

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

DEC 14 2023

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RUSTAM YUSUPOV,

Defendant - Appellant.

No. 23-859

D.C. No.

2:22-cr-00060-JCC-1

Western District of Washington,  
Seattle

ORDER

Before: RAWLINSON, BYBEE, and HURWITZ, Circuit Judges.

Appellee's motion (Docket Entry No. 17) to dismiss this appeal in light of the valid appeal waiver is granted. *See United States v. Harris*, 628 F.3d 1203, 1205 (9th Cir. 2011) (knowing and voluntary appeal waiver whose language encompasses the right to appeal on the grounds raised is enforceable). Appellant's arguments against enforcement of the waiver are unavailing. *See United States v. Goodall*, 21 F.4th 555 (9th Cir. 2021).

Appellant's motion (Docket Entry No. 13) to stay appellate proceedings is denied as moot.

**DISMISSED.**

AO245B (Rev. 09/19) Judgment in a Criminal Case  
Sheet 1

**UNITED STATES DISTRICT COURT**  
Western District of Washington

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

v.

Rustam Yusupov

Case Number: 2:22CR00060JCC-001

USM Number: 50065-086

Dennis Carroll

Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count(s) 3 of the Indictment
- pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.
- was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
18 U.S.C. § 922(g)(8)	Unlawful Possession of a Ammunition	March 10, 2022	3

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) 1 and 2 \_\_\_\_\_  is  are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States Attorney of material changes in economic circumstances.

TOO GREENBERG  
Assistant United States Attorney

May 2, 2023  
Date of Imposition of Judgment

[Signature]  
Signature of Judge

John C. Coughenour, United States District Judge  
Name and Title of Judge

May 2, 2023  
Date

DEFENDANT: **Rustam Yusupov**  
CASE NUMBER: 2:22CR00060JCC-001

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:  
51 months

The court makes the following recommendations to the Bureau of Prisons:

- ① Placement at Terminal Island.
- ② Defendant shall be provided with full and adequate mental health treatment.

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district:

- at \_\_\_\_\_  a.m.  p.m. on \_\_\_\_\_ .
- as notified by the United States Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- before 2 p.m. on \_\_\_\_\_ .
- as notified by the United States Marshal.
- as notified by the Probation or Pretrial Services Office.

**RETURN**

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **Rustam Yusupov**  
CASE NUMBER: 2:22CR00060JCC-001

**SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of :

*three (3) years*

**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - The above drug testing condition is suspended, based on the court’s determination that you pose a low risk of future substance abuse. *(check if applicable)*
4.  You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5.  You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6.  You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7.  You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached pages.



DEFENDANT: **Rustam Yusupov**  
CASE NUMBER: 2:22CR00060JCC-001

### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_

DEFENDANT: **Rustam Yusupov**  
CASE NUMBER: 2:22CR00060JCC-001

### SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall participate as instructed by the U.S. Probation Officer in a program approved by the probation office for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if defendant has reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of alcohol and/or other intoxicants during the term of supervision. Defendant must contribute towards the cost of any programs, to the extent defendant is financially able to do so, as determined by the U.S. Probation Officer. In addition to urinalysis testing that may be a part of a formal drug treatment program, the defendant shall submit up to eight (8) urinalysis tests per month.
2. The defendant shall participate as directed in the Moral Reconciliation Therapy program approved by the United States Probation and Pretrial Services Office. The defendant must contribute towards the cost of any programs, to the extent the defendant is financially able to do so, as determined by the U.S. Probation Officer.
3. The defendant shall participate as directed in a mental health program approved by the United States Probation Office. The defendant must contribute towards the cost of any programs, to the extent the defendant is financially able to do so, as determined by the U.S. Probation Officer.
4. The defendant shall submit his or her person, property, house, residence, storage unit, vehicle, papers, computers (as defined in 18 U.S.C. §1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition.



DEFENDANT: **Rustam Yusupov**  
CASE NUMBER: 2:22CR00060JCC-001

**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>	<u>AVAA Assessment*</u>	<u>JVTA Assessment**</u>
TOTALS	\$ 100.00	\$ N/A	\$ Waived	\$ N/A	\$ N/A

- The determination of restitution is deferred until \_\_\_\_\_. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss***</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	<u>\$ 0.00</u>	<u>\$ 0.00</u>
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- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - the interest requirement is waived for the  fine  restitution
  - the interest requirement for the  fine  restitution is modified as follows:
- The court finds the defendant is financially unable and is unlikely to become able to pay a fine and, accordingly, the imposition of a fine is waived.

