendant Shifrin at the
7 Mundelein Residence, who subsequently mailed and exported the 17
8 items to co-conspirators in Russia. Defendant acknowledges that each
9 of these 19 items was a defense article covered by the USML, and that
10 he knew his conduct was unlawful. Defendant further admits that he
11 never obtained a license from the State Department to export defense
12 articles to Russia. In order to conceal his unlawful activities,
13 when defendant exported the two defense articles directly to Russia,
14 he: (1) listed fictitious sender names on the packages containing the
15 defense articles; (2) falsely identified the items in the packages as
16 non-export-controlled items, such as clothing; and (3) concealed the
17 defense articles in other items, including a drill press.

18 SENTENCING FACTORS

19 11. Defendant understands that in determining defendant's
20 sentence, the Court is required to calculate the applicable
21 Sentencing Guidelines range and to consider that range, possible
22 departures under the Sentencing Guidelines, and the other sentencing
23 factors set forth in 18 U.S.C. § 3553(a). Defendant understands that
24 the Sentencing Guidelines are advisory only, that defendant cannot
25 have any expectation of receiving a sentence within the calculated
26 Sentencing Guidelines range, and that after considering the
27 Sentencing Guidelines and the other § 3553(a) factors, the Court will
28 be free to exercise its discretion to impose any sentence it finds

1 appropriate up to the maximum set by statute for the crime of
2 conviction.

3 12. Defendant and the USAO agree to the following applicable
4 Sentencing Guidelines factors:

5	Base Offense Level:	26	U.S.S.G. § 2M5.2(a)(1)
6	Mitigating Role:	-2	U.S.S.G. § 3B1.2(b)

7
8 Defendant and the USAO reserve the right to argue that additional
9 specific offense characteristics, adjustments, and departures under
10 the Sentencing Guidelines are appropriate. Defendant reserves the
11 right to argue for a mitigating role adjustment of up to four levels
12 under U.S.S.G. § 3B1.2.

13 13. Defendant understands that there is no agreement as to
14 defendant's criminal history or criminal history category.

15 14. Defendant and the USAO reserve the right to argue for a
16 sentence outside the sentencing range established by the Sentencing
17 Guidelines based on the factors set forth in 18 U.S.C. §§ 3553(a)(1),
18 (a)(2), (a)(3), (a)(6), and (a)(7).

19 15. The parties understand that, pursuant to 18 U.S.C.
20 § 3585(b)(1), defendant may receive credit toward the service of a
21 term of imprisonment for any time he spent in Israeli detention
22 pending extradition: prior to the date the sentence commences; as a
23 result of the offense for which the sentence is imposed; and that has
24 not been credited against another sentence.

25 WAIVER OF CONSTITUTIONAL RIGHTS

26 16. Defendant understands that by pleading guilty, defendant
27 gives up the following rights:

28 a. The right to persist in a plea of not guilty.

1 b. The right to a speedy and public trial by jury.

2 c. The right to be represented by counsel -- and if
3 necessary have the Court appoint counsel -- at trial. Defendant
4 understands, however, that defendant retains the right to be
5 represented by counsel -- and if necessary have the Court appoint
6 counsel -- at every other stage of the proceeding.

7 d. The right to be presumed innocent and to have the
8 burden of proof placed on the government to prove defendant guilty
9 beyond a reasonable doubt.

10 e. The right to confront and cross-examine witnesses
11 against defendant.

12 f. The right to testify and to present evidence in
13 opposition to the charges, including the right to compel the
14 attendance of witnesses to testify.

15 g. The right not to be compelled to testify, and, if
16 defendant chose not to testify or present evidence, to have that
17 choice not be used against defendant.

18 h. Any and all rights to pursue any affirmative defenses,
19 Fourth Amendment or Fifth Amendment claims, and other pretrial
20 motions that have been filed or could be filed.

21 WAIVER OF APPEAL OF CONVICTION

22 17. Defendant understands that, with the exception of an appeal
23 based on a claim that defendant's guilty plea was involuntary, by
24 pleading guilty defendant is waiving and giving up any right to
25 appeal defendant's conviction on the offense to which defendant is
26 pleading guilty. Defendant understands that this waiver includes,
27 but is not limited to, arguments that the statute to which defendant
28 is pleading guilty is unconstitutional, and any and all claims that

1 the statement of facts provided herein is insufficient to support
2 defendant's plea of guilty.

