

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4 **In the Matter of Charges and**
5 **Complaint Against**
6 **SHOUPING LI, M.D.,**
7 **Respondent.**

Case No. 19-32638-1

FILED

FEB 11 2019

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

8
9 **COMPLAINT**

10 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
11 (Board), by and through Aaron Bart Fricke, Esq., Deputy General Counsel and attorney for the IC,
12 having a reasonable basis to believe that Shouping Li, M.D. (Respondent) violated the provisions of
13 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630
14 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and
15 allegations as follows:

16 1. Respondent is a physician and holds an active license to practice medicine in the
17 State of Nevada (License No. 12382). He was originally licensed by the Board on July 18, 2007.

18 **A. Respondent's Criminal Conduct**

19 2. Pursuant to a Plea Agreement Under Fed. R. Crim. P. 11(c)(1)(A) and (b) filed on
20 February 6, 2019 (hereinafter, the "Plea Agreement"), a true and correct copy of which is attached
21 hereto as Exhibit 1 and incorporated herein by this reference, in the U.S. District Court for the
22 State of Nevada, in Criminal Case No. 3:19-cr-00009-MMD-CBC, entitled "U.S.A. v. Shouping
23 Li, M.D." (hereinafter, the "Federal Case"), Respondent knowingly and voluntarily pleaded guilty
24 to one count of Distribution of a Controlled Substance, in violation of 21 USC 841(a)(1) and
25 (b)(1)(C).

26
27
28 ¹ The Investigative Committee (IC) of the Nevada State Board of Medical Examiners (Board), at the time this formal
Complaint was authorized for filing, was composed of Rachakonda D. Prabhu, M.D., Victor M. Muro, M.D., and
Ms. April Mastroluca.

1 3. Pursuant to 18 USC 3559(a)(3), violation of 21 USC 841(a)(1) and (b)(1)(C), as
2 alleged in Count One of the Indictment, constitutes a Class C felony.

3 4. Pursuant to the Plea Agreement, Respondent admitted the following:

4 a. Count One: The elements of Distribution of Controlled Substance in violation of
5 21 USC 841(a)(1) and (b)(1)(C) are:

6 i. First, beginning on a date unknown but in no event later than October 2017
7 and continuing through on or about February 2018, the Respondent
8 knowingly distributed Schedule II controlled substances, to wit: Oxycodone
9 and Hydrocodone;

10 ii. Second, the Respondent knew that the controlled substances were
11 Oxycodone and Hydrocodone or some other prohibited drug;

12 iii. Third, the Respondent distributed the controlled substances outside the
13 usual course of professional practice and not for a legitimate medical
14 purpose; and

15 iv. Fourth, the Respondent intended to distribute the controlled substances
16 outside the course of his professional practice.

17 5. Pursuant to the Plea Agreement, Respondent admitted and declared under penalty
18 of perjury that the facts set forth below are true and correct:

19 a. Respondent was a licensed physician who, since 2007, practiced medicine in
20 Nevada under Nevada License Number 12382, specializing in family medicine
21 with a concentration in cardiovascular diseases. Respondent held the position of
22 Vice Chief of Staff for the Humboldt County General Hospital in Winnemucca,
23 Nevada.

24 b. As part of his medical practice, he prescribed Schedule II controlled substances,
25 including Hydrocodone and Oxycodone, under a Drug Enforcement Administration
26 (“DEA”) license number BL8898770.

27 c. Respondent knew that under the Controlled Substances Act, 21 USC 841(a) et seq.,
28 and 21 CFR 1306.04, a prescription for a Schedule II controlled substance was

1 lawful only when written for a legitimate medical purpose by a practitioner acting
2 in the usual course of his or her professional practice.

- 3 d. Between approximately August 2015 and February 2018, Respondent prescribed
4 dosages and amounts of Oxycodone and Hydrocodone to patients outside the usual
5 course of his professional practice and without a legitimate medical purpose.
6 e. Defendant did so with the intent to prescribe Oxycodone and Hydrocodone outside
7 the course of his professional practice and without a legitimate medical purpose.
8 f. Several patients who were actively being seen as patients by the Respondent passed
9 away.
10 g. All of the foregoing occurred in the State and Federal District of Nevada and
11 elsewhere.