\* Amy, Vicky, and Andy Child Pornography Victim Assistance Act of 2018, Pub. L. No. 115-299.  
 \*\* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.  
 \*\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: **Rustam Yusupov**  
 CASE NUMBER: 2:22CR00060JCC-001

**SCHEDULE OF PAYMENTS**

Having assessed the defendant’s ability to pay, payment of the total criminal monetary penalties is due as follows:

- PAYMENT IS DUE IMMEDIATELY. Any unpaid amount shall be paid to Clerk's Office, United States District Court, 700 Stewart Street, Seattle, WA 98101.
- During the period of imprisonment, no less than 25% of their inmate gross monthly income or \$25.00 per quarter, whichever is greater, to be collected and disbursed in accordance with the Inmate Financial Responsibility Program.
- During the period of supervised release, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after release from imprisonment.
- During the period of probation, in monthly installments amounting to not less than 10% of the defendant's gross monthly household income, to commence 30 days after the date of this judgment.

The payment schedule above is the minimum amount that the defendant is expected to pay towards the monetary penalties imposed by the Court. The defendant shall pay more than the amount established whenever possible. The defendant must notify the Court, the United States Probation Office, and the United States Attorney's Office of any material change in the defendant's financial circumstances that might affect the ability to pay restitution.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons’ Inmate Financial Responsibility Program are made to the United States District Court, Western District of Washington. For restitution payments, the Clerk of the Court is to forward money received to the party(ies) designated to receive restitution specified on the Criminal Monetaries (Sheet 5) page.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- Joint and Several

Case Number Defendant and Co-Defendant Names <i>(including defendant number)</i>	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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- The defendant shall pay the cost of prosecution.
- The defendant shall pay the following court cost(s):
- The defendant shall forfeit the defendant’s interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTA Assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.



UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

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RUSTAM YUSUPOV,

Defendant - Appellant.

No. 23-859

D.C. No.

2:22-cr-00060-JCC-1

Western District of Washington,  
Seattle

ORDER

Before: RAWLINSON, BYBEE, and HURWITZ, Circuit Judges.

Appellant's motion for reconsideration (Docket Entry No. 23) is denied. *See*  
9th Cir. R. 27-10.

FILED ENTERED  
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FEB 02 2023

AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
RUSTAM YUSUPOV,  
  
Defendant.

NO. CR22-060 JCC

**PLEA AGREEMENT**

The United States, through United States Attorney Nicholas W. Brown and Assistant United States Attorney Todd Greenberg of the Western District of Washington and RUSTAM YUSUPOV and his attorney Dennis Carroll enter into the following Plea Agreement, pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A):

**1. The Charge.** Defendant, having been advised of the right to have this matter tried before a jury, agrees to waive that right and enter a plea of guilty to the following charge contained in the Indictment: *Unlawful Possession of Ammunition*, as charged in Count 3, in violation of Title 18, United States Code, Section 922(g)(8).

//  
//  
//

1 By entering a plea of guilty, Defendant hereby waives all objections to the form of  
2 the charging document. Defendant further understands that before entering any guilty  
3 plea, Defendant will be placed under oath. Any statement given by Defendant under oath  
4 may be used by the United States in a prosecution for perjury or false statement.

5 **2. Elements of the Offense.** The elements of *Unlawful Possession of*  
6 *Ammunition* are as follows:

7 First, the defendant knowingly possessed ammunition;

8 Second, the ammunition had been shipped or transported from one state to another  
9 state, or between a foreign nation and the United States;

10 Third, at the time the defendant possessed the ammunition, he was subject to a  
11 court order meeting the requirements of Title 18, United States Code, Section  
12 922(g)(8)(A)-(C); and

13 Fourth, at the time the defendant possessed the ammunition, he knew he was  
14 subject to a court order meeting the requirements of Title 18, United States Code,  
15 Section 922(g)(8)(A)-(C).

16 **3. The Penalties.** Defendant understands that the statutory penalties  
17 applicable to the offense of *Unlawful Possession of Ammunition* are as follows: A  
18 maximum term of imprisonment of up to ten (10) years, a fine of up to \$250,000.00, a  
19 period of supervision following release from prison of up to three (3) years, and a  
20 mandatory special assessment of \$100.00 dollars. If a probationary sentence is imposed,  
21 the probation period can be for up to five (5) years.

22 Defendant understands that supervised release is a period of time following  
23 imprisonment during which Defendant will be subject to certain restrictive conditions and  
24 requirements. Defendant further understands that, if supervised release is imposed and  
25 Defendant violates one or more of the conditions or requirements, Defendant could be  
26 returned to prison for all or part of the term of supervised release that was originally  
27 imposed. This could result in Defendant serving a total term of imprisonment greater  
28 than the statutory maximum stated above.



1 Defendant understands that as a part of any sentence, in addition to any term of  
2 imprisonment and/or fine that is imposed, the Court may order Defendant to pay  
3 restitution to any victim of the offense, as required by law.

4 Defendant further understands that the consequences of pleading guilty may  
5 include the forfeiture of certain property, either as a part of the sentence imposed by the  
6 Court, or as a result of civil judicial or administrative process.