3 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

4 18. Defendant agrees that, provided the Court imposes a term of
5 imprisonment within or below the range corresponding to an offense
6 level of 20 and the criminal history category calculated by the
7 Court, defendant gives up the right to appeal all of the following:
8 (a) the procedures and calculations used to determine and impose any
9 portion of the sentence; (b) the term of imprisonment imposed by the
10 Court; (c) the fine imposed by the Court, provided it is within the
11 statutory maximum; (d) to the extent permitted by law, the
12 constitutionality or legality of defendant's sentence, provided it is
13 within the statutory maximum; (e) the term of probation or supervised
14 release imposed by the Court, provided it is within the statutory
15 maximum; and (f) any of the following conditions of probation or
16 supervised release imposed by the Court: the conditions set forth in
17 Second Amended General Order 20-04 of this Court; the drug testing
18 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
19 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

20 19. The USAO agrees that, provided all portions of the sentence
21 are at or below the statutory maximum specified above, the USAO gives
22 up its right to appeal any portion of the sentence.

23 RESULT OF WITHDRAWAL OF GUILTY PLEA

24 20. Defendant agrees that if, after entering a guilty plea
25 pursuant to this agreement, defendant seeks to withdraw and succeeds
26 in withdrawing defendant's guilty plea on any basis other than a
27 claim and finding that entry into this plea agreement was
28 involuntary, then (a) the USAO will be relieved of all of its

1 obligations under this agreement; and (b) should the USAO choose to
2 pursue any charge that was either dismissed or not filed as a result
3 of this agreement, then (i) any applicable statute of limitations
4 will be tolled between the date of defendant's signing of this
5 agreement and the filing commencing any such action; and
6 (ii) defendant waives and gives up all defenses based on the statute
7 of limitations, any claim of pre-indictment delay, or any speedy
8 trial claim with respect to any such action, except to the extent
9 that such defenses existed as of the date of defendant's signing this
10 agreement.

11 RESULT OF VACATUR, REVERSAL, OR SET-ASIDE

12 21. Defendant agrees that if the count of conviction is
13 vacated, reversed, or set aside, both the USAO and defendant will be
14 released from all their obligations under this agreement.

15 EFFECTIVE DATE OF AGREEMENT

16 22. This agreement is effective upon signature and execution of
17 all required certifications by defendant, defendant's counsel, and an
18 Assistant United States Attorney.

19 BREACH OF AGREEMENT

20 23. Defendant agrees that if defendant, at any time after the
21 signature of this agreement and execution of all required
22 certifications by defendant, defendant's counsel, and an Assistant
23 United States Attorney, knowingly violates or fails to perform any of
24 defendant's obligations under this agreement ("a breach"), the USAO
25 may declare this agreement breached. All of defendant's obligations
26 are material, a single breach of this agreement is sufficient for the
27 USAO to declare a breach, and defendant shall not be deemed to have
28 cured a breach without the express agreement of the USAO in writing.

1 If the USAO declares this agreement breached, and the Court finds
2 such a breach to have occurred, then: (a) if defendant has previously
3 entered a guilty plea pursuant to this agreement, defendant will not
4 be able to withdraw the guilty plea, and (b) the USAO will be
5 relieved of all its obligations under this agreement.

6 24. Following the Court's finding of a knowing breach of this
7 agreement by defendant, should the USAO choose to pursue any charge
8 that was either dismissed or not filed as a result of this agreement,
9 then:

10 a. Defendant agrees that any applicable statute of
11 limitations is tolled between the date of defendant's signing of this
12 agreement and the filing commencing any such action.

13 b. Defendant waives and gives up all defenses based on
14 the statute of limitations, any claim of pre-indictment delay, or any
15 speedy trial claim with respect to any such action, except to the
16 extent that such defenses existed as of the date of defendant's
17 signing this agreement.

18 c. Defendant agrees that: (i) any statements made by
19 defendant, under oath, at the guilty plea hearing (if such a hearing
20 occurred prior to the breach); (ii) the agreed to factual basis
21 statement in this agreement; and (iii) any evidence derived from such
22 statements, shall be admissible against defendant in any such action
23 against defendant, and defendant waives and gives up any claim under
24 the United States Constitution, any statute, Rule 410 of the Federal
25 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
26 Procedure, or any other federal rule, that the statements or any
27 evidence derived from the statements should be suppressed or are
28 inadmissible.

1 COURT AND UNITED STATES PROBATION AND PRETRIAL SERVICES

2 OFFICE NOT PARTIES

3 25. Defendant understands that the Court and the United States
4 Probation and Pretrial Services Office are not parties to this
5 agreement and need not accept any of the USAO's sentencing
6 recommendations or the parties' agreements to facts or sentencing
7 factors.