12 6. Pursuant to the Plea Agreement, Respondent also admitted that he is, in fact and
13 under the law, guilty of the crimes charged, and that he acknowledges that if he elected to go to
14 trial instead of pleading guilty, the United States could prove his guilt beyond a reasonable doubt.
15 Respondent further acknowledges that his admissions and declarations of fact set forth in the Plea
16 Agreement satisfy every element of the charged offense.

17 **COUNT I**

18 **NRS 630.306(1)(c) (Illegal Distribution of Controlled Substances)**

19 7. All of the allegations in the above paragraphs are hereby incorporated by reference
20 as though fully set forth herein.

21 8. Pursuant to NRS 630.306(1)(c), distribution, including administering, dispensing or
22 prescribing, of any controlled substance to others except as authorized by law is grounds for
23 disciplinary action against a licensee.

24 9. As demonstrated by, but not limited to, the above-outlined facts, Respondent
25 knowingly and intentionally distributed controlled substances, Oxycodone and Hydrocodone,
26 outside the usual course of his professional practice and not for a legitimate medical purpose, in
27 violation of 21 USC 841(a)(1) and (b)(1)(C).
28


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREFORE, the Investigative Committee prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;
2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);
3. That the Board determine what sanctions to impose if it determines there has been a violation or violations of the Medical Practice Act committed by Respondent;
4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, that includes the sanctions imposed; and
5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 11 day of February, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Aaron Bart Fricke, Esq., Deputy General Counsel
Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF CLARK)

4 Rachakonda D. Prabhu, M.D., having been duly sworn, hereby deposes and states under
5 penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State
6 Board of Medical Examiners that authorized the Complaint against the Respondent herein; that he
7 has read the foregoing Complaint; and that based upon information discovered in the course of the
8 investigation into a complaint against Respondent, he believes that the allegations and charges in
9 the foregoing Complaint against Respondent are true, accurate, and correct.

10 DATED this 11th day of February, 2019.

11
12 INVESTIGATIVE COMMITTEE OF THE
13 NEVADA STATE BOARD OF MEDICAL EXAMINERS

14 

15 _____
16 Rachakonda D. Prabhu, M.D., Chairman
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT 1

1 NICHOLAS A. TRUTANICH
United States Attorney
2 Nevada Bar Number 13644
SUE FAHAMI
3 Nevada Bar Number 5634
KILBY MACFADDEN
4 Assistant United States Attorneys
400 S. Virginia Street, Suite 900
5 Reno, Nevada 89501
Telephone: (775) 784-5438
6 Email: kilby.macfadden@usdoj.gov
Representing the United States of America

FILED	RECEIVED
ENTERED	SERVED ON
COUNSEL/PARTIES OF RECORD	
FEB - 5 2019	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

7 UNITED STATES DISTRICT COURT
8 DISTRICT OF NEVADA

-oOo-

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 SHOUPING LI, M.D.,

13 Defendant.

Case No.: 3:19-cr-00009-MMD-CBC

PLEA AGREEMENT UNDER
FED. R. CRIM. P. 11(c)(1)(A)
and (B)

14
15 Plaintiff United States of America, by and through NICHOLAS A. TRUTANICH,
16 United States Attorney, SUE FAHAMI and KILBY MACFADDEN, Assistant United
17 States Attorneys, the defendant SHOUPING LI, M.D. and the defendant's attorneys,
18 CRANE POMERANTZ, ESQ., and MICHAEL CRISTALLI, ESQ., submit this Plea
19 Agreement under Fed. R. Crim. P. 11(c)(1)(A) and (B).

20 I. SCOPE OF AGREEMENT

21 The parties to this Plea Agreement are the United States of America and
22 SHOUPING LI (the defendant). This Plea Agreement binds the defendant and the United
23 States Attorney's Office for the District of Nevada. It does not bind any other prosecuting,
24 administrative, or regulatory authority, the United States Probation Office, or the Court.

1 The Plea Agreement sets forth the parties' agreement regarding criminal charges
2 referenced in the Plea Agreement and applicable sentences, fines, restitution and forfeiture.
3 It does not control or prohibit the United States or any agency or third party from seeking
4 any other civil or administrative remedies directly or indirectly against the defendant.

5 **II. DISPOSITION OF CHARGES AND WAIVER OF TRIAL RIGHTS**

6 A. Guilty Plea. The defendant knowingly and voluntarily agrees to plead guilty
7 to the following one count Criminal Information filed _____:

8 **Count One:** Distribution of a Controlled Substance, in violation of Title 21, United
9 States Code, Section 841(a)(1) and (b)(1)(C).