7 Defendant agrees that any monetary penalty the Court imposes, including the  
8 special assessment, fine, costs, or restitution, is due and payable immediately and further  
9 agrees to submit a completed Financial Disclosure Statement as requested by the United  
10 States Attorney's Office.

11 **4. Rights Waived by Pleading Guilty.** Defendant understands that by  
12 pleading guilty, Defendant knowingly and voluntarily waives the following rights:

- 13 a. The right to plead not guilty and to persist in a plea of not guilty;  
14 b. The right to a speedy and public trial before a jury of Defendant's  
15 peers;  
16 c. The right to the effective assistance of counsel at trial, including, if  
17 Defendant could not afford an attorney, the right to have the Court appoint one for  
18 Defendant;  
19 d. The right to be presumed innocent until guilt has been established  
20 beyond a reasonable doubt at trial;  
21 e. The right to confront and cross-examine witnesses against Defendant  
22 at trial;  
23 f. The right to compel or subpoena witnesses to appear on Defendant's  
24 behalf at trial;  
25 g. The right to testify or to remain silent at trial, at which trial such  
26 silence could not be used against Defendant; and  
27 h. The right to appeal a finding of guilt or any pretrial rulings.  
28

1           **5. United States Sentencing Guidelines.** Defendant understands and  
2 acknowledges that the Court must consider the sentencing range calculated under the  
3 United States Sentencing Guidelines and possible departures under the Sentencing  
4 Guidelines together with the other factors set forth in Title 18, United States Code,  
5 Section 3553(a), including: (1) the nature and circumstances of the offense(s); (2) the  
6 history and characteristics of Defendant; (3) the need for the sentence to reflect the  
7 seriousness of the offense(s), to promote respect for the law, and to provide just  
8 punishment for the offense(s); (4) the need for the sentence to afford adequate deterrence  
9 to criminal conduct; (5) the need for the sentence to protect the public from further  
10 crimes of Defendant; (6) the need to provide Defendant with educational and vocational  
11 training, medical care, or other correctional treatment in the most effective manner; (7)  
12 the kinds of sentences available; (8) the need to provide restitution to victims; and (9) the  
13 need to avoid unwarranted sentence disparity among defendants involved in similar  
14 conduct who have similar records. Accordingly, Defendant understands and  
15 acknowledges that:

16           a. The Court will determine Defendant's Sentencing Guidelines range  
17 at the time of sentencing;

18           b. After consideration of the Sentencing Guidelines and the factors in  
19 18 U.S.C. § 3553(a), the Court may impose any sentence authorized by law, up to the  
20 maximum term authorized by law;

21           c. The Court is not bound by any recommendation regarding the  
22 sentence to be imposed, or by any calculation or estimation of the Sentencing Guidelines  
23 range offered by the parties or the United States Probation Department, or by any  
24 stipulations or agreements between the parties in this Plea Agreement; and

25           d. Defendant may not withdraw a guilty plea solely because of the  
26 sentence imposed by the Court.

27           **6. Ultimate Sentence.** Defendant acknowledges that no one has promised or  
28 guaranteed what sentence the Court will impose.

1           **7. Statement of Facts.** The parties agree on the following facts. Defendant  
2 admits Defendant is guilty of the charged offense.

3           On March 10, 2022, at 1:16 a.m., Seattle Police Department officers went  
4 to the Westin Hotel in downtown Seattle in response to a 911 call placed by  
5 the hotel's manager, M.H., concerning one of the hotel's guests, Rustam  
6 Yusupov. When the officers arrived at the hotel, M.H. explained that  
7 Yusupov appeared to be in some state of crisis or intoxication. According  
8 to M.H., after Yusupov checked in earlier that night, he called the front  
9 desk twice: once to say that there was an "unknown person" in his room  
10 and again to say that there was an unknown child in his bed. M.H., along  
11 with the hotel emergency response team, went to Yusupov's room and  
12 found that the room was in a state of disarray. M.H. observed Yusupov  
destroying the inside of the room by flipping over the mattresses, cutting  
holes in the box springs, and otherwise damaging hotel property. M.H. told  
the officers that Yusupov asked him to call the police to assist – Yusupov  
claimed there was a small child in the room and he needed help.

13           M.H. escorted the officers to Yusupov's room on the 29th floor, which  
14 overlooked the 1900 block of Fifth Avenue in downtown Seattle. The door  
15 to the room was propped open by the locking bar. The officers pushed open  
16 the door and saw Yusupov standing inside. To make entry into the room,  
17 officers had to push past a mattress that was propped up against the door.  
18 Upon observing Yusupov, it appeared to officers that he was in a state of  
19 intoxication and/or crisis. Yusupov was sweating profusely and was  
extremely restless. Yusupov told officers that there was a child in the room,  
underneath the mattress that was leaning against the door. Yusupov asked  
the officers to help locate the child.