8 26. Defendant understands that both defendant and the USAO are
9 free to: (a) supplement the facts by supplying relevant information
10 to the United States Probation and Pretrial Services Office and the
11 Court, (b) correct any and all factual misstatements relating to the
12 Court's Sentencing Guidelines calculations and determination of
13 sentence, and (c) argue on appeal and collateral review that the
14 Court's Sentencing Guidelines calculations and the sentence it
15 chooses to impose are not error, although each party agrees to
16 maintain its view that the calculations in paragraph 12 are
17 consistent with the facts of this case. While this paragraph permits
18 both the USAO and defendant to submit full and complete factual
19 information to the United States Probation and Pretrial Services
20 Office and the Court, even if that factual information may be viewed
21 as inconsistent with the facts agreed to in this agreement, this
22 paragraph does not affect defendant's and the USAO's obligations not
23 to contest the facts agreed to in this agreement.

24 27. Defendant understands that even if the Court ignores any
25 sentencing recommendation, finds facts or reaches conclusions
26 different from those agreed to, and/or imposes any sentence up to the
27 maximum established by statute, defendant cannot, for that reason,
28 withdraw defendant's guilty plea, and defendant will remain bound to

1 fulfill all of defendant's obligations under this agreement.
2 Defendant understands that no one -- not the prosecutor, defendant's
3 attorney, or the Court -- can make a binding prediction or promise
4 regarding the sentence defendant will receive, except that it will be
5 within the statutory maximum.

6 NO ADDITIONAL AGREEMENTS

7 28. Defendant understands that, except as set forth herein,
8 there are no promises, understandings, or agreements between the USAO
9 and defendant or defendant's attorney, and that no additional
10 promise, understanding, or agreement may be entered into unless in a
11 writing signed by all parties or on the record in court.

12 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

13 29. The parties agree that this agreement will be considered
14 part of the record of defendant's guilty plea hearing as if the
15 entire agreement had been read into the record of the proceeding.

16 AGREED AND ACCEPTED

17 UNITED STATES ATTORNEY'S OFFICE
18 FOR THE CENTRAL DISTRICT OF
CALIFORNIA

19 E. MARTIN ESTRADA
20 United States Attorney



2/27/23

21 _____
22 DAVID T. RYAN
23 WILSON PARK
Assistant United States Attorneys

Date

24 _____
25 IGOR PANCHERNIKOV
26 Defendant

Date

2-23-23

27 _____
28 DAVID WASSERMAN
Attorney for Defendant IGOR
PANCHERNIKOV

Date

2/23/23

CERTIFICATION OF DEFENDANT

I have read this agreement in its entirety. I have had enough time to review and consider this agreement, and I have carefully and thoroughly discussed every part of it with my attorney. I understand the terms of this agreement, and I voluntarily agree to those terms. I have discussed the evidence with my attorney, and my attorney has advised me of my rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. No promises, inducements, or representations of any kind have been made to me other than those contained in this agreement. No one has threatened or forced me in any way to enter into this agreement. I am satisfied with the representation of my attorney in this matter, and I am pleading guilty because I am guilty of the charge and wish to take advantage of the promises set forth in this agreement, and not for any other reason.

[Handwritten signature]

2-23-23

IGOR PANCHERNIKOV
Defendant

Date

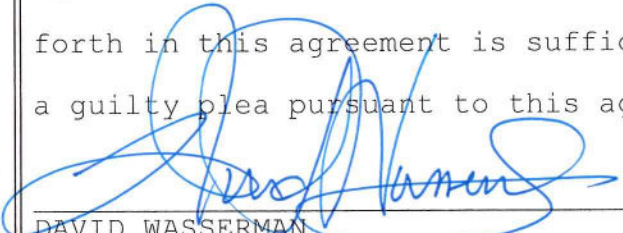
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CERTIFICATION OF DEFENDANT'S ATTORNEY

I am defendant Igor Panchernikov's attorney. I have carefully and thoroughly discussed every part of this agreement with my client. Further, I have fully advised my client of his rights, of possible pretrial motions that might be filed, of possible defenses that might be asserted either prior to or at trial, of the sentencing factors set forth in 18 U.S.C. § 3553(a), of relevant Sentencing Guidelines provisions, and of the consequences of entering into this agreement. To my knowledge: no promises, inducements, or representations of any kind have been made to my client other than those contained in this agreement; no one has threatened or forced my client in any way to enter into this agreement; my client's decision to enter into this agreement is an informed and voluntary one; and the factual basis set forth in this agreement is sufficient to support my client's entry of a guilty plea pursuant to this agreement.



DAVID WASSERMAN
Attorney for Defendant IGOR
PANCHERNIKOV

2/23/23

Date