10 B. Waiver of Trial Rights. The defendant acknowledges that he has been
11 advised and understands that by entering a plea of guilty he is waiving -- that is, giving up --
12 certain rights guaranteed to all defendants by the laws and the Constitution of the United
13 States. Specifically, the defendant is giving up:

14 1. The right to proceed to trial by jury on all charges, or to a trial by a
15 judge if the defendant and the United States both agree;

16 2. The right to confront the witnesses against the defendant at such a
17 trial, and to cross-examine them;

18 3. The right to remain silent at such a trial, with assurance that his
19 silence could not be used against him in any way;

20 4. The right to testify in his own defense at such a trial if he so chooses;

21 5. The right to compel witnesses to appear at such a trial and testify in
22 the defendant's behalf;

23 6. The right to have the assistance of an attorney at all stages of such
24 proceedings; and

1 7. The right to be indicted by a grand jury.

2 C. Withdrawal of Guilty Plea. The defendant will not seek to withdraw his
3 guilty plea after he has entered it in court.

4 D. Additional Charges. The United States agrees not to bring any additional
5 charges against the defendant arising out of the investigation in the District of Nevada
6 which culminated in the Criminal Information and this Plea Agreement and based on
7 conduct known to the United States, except that the United States reserves the right to
8 prosecute the defendant for any crime of violence as defined by 18 U.S.C. § 16 in which
9 the defendant may have participated or for any crime committed before the execution of
10 this Agreement if the United States had no knowledge of the facts underlying this crime
11 through its investigation, or the defendant did not disclose the crime before the execution
12 of the Agreement.

13 **III. ELEMENTS OF THE OFFENSES**

14 **Count One:** The elements of Distribution of Controlled Substance in violation of 21
15 U.S.C. §§ 841(a)(1) and (b)(1)(C) are:

16 First, beginning on a date unknown but in no event later than October 2017 and
17 continuing through on or about February 2018, the defendant knowingly distributed
18 Schedule II controlled substances, to wit: Oxycodone and Hydrocodone;

19 Second, the defendant knew that the controlled substances were Oxycodone and
20 Hydrocodone or some other prohibited drug;

21 Third, the defendant distributed the controlled substances outside the usual course of
22 professional practice and not for a legitimate medical purpose; and

23 Fourth, the defendant intended to distribute the controlled substances outside the
24 course of his professional practice.

1 Ninth Cir. Model Criminal Jury Instr., Criminal 9.18; Title 21 C.F.R. § 1306.04;
2 *United States v. Feingold*, 454 F.3d 1001, 1008 (9th Cir. 2006)

3 **IV. FACTS SUPPORTING GUILTY PLEA**

4 A. The defendant will plead guilty because he is, in fact and under the law,
5 guilty of the crimes charged.

6 B. The defendant acknowledges that if he elected to go to trial instead of
7 pleading guilty, the United States could prove his guilt beyond a reasonable doubt and
8 establish its right to forfeit the specified property by preponderance of the evidence. The
9 defendant further acknowledges that his admissions and declarations of fact set forth below
10 satisfy every element of the charged offense.

11 C. The defendant waives any potential future claim that the facts he admitted in
12 this Plea Agreement were insufficient to satisfy the elements of the charged offense.

13 D. Both the United States and the defendant agree that this section of the Plea
14 Agreement does not contain all of the relevant information known to the defendant. The
15 parties also agree that the facts contained in Section IV provide a sufficient factual basis for
16 the crime to which defendant is pleading guilty, but the facts contained in Section IV are
17 not an exhaustive statement by the defendant .

18 E. The defendant admits and declares under penalty of perjury that the facts set
19 forth below are true and correct:

20 At all times relevant to the Criminal Information:

21 1. The defendant, SHOUPING LI (LI), was a licensed physician who, since
22 2007, practiced medicine in Nevada under Nevada License Number 12382, specializing in
23 family medicine with a concentration in cardiovascular diseases. LI held the position of
24 Vice Chief of Staff for the Humboldt County General Hospital in Winnemucca, Nevada.

1 2. As part of his medical practice, he prescribed Schedule II Controlled
2 Substances, including Hydrocodone and Oxycodone, under a Drug Enforcement
3 Administration ("DEA") license number BL8898770.