20           Considering Yusupov's agitated state, his statements, and his overall  
21 behavior, the officers decided to have Yusupov taken to the hospital for a  
22 mental health evaluation under the Involuntary Treatment Act (ITA). The  
23 officers asked Yusupov whether he was on any medication. Yusupov  
24 replied that he had prescription medication in his hotel room for anxiety.  
25 While some officers remained in the hallway with Yusupov, other officers  
26 entered the hotel room to look for additional medications, narcotics, or  
other hazardous materials that would help them and the hospital staff  
understand the cause of Yusupov's agitated state.

27           While looking through the hotel room, officers found Yusupov's  
28 Washington State driver's license and a loaded firearm underneath a jacket  
in an open drawer inside an open closet. The firearm was later identified as



1 a Polymer80 9mm caliber pistol with no serial number. Officers asked  
2 Yusupov about the firearm. He replied that he owned multiple firearms and  
3 was a competitive shooter. The officers ran Yusupov's name over the SPD  
4 data channel. At that point, they learned he was the subject of a pending  
5 Domestic Violence Protection Order, making him a prohibited person from  
6 possessing firearms. The officers asked Yusupov about the Protection  
7 Order, and he acknowledged that his Concealed Pistol License had been  
8 revoked because his ex-wife obtained a court order against him.

9 Shortly thereafter, an ambulance arrived and took Yusupov to the hospital.  
10 The officers later located another loaded handgun (a North American Arms  
11 Corp. Derringer .22 revolver) stuffed into the cushion of a chair in  
12 Yusupov's hotel room.

13 As the officers were leaving the Westin Hotel, a parking valet flagged them  
14 down and stated that he had parked Yusupov's car earlier that night and  
15 there were firearms inside of the vehicle. Officers went with the valet to  
16 Yusupov's vehicle, a 2011 Range Rover. The valet opened the rear  
17 passenger door of the car and officers observed multiple tactical style  
18 backpacks that appeared as though they would contain firearms. One of the  
19 backpacks had a long object wrapped in a blanket sticking out of it,  
20 consistent with the barrel of a rifle.

21 The officers conducted a search of the vehicle for firearms and ammunition.  
22 During the search, officers recovered several firearms, including: an Aero  
23 Precision Model X15 5.56 NATO caliber rifle; a Ruger Model 5.7  
24 5.7x28mm caliber pistol; a Ruger Model 18029 Precision 6.5  
25 Creedmoor/.308 Winchester caliber rifle; a Kel-Tec, Model Sub 2000  
26 9x19mm caliber rifle; an FMK Firearms Model AR-1 Extreme 5.56 NATO  
27 caliber rifle; a North American Arms Corp. Derringer-type .22LR caliber  
28 revolver; a Polymer80 9mm caliber pistol with no serial number; and a  
silver skeletonized AR-15 type 5.56 NATO caliber pistol with no serial  
number. Each of the firearms contained several after-market upgrades, such  
as high-quality optics and other firearms accessories.

Officers also recovered several firearm magazines and numerous rounds of  
ammunition from the vehicle, including: three fully loaded 5.56 NATO  
caliber Magpul rifle magazines; an empty .308 Winchester rifle magazine;  
an extended-capacity Glock magazine loaded with 20 live rounds; a 5.7mm  
caliber live round; five .22LR caliber live rounds; 90 live 5.56 NATO  
caliber rounds, including armor-piercing and hollow-point rounds; and  
50 live 9mm hollow-point rounds.

1 Officers also recovered the following property from the vehicle: a bayonet;  
2 a machete; badges containing Yusupov's name and photograph; documents  
3 relating to Yusupov's membership in a firearm enthusiast group; and  
4 documentation of Yusupov's proficiency with various weapons platforms,  
including multiple handguns and rifles.

5 On April 12, 2022, law enforcement officers executed a federal search  
6 warrant at Yusupov's residence in Shoreline, Washington. The following  
7 items were seized from the residence: two inert grenades; a container for  
8 120mm rocket projectiles; hundreds of rounds of assorted ammunition  
9 (both handgun and rifle caliber), including 600 rounds of Israel Military  
10 Industries 5.56mm caliber ammunition; multiple handgun and rifle  
11 magazines (some loaded); assorted pistol slides; a ballistic vest with rifle  
plates; a bolt-action rifle; and assorted firearms accessories and firearms  
parts. An ATF interstate nexus expert has certified that all the above-  
referenced ammunition has traveled in interstate and/or foreign commerce.

12 At the time of the offense conduct, Yusupov was aware that he was subject  
13 to a protection order that meets the requirements set forth in 18 U.S.C. §  
14 922(g)(8)(A)-(C), and therefore that he was prohibited from possessing  
15 firearms. Specifically, Yusupov was subject to the Order for Protection  
16 issued in the matter of *Yasmeen Judeh vs. Rustam M. Yusupov*, in King  
17 County Superior Court case number 20-2-02283-7. The Order was issued  
18 on March 16, 2020, and was subsequently renewed by the entry of an Order  
19 on Renewal of Order for Protection on May 13, 2021. The renewed order  
20 remains in effect until May 13, 2023. The court file establishes that, as  
21 required by § 922(g)(8), Yusupov received actual notice of the hearings and  
22 was present at the hearings either in person or by telephone; the Orders  
23 restrain Yusupov from harassing, threatening, and stalking Yasmeen Judeh,  
who was found by the court to be a "current or former cohabitant as  
intimate partner"; and the Orders prohibit the use and threatened use of  
physical harm and bodily injury against Judeh. The Orders also state that,  
during the pendency of the orders, Yusupov was prohibited from  
possessing firearms under both state and federal law.

24 The parties agree that the Court may consider additional facts contained in the  
25 Presentence Report (subject to standard objections by the parties) and/or that may be  
26 presented by the United States or Defendant at the time of sentencing, and that the factual  
27 statement contained herein is not intended to limit the facts that the parties may present to  
28 the Court at the time of sentencing.

1           **8. Sentencing Factors.** The parties agree that the following Sentencing  
2 Guidelines provisions apply to this case:

- 3           a. A base offense level of 20, pursuant to USSG § 2K2.1(a)(4)(B),  
4 because the offense involved a semiautomatic firearm that is capable  
5 of accepting a large capacity magazine and Defendant was a  
6 prohibited person at the time of the instant offense; and  
7           b. A four-level upward adjustment, pursuant to 2K2.1(b)(1)(B), based  
8 on the total number of firearms possessed.

9           The parties agree they are free to present arguments regarding the applicability of  
10 all other provisions of the United States Sentencing Guidelines. Defendant understands,  
11 however, that at the time of sentencing, the Court is free to reject these stipulated  
12 adjustments, and is further free to apply additional downward or upward adjustments in  
13 determining Defendant's Sentencing Guidelines range.

14           **9. Acceptance of Responsibility.** At sentencing, *if* the Court concludes  
15 Defendant qualifies for a downward adjustment acceptance for acceptance of  
16 responsibility pursuant to USSG § 3E1.1(a) and Defendant's offense level is 16 or  
17 greater, the United States will make the motion necessary to permit the Court to decrease  
18 the total offense level by three (3) levels pursuant to USSG §§ 3E1.1(a) and (b), because  
19 Defendant has assisted the United States by timely notifying the United States of  
20 Defendant's intention to plead guilty, thereby permitting the United States to avoid  
21 preparing for trial and permitting the Court to allocate its resources efficiently.

22           **10. Sentencing Recommendation.** Defendant and the government agree to  
23 jointly recommend a sentence of imprisonment for either 51 months or the high-end of  
24 the Sentencing Guidelines range as calculated by the Court at the time of sentencing,  
25 whichever is higher. Defendant understands that these recommendations are not binding  
26 on the Court and the Court may reject the recommendation of the parties and may impose  
27 any term of imprisonment up to the statutory maximum penalty authorized by law.  
28 Defendant further understands that Defendant cannot withdraw a guilty plea simply



1 because of the sentence imposed by the Court. Except as otherwise provided in this Plea  
2 Agreement, the parties are free to present arguments regarding any other aspect of  
3 sentencing.

4 **11. Forfeiture of Assets.** Defendant understands the forfeiture of property is  
5 part of the sentence that must be imposed in this case. Defendant agrees to forfeit to the  
6 United States immediately all of his right, title, and interest in any firearms and  
7 ammunition that were involved in his commission of the offenses set forth in Counts 1-3  
8 of the Indictment. This property is subject to forfeiture pursuant to Title 18, United  
9 States Code, Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c),  
10 and includes but is not limited to the following:

- 11 a. Firearms and ammunition seized on or about March 10, 2022, from  
12 defendant's hotel room at Seattle, in King County, Washington:
- 13 1. A Polymer80 9mm caliber pistol with no serial number; and
  - 14 2. A North American Arms Corp. Derringer .22 revolver;
- 15 b. Firearms and ammunition seized on or about March 10, 2022, from  
16 defendant's vehicle at Seattle, in King County, Washington:
- 17 1. A Polymer80 9mm caliber pistol with no serial number;
  - 18 2. A skeletonized AR-15 5.56 NATO caliber pistol with no serial  
19 number;
  - 20 3. A FMK Firearms Model AR-1 Extreme 5.56 NATO caliber rifle;
  - 21 4. An Aero Precision Model X15 5.56 NATO caliber rifle;
  - 22 5. A Ruger Model 5.7 5.7x28mm caliber pistol;
  - 23 6. A Ruger Model 18029 Precision 6.5mm Creedmoor/.308 Winchester  
24 caliber rifle; and
  - 25 7. A Kel-Tec Model Sub 2000 9x19mm caliber rifle;
- 26 c. More than 600 rounds of Israel Military Industries 5.56mm caliber  
27 ammunition, seized on or about April 12, 2022, from defendant's residence at  
28 Shoreline, in King County, Washington.