4 3. Defendant knew that under the Controlled Substances Act, Title 21, United
5 States Code, Section 841(a) *et seq.*, and Title 21, Code of Federal Regulations, Section
6 1306.04, a prescription for a Schedule II controlled substance was lawful only when written
7 for a legitimate medical purpose by a practitioner acting in the usual course of his or her
8 professional practice.

9 4. Between approximately August 2015 and February 2018, defendant
10 prescribed dosages and amounts of Oxycodone and Hydrocodone, to patients outside the
11 usual course of his professional practice and without a legitimate medical purpose.

12 5. Defendant did so with the intent to prescribe Oxycodone and Hydrocodone
13 outside the course of his professional practice and without a legitimate medical purpose.

14 6. Several patients who were actively being seen as patients by the Defendant
15 passed away.

16 7. All of the foregoing occurred in the State and Federal District of Nevada and
17 elsewhere.

18 **V. COLLATERAL USE OF FACTUAL ADMISSIONS**

19 The facts set forth in Section IV of this Plea Agreement shall be admissible against
20 the defendant under Fed. R. Evid. 801(d)(2)(A) at sentencing for any purpose. If the
21 defendant does not plead guilty or withdraws his guilty plea, the facts set forth in Section
22 IV of this Plea Agreement shall be admissible at any proceeding, including a trial, for
23 impeaching or rebutting any evidence, argument or representation offered by or on the
24 defendant's behalf. The defendant expressly waives all rights under Fed. R. Crim. P. 11(f)

1 and Fed. R. Evid. 410 regarding the use of the facts set forth in Section IV of this Plea
2 Agreement.

3 **VI. APPLICATION OF SENTENCING GUIDELINES PROVISIONS**

4 A. Discretionary Nature of Sentencing Guidelines. The defendant
5 acknowledges that the Court must consider the United States Sentencing Guidelines
6 (“USSG” or “Sentencing Guidelines”) in determining the defendant’s sentence, but that
7 the Sentencing Guidelines are advisory, not mandatory, and the Court has discretion to
8 impose any reasonable sentence up to the maximum term of imprisonment permitted by
9 statute.

10 B. Offense Level Calculations. The parties stipulate to the following calculation
11 of the defendant’s offense level under the Sentencing Guidelines, acknowledge that these
12 stipulations do not bind the Court, and agree that they will not seek to apply any other
13 specific offense characteristics, enhancements or reductions:

14 The defendant acknowledges that the statutory maximum sentence and any
15 statutory minimum sentence limit the Court’s discretion in determining the defendant’s
16 sentence notwithstanding any applicable Sentencing Guidelines provisions.

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24

Count 1: 21 U.S.C. §§ 841(a)(1) and (b)(1)(C)

Offense Level Calculation		USSG
Base Offense Level ¹	22	§ 2D1.1(c)(9)
Use of Special Skill	+2	§ 3B1.3
Adjusted Offense Level (Subtotal)	24	
Contingent Reduction for Acceptance of Responsibility	-2	§ 3E1.1(a)
Contingent Reduction for Government Motion for Acceptance of Responsibility	-1	§ 3E1.1(b)
FINAL Adjusted Offense Level	21	

C. **Reduction of Offense Level for Acceptance of Responsibility.** Under USSG § 3E1.1(a), the United States will recommend that the defendant receive a two-level downward adjustment for acceptance of responsibility unless he (a) fails to truthfully admit facts establishing a factual basis for the guilty plea when he enters the plea; (b) fails to truthfully admit facts establishing the amount of restitution owed when he enters his guilty plea; (c) fails to truthfully admit facts establishing the forfeiture allegations when he enters his guilty plea; (d) provides false or misleading information to the United States, the Court, Pretrial Services, or the Probation Office; (e) denies involvement in the offense or provides conflicting statements regarding his involvement or falsely denies or frivolously contests conduct relevant to the offense; (f) attempts to withdraw his guilty plea; (g) commits or

¹ The Count 1 base offense level was calculated as follows: there were distributions of Oxycodone and Hydrocodone for a total 13,800 milligrams of Hydrocodone/Oxycodone. This is equal to 92.46 kg of marijuana (13.8g x 6700g equals 94,460 grams). The parties stipulate to this calculation for purposes of sentencing only, using the USSG Guidelines Manual effective November 1, 2016.