1 Defendant agrees to fully assist the United States in the forfeiture of the above-  
2 described property and to take whatever steps are necessary to pass clear title to the  
3 United States, including but not limited to: surrendering title and executing any  
4 documents necessary to effect forfeiture; assisting in bringing any property located  
5 outside the United States within the jurisdiction of the United States; and taking whatever  
6 steps are necessary to ensure that property subject to forfeiture is not sold, disbursed,  
7 wasted, hidden, or otherwise made unavailable for forfeiture. Defendant agrees not to  
8 file a claim to any such property in any federal forfeiture proceeding, administrative or  
9 judicial, which may be or has been initiated. Defendant also agrees he will not assist any  
10 party who may file a claim to this property in any federal forfeiture proceeding.

11 The United States reserves its right to proceed against any remaining property not  
12 identified in this Plea Agreement, including any property in which Defendant has any  
13 interest or control, if said assets were firearms or ammunition involved in his commission  
14 of the offenses set forth in Counts 1-3 of the Indictment.

15 **12. Abandonment of Firearms and Contraband.** Defendant also agrees that,  
16 if any federal law enforcement agency seized any other firearms, firearm accessories,  
17 ammunition, or illegal contraband that was in Defendant's direct or indirect control,  
18 Defendant abandons any and all interest in those items and consents to the federal  
19 administrative disposition, official use, and/or destruction of those items.

20 **13. Non-Prosecution of Additional Offenses.** As part of this Plea Agreement,  
21 the United States Attorney's Office for the Western District of Washington agrees to  
22 dismiss Counts 1 and 2 of the Indictment and not to prosecute Defendant for any  
23 additional offenses known to it as of the time of this Plea Agreement based upon  
24 evidence in its possession at this time, and that arise out of the conduct giving rise to this  
25 investigation. In this regard, Defendant recognizes the United States has agreed not to  
26 prosecute all of the criminal charges the evidence establishes were committed by  
27 Defendant solely because of the promises made by Defendant in this Plea Agreement.  
28 Defendant agrees, however, that for purposes of preparing the Presentence Report, the

1 United States Attorney's Office will provide the United States Probation Office with  
2 evidence of all conduct committed by Defendant.

3 Defendant agrees that any charges to be dismissed before or at the time of  
4 sentencing were substantially justified in light of the evidence available to the United  
5 States, were not vexatious, frivolous or taken in bad faith, and do not provide Defendant  
6 with a basis for any future claims under the "Hyde Amendment," Pub. L. No. 105-119  
7 (1997).

8 **14. Breach, Waiver, and Post-Plea Conduct.** Defendant agrees that, if  
9 Defendant breaches this Plea Agreement, the United States may withdraw from this Plea  
10 Agreement and Defendant may be prosecuted for all offenses for which the United States  
11 has evidence. Defendant agrees not to oppose any steps taken by the United States to  
12 nullify this Plea Agreement, including the filing of a motion to withdraw from the Plea  
13 Agreement. Defendant also agrees that, if Defendant is in breach of this Plea Agreement,  
14 Defendant has waived any objection to the re-institution of any charges that previously  
15 were dismissed or any additional charges that had not been prosecuted.

16 Defendant further understands that if, after the date of this Plea Agreement,  
17 Defendant should engage in illegal conduct, or conduct that violates any conditions of  
18 release or the conditions of confinement (examples of which include, but are not limited  
19 to, obstruction of justice, failure to appear for a court proceeding, criminal conduct while  
20 pending sentencing, and false statements to law enforcement agents, the Pretrial Services  
21 Officer, Probation Officer, or Court), the United States is free under this Plea Agreement  
22 to file additional charges against Defendant or to seek a sentence that takes such conduct  
23 into consideration by requesting the Court to apply additional adjustments or  
24 enhancements in its Sentencing Guidelines calculations in order to increase the applicable  
25 advisory Guidelines range, and/or by seeking an upward departure or variance from the  
26 calculated advisory Guidelines range. Under these circumstances, the United States is  
27 free to seek such adjustments, enhancements, departures, and/or variances even if  
28 otherwise precluded by the terms of the Plea Agreement.

1           **15. Waiver of Appellate Rights and Rights to Collateral Attacks.**

2 Defendant acknowledges that, by entering the guilty plea required by this Plea  
3 Agreement, Defendant waives all rights to appeal from Defendant's conviction, and any  
4 pretrial rulings of the Court, and any rulings of the Court made prior to entry of the  
5 judgment of conviction. Defendant further agrees that, provided the Court imposes a  
6 custodial sentence that is within or below the Sentencing Guidelines range as determined  
7 by the Court at the time of sentencing, Defendant waives to the full extent of the law:

8           a. Any right conferred by Title 18, United States Code, Section 3742,  
9 to challenge, on direct appeal, the sentence imposed by the Court, including any fine,  
10 restitution order, probation or supervised release conditions, or forfeiture order (if  
11 applicable); and

12           b. Any right to bring a collateral attack against the conviction and  
13 sentence, including any restitution order imposed, except as it may relate to the  
14 effectiveness of legal representation.

15           This waiver does not preclude Defendant from bringing an appropriate motion  
16 pursuant to 28 U.S.C. § 2241, to address the conditions of Defendant's confinement or  
17 the decisions of the Bureau of Prisons regarding the execution of Defendant's sentence.

18           If Defendant breaches this Plea Agreement at any time by appealing or collaterally  
19 attacking (except as to effectiveness of legal representation) the conviction or sentence in  
20 any way, the United States may prosecute Defendant for any counts, including those with  
21 mandatory minimum sentences, that were dismissed or not charged pursuant to this Plea  
22 Agreement.

23           **16. Voluntariness of Plea.** Defendant agrees that Defendant has entered into  
24 this Plea Agreement freely and voluntarily, and that no threats or promises were made to  
25 induce Defendant to enter a plea of guilty other than the promises contained in this Plea  
26 Agreement or set forth on the record at the change of plea hearing in this matter.

27 //

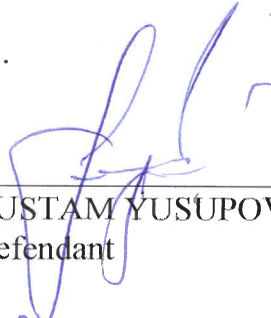
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1       **17. Statute of Limitations.** In the event this Plea Agreement is not accepted  
2 by the Court for any reason, or Defendant breaches any of the terms of this Plea  
3 Agreement, the statute of limitations shall be deemed to have been tolled from the date of  
4 the Plea Agreement to: (1) thirty (30) days following the date of non-acceptance of the  
5 Plea Agreement by the Court; or (2) thirty (30) days following the date on which a breach  
6 of the Plea Agreement by Defendant is discovered by the United States Attorney's  
7 Office.

8       **18. Completeness of Plea Agreement.** The United States and Defendant  
9 acknowledge that these terms constitute the entire Plea Agreement between the parties,  
10 except as may be set forth on the record at the change of plea hearing in this matter. This  
11 Plea Agreement binds only the United States Attorney's Office for the Western District  
12 of Washington. It does not bind any other United States Attorney's Office or any other  
13 office or agency of the United States, or any state or local prosecutor.

14  
15 Dated this 2nd day of February, 2023.

16  
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18 \_\_\_\_\_  
19 RUSTAM YUSUPOV  
20 Defendant

21   
22 \_\_\_\_\_  
23 DENNIS CARROLL  
24 Attorneys for Defendant

25   
26 \_\_\_\_\_  
27 TODD GREENBERG  
28 Assistant United States Attorney

Presented to the Court by the foreman of the Grand Jury in open Court, in the presence of the Grand Jury and FILED in the U.S. DISTRICT COURT at Seattle, Washington.

April 27 2022

Ravi Subramanian, Clerk

By Deputy

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

UNITED STATES OF AMERICA, Plaintiff,

v.

RUSTAM YUSUPOV, Defendant.

NO. CR22-060 JCC

INDICTMENT

The Grand Jury charges that:

COUNT 1

(Unlawful Possession of a Firearm)

(Hotel room)

On or about March 10, 2022, in King County, within the Western District of Washington, RUSTAM YUSUPOV, knowing he was subject to a court order meeting the requirements of Title 18, United States Code, Section 922(g)(8)(A)-(C), that is, the Order For Protection issued on March 16, 2020, and renewed on May 13, 2021, in the matter of Yasmeeen Judeh vs. Rustam Yusupov, in King County Superior Court case number 20-2-02283-7, did knowingly possess, in and affecting interstate and foreign commerce, firearms, to wit: a Polymer80 9mm caliber pistol with no serial number; and a North

1 American Arms Corp. Derringer .22 revolver which had been shipped and transported in  
2 interstate and foreign commerce.