1 attempts to commit any crime; (h) fails to appear in court; or (i) violates the conditions of
2 pretrial release.

3 Under USSG §3E1.1(b), if the Court determines that the defendant's total offense
4 level, before operation of § 3E1.1(a), is 16 or higher, and if the United States recommends a
5 two-level downward adjustment pursuant to the preceding paragraph, the United States
6 will move for an additional one-level downward adjustment for acceptance of responsibility
7 before sentencing because the defendant communicated his decision to plead guilty in a
8 timely manner that enabled the United States to avoid preparing for trial and to efficiently
9 allocate its resources.

10 D. Criminal History Category. The defendant acknowledges that the Court
11 may base his sentence in part on the defendant's criminal record or criminal history. The
12 Court will determine the defendant's Criminal History Category under the Sentencing
13 Guidelines.

14 E. Relevant Conduct. The Court may consider any counts dismissed under this
15 Plea Agreement and all other relevant conduct, whether charged or uncharged, in
16 determining the applicable Sentencing Guidelines range and whether to depart from that
17 range.

18 F. Additional Sentencing Information. The stipulated Sentencing Guidelines
19 calculations are based on information now known to the parties. The parties may provide
20 additional information to the United States Probation Office and the Court regarding the
21 nature, scope, and extent of the defendant's criminal conduct and any aggravating or
22 mitigating facts or circumstances. Good faith efforts to provide truthful information or to
23 correct factual misstatements shall not be grounds for the defendant to withdraw his guilty
24 plea. The defendant acknowledges that the United States Probation Office may calculate

1 the Sentencing Guidelines differently and may rely on additional information it obtains
2 through its investigation. The defendant also acknowledges that the Court may rely on this
3 and other additional information as it calculates the Sentencing Guidelines range and
4 makes other sentencing determinations, and the Court's reliance on such information shall
5 not be grounds for the defendant to withdraw his guilty plea.

6 **VII. APPLICATION OF SENTENCING STATUTES**

7 A. Maximum Penalty. The maximum penalty under 21 U.S.C. §§ 841(a) and
8 841(b)(1)(C) is 20 years imprisonment, a fine of \$1,000,000, or both.

9 B. Factors Under 18 U.S.C. § 3553. The Court must consider the factors set
10 forth in 18 U.S.C. § 3553(a) in determining the defendant's sentence. However, the
11 statutory maximum sentence and any statutory minimum sentence limit the Court's
12 discretion in determining the defendant's sentence.

13 C. Parole Abolished. The defendant acknowledges that his prison sentence
14 cannot be shortened by early release on parole because parole has been abolished.

15 D. Supervised Release. In addition to imprisonment and a fine, the defendant
16 will be subject to a three-year term of supervised release. Supervised release is a period of
17 time after release from prison during which the defendant will be subject to various
18 restrictions and requirements. If the defendant violates any condition of supervised release,
19 the Court may order the defendant's return to prison for all or part of the term of
20 supervised release, which could result in the defendant serving a total term of
21 imprisonment equal to the statutory maximum prison sentence of 20 years imprisonment.

22 E. Special Assessment. The defendant will pay a \$100.00 special assessment
23 per count at the time of sentencing.

24

1 **VIII. POSITIONS REGARDING SENTENCE**

2 The government will recommend that the Court sentence the defendant to a
3 sentence within the Sentencing Guidelines range as determined by the Court.

4 Notwithstanding its agreement to recommend that the defendant be sentenced as described
5 in this Plea Agreement, the United States reserves its right to defend any lawfully imposed
6 sentence on appeal or in any post-conviction litigation.

7 The defendant may seek a downward adjustment pursuant to 18 U.S.C. § 3553,
8 including probation, from any sentence the Court may impose.

9 The defendant acknowledges that the Court does not have to follow these
10 recommendations.

11 **IX. RESTITUTION**

12 In exchange for benefits received under this plea agreement, the defendant agrees to
13 make full restitution in an amount to be determined by the Court for all of the losses the
14 defendant caused by his schemes or offenses, whether charged or uncharged, pleaded to or
15 not, and by all of his relevant conduct. 18 U.S.C. § 3663(a)(3).