3 All in violation of Title 18, United States Code, Section 922(g)(8).

4 **COUNT 2**

5 **(Unlawful Possession of a Firearm)**

6 **(Vehicle)**

7 On or about March 10, 2022, in King County, within the Western District of  
8 Washington, RUSTAM YUSUPOV, knowing he was subject to a court order meeting the  
9 requirements of Title 18, United States Code, Section 922(g)(8)(A)-(C), that is, the Order  
10 For Protection issued on March 16, 2020, and renewed on May 13, 2021, in the matter of  
11 *Yasmeen Judeh vs. Rustam Yusupov*, in King County Superior Court case number 20-2-  
12 02283-7, did knowingly possess, in and affecting interstate and foreign commerce,  
13 firearms, to wit: a Polymer80 9mm caliber pistol with no serial number and a  
14 skeletonized AR-15 5.56 NATO caliber pistol with no serial number; and

- 15 • FMK Firearms Model AR-1 Extreme 5.56 NATO caliber rifle;
- 16 • Aero Precision Model X15 5.56 NATO caliber rifle;
- 17 • Ruger Model 5.7 5.7x28mm caliber pistol;
- 18 • Ruger Model 18029 Precision 6.5mm Creedmoor/.308 Winchester caliber rifle; and
- 19 • Kel-Tec Model Sub 2000 9x19mm caliber rifle;

20 all of which had been shipped and transported in interstate and foreign commerce.

21 All in violation of Title 18, United States Code, Section 922(g)(8).

22 **COUNT 3**

23 **(Unlawful Possession of Ammunition)**

24 On or about April 12, 2022, in King County, within the Western District of  
25 Washington, RUSTAM YUSUPOV, knowing he was subject to a court order meeting the  
26 requirements of Title 18, United States Code, Section 922(g)(8)(A)-(C), that is, the Order  
27 For Protection issued on March 16, 2020, and renewed on May 13, 2021, in the matter of  
28 *Yasmeen Judeh vs. Rustam Yusupov*, in King County Superior Court case number 20-2-

1 02283-7, did knowingly possess, in and affecting interstate and foreign commerce,  
2 ammunition, to wit: more than 600 rounds of Israel Military Industries 5.56mm caliber  
3 ammunition, which had been shipped and transported in interstate and foreign commerce.

4 All in violation of Title 18, United States Code, Section 922(g)(8).

5 **FORFEITURE ALLEGATION**

6 The allegations contained in Counts 1-3 of this Indictment are hereby realleged  
7 and incorporated by reference for the purpose of alleging forfeiture.

8 Upon conviction of any of the offenses alleged in Counts 1-3, RUSTAM  
9 YUSUPOV shall forfeit to the United States, pursuant to Title 18, United States Code,  
10 Section 924(d)(1), by way of Title 28, United States Code, Section 2461(c), any firearms  
11 that were involved in the offense, and any associated ammunition, including but not  
12 limited to:

- 13 a. Firearms and ammunition seized on or about March 10, 2022, from  
14 defendant's hotel room at Seattle, in King County, Washington:
- 15 1. A Polymer80 9mm caliber pistol with no serial number; and
  - 16 2. A North American Arms Corp. Derringer .22 revolver;
- 17 b. Firearms and ammunition seized on or about March 10, 2022, from  
18 defendant's vehicle at Seattle, in King County, Washington:
- 19 1. A Polymer80 9mm caliber pistol with no serial number;
  - 20 2. A skeletonized AR-15 5.56 NATO caliber pistol with no serial  
21 number;
  - 22 3. A FMK Firearms Model AR-1 Extreme 5.56 NATO caliber rifle;
  - 23 4. An Aero Precision Model X15 5.56 NATO caliber rifle;
  - 24 5. A Ruger Model 5.7 5.7x28mm caliber pistol;
  - 25 6. A Ruger Model 18029 Precision 6.5mm Creedmoor/.308 Winchester  
26 caliber rifle; and
  - 27 7. A Kel-Tec Model Sub 2000 9x19mm caliber rifle;
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c. More than 600 rounds of Israel Military Industries 5.56mm caliber ammunition, seized on or about April 12, 2022, from defendant’s residence at Shoreline, in King County, Washington.

**Substitute Assets.** If any of the above-described forfeitable property, as a result of any act or omission of the defendants,

- 1. cannot be located upon the exercise of due diligence;
- 2. has been transferred or sold to, or deposited with a third party;
- 3. has been placed beyond the jurisdiction of the Court;
- 4. has been substantially diminished in value; or,
- 5. has been commingled with other property which cannot be divided without difficulty;

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1 it is the intent of the United States to seek the forfeiture of any other property of the  
2 defendant, up to the value of the above-described forfeitable property, pursuant to  
3 Title 21, United States Code, Section 853(p).


6 A TRUE BILL:

7 DATED: 4/27/2022

9 *Signature of Foreperson redacted pursuant  
10 to the policy of the Judicial Conference of  
11 the United States.*

11 \_\_\_\_\_  
12 FOREPERSON

12   
13 \_\_\_\_\_  
14 NICHOLAS W. BROWN  
15 United States Attorney

16   
17 \_\_\_\_\_  
18 TODD GREENBERG  
19 Assistant United States Attorney