16 **X. FINANCIAL INFORMATION AND DISPOSITION OF ASSETS**

17 Before or after sentencing, upon request by the Court, the United States, or the
18 Probation Office, the defendant will provide accurate and complete financial information,
19 submit sworn statements, and/or give depositions under oath concerning his assets and his
20 ability to pay. The defendant will surrender assets he obtained directly or indirectly as a
21 result of his crimes, and will release funds and property under his control in order to pay
22 any fine, forfeiture, or restitution ordered by the Court.

23

24

1 **XI. THE DEFENDANT'S ACKNOWLEDGMENTS AND WAIVERS**

2 A. Plea Agreement and Decision to Plead Guilty. The defendant
3 acknowledges that:

4 (1) He has read this Plea Agreement and understands its terms and
5 conditions;

6 (2) He has had adequate time to discuss this case, the evidence, and this
7 Plea Agreement with his attorney;

8 (3) He has discussed the terms of this Plea Agreement with his attorney;

9 (4) The representations contained in this Plea Agreement are true and
10 correct, including the facts set forth in Section IV; and

11 (5) He was not under the influence of any alcohol, drug, or medicine that
12 would impair his ability to understand the Agreement when he considered signing this Plea
13 Agreement and when he signed it.

14 The defendant understands that he alone decides whether to plead guilty or go to
15 trial, and acknowledges that he has decided to enter his guilty plea knowing of the charges
16 brought against him, his possible defenses, and the benefits and possible detriments of
17 proceeding to trial. The defendant also acknowledges that he decided to plead guilty
18 voluntarily and that no one coerced or threatened him to enter into this Plea Agreement.

19 B. Waiver of Appeal and Post-Conviction Proceedings. The defendant
20 knowingly and expressly waives: (a) the right to appeal any sentence imposed within or
21 below the applicable Sentencing Guideline range as determined by the Court; (b) the right
22 to appeal the manner in which the Court determined that sentence on the grounds set forth
23 in 18 U.S.C. § 3742; and (c) the right to appeal any other aspect of the conviction or
24 sentence and any order of restitution or forfeiture.

1 The defendant also knowingly and expressly waives all collateral challenges,
2 including any claims under 28 U.S.C. § 2255, to his conviction, sentence, and the
3 procedure by which the Court adjudicated guilt and imposed sentence, except non-
4 waivable claims of ineffective assistance of counsel.

5 The defendant reserves only the right to appeal any portion of the sentence that is an
6 upward departure or an upward variance from the Sentencing Guidelines range determined
7 by the Court.

8 The defendant acknowledges that the United States is not obligated or required to
9 preserve any evidence obtained in the investigation of this case.

10 C. Removal / Deportation Consequences. The defendant understands and
11 acknowledges that if he is not a United States citizen, then it is highly probable that he will
12 be permanently removed (deported) from the United States as a consequence of pleading
13 guilty under the terms of this Plea Agreement. The defendant has also been advised if his
14 conviction is for an offense described in 8 U.S.C. § 1101(a)(43), he will be deported and
15 removed from the United States and will not be allowed to return to the United States at
16 any time in the future. The defendant desires to plead guilty regardless of any immigration
17 consequences that may result from his guilty plea, even if the consequence is automatic
18 removal from the United States with no possibility of returning. The defendant
19 acknowledges that he has specifically discussed these removal / deportation consequences
20 with his attorney.

21 **XII. ADDITIONAL ACKNOWLEDGMENTS**

22 This Plea Agreement resulted from an arms-length negotiation in which both parties
23 bargained for and received valuable benefits in exchange for valuable concessions. It
24 constitutes the entire agreement negotiated and agreed to by the parties. No promises,

1 agreements or conditions other than those set forth in this agreement have been made or
2 implied by the defendant , the defendant 's attorney, or the United States, and no
3 additional promises, agreements or conditions shall have any force or effect unless set forth
4 in writing and signed by all parties or confirmed on the record before the Court.

5 NICHOLAS A. TRUTANICH,
United States Attorney

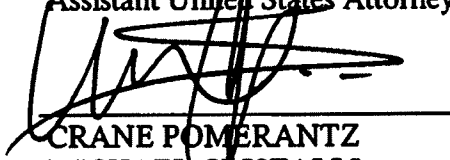
6
7 DATE

2/5/19


KILBY MACFADDEN
SUE FAHAM
Assistant United States Attorneys

8
9
10 DATE

2/5/19


CRANE POMERANTZ
MICHAEL CRISTALLI
Counsel for the Defendant

11
12 DATE

2/5/19


SHOUPING LI, M.D.
Defendant