

COPY

FILED

2015 FEB 23 PM 3:45

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY:

1 STEPHANIE YONEKURA
Acting United States Attorney
2 ROBERT E. DUGDALE
Assistant United States Attorney
3 Chief, Criminal Division
ALEXANDER B. SCHWAB (Cal. Bar No. 283421)
4 Assistant United States Attorney
General Crimes Section
5 1500 United States Courthouse
312 North Spring Street
6 Los Angeles, California 90012
Telephone: (213) 894-1259
7 Facsimile: (213) 894-0141
E-mail: alexander.schwab@usdoj.gov

8 Attorneys for Plaintiff
9 UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 CONRAD HUGHES HILTON,

16 Defendant.

No. CR **CR15-0079**

PLEA AGREEMENT FOR DEFENDANT
CONRAD HUGHES HILTON

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

DEFENDANT'S OBLIGATIONS

25 2. Defendant agrees to:

26 a. Give up the right to indictment by a grand jury and,
27 at the earliest opportunity requested by the USAO and provided by the
28 Court, appear and plead guilty to a one-count information in the form

117115

1 attached to this agreement as Exhibit A or a substantially similar
2 form, which charges defendant with simple assault, in violation of 18
3 U.S.C. § 113(a)(5).

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

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

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

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

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

16 g. Pay the applicable special assessment at or before the
17 time of sentencing unless defendant lacks the ability to pay and
18 prior to sentencing submits a completed financial statement on a form
19 to be provided by the USAO.

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, provided that defendant
26 demonstrates an acceptance of responsibility for the offense up to
27 and including the time of sentencing, recommend a two-level reduction
28 in the applicable Sentencing Guidelines offense level, pursuant to

1 USSG § 3E1.1, and recommend and, if necessary, move for an additional
2 one-level reduction if available under that section.

3 d. At the time of sentencing, recommend that defendant be
4 sentenced to a term of probation.

5 NATURE OF THE OFFENSE

6 4. Defendant understands that for defendant to be guilty of
7 the crime charged in the sole count of the information, that is,
8 simple assault, in violation of 18 U.S.C. § 113(a)(5), the following
9 must be true: defendant assaulted another person by intentionally
10 using a display of force that reasonably caused that person to fear
11 immediate bodily harm. Similarly, for the Court to have jurisdiction
12 over defendant's case, the assault must have taken place in the
13 special aircraft jurisdiction of the United States, as provided by 49
14 U.S.C. § 46506.

15 PENALTIES

16 5. Defendant understands that the statutory maximum sentence
17 that the Court can impose for a violation of 18 U.S.C. § 113(a)(5)
18 is: six months' imprisonment followed by a one-year period of
19 supervised release; a fine of \$5,000 or twice the gross gain or gross
20 loss resulting from the offense, whichever is greatest; and a
21 mandatory special assessment of \$10.

22 6. Defendant understands that supervised release is a period
23 of time following imprisonment during which defendant will be subject
24 to various restrictions and requirements. Defendant understands that
25 if defendant violates one or more of the conditions of any supervised
26 release imposed, defendant may be returned to prison for all or part
27 of the term of supervised release authorized by statute for the
28 offense that resulted in the term of supervised release, which could

1 result in defendant serving a total term of imprisonment greater than
2 the statutory maximum stated above.

3 FACTUAL BASIS

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

13 On July 31, 2014, defendant was a passenger on board
14 British Airways Flight 269, which departed from London, England,
15 and had its next scheduled destination in Los Angeles,
16 California, within the Central District of California. The
17 flight traveled directly to Los Angeles without any intervening
18 stops and landed at Los Angeles International Airport the
19 evening of July 31, 2014.

20 During the flight, defendant repeatedly entered the bathroom to
21 smoke marijuana and tobacco. He also became belligerent toward some
22 of the flight attendants. At one point, he placed himself directly
23 in front of flight attendant J.F.'s face, shouting "you need to stop
24 squaring up to me." Defendant also screamed "I am going to fucking
25 kill you" at J.F. multiple times. J.F. did not believe defendant's
26 threat indicated that defendant actually intended to kill J.F., but
27 J.F. did understand defendant to be making a credible threat that he
28 would physically attack J.F. As a result, J.F. experienced a

1 reasonable apprehension of immediate bodily harm. Defendant also
2 punched at, but missed, flight attendant O.P., which caused O.P. to
3 experience a reasonable apprehension of immediate bodily harm. In
4 both instances, defendant intentionally used a display of force and,
5 in so doing, intentionally placed J.F. and O.P. in fear of immediate
6 bodily harm.

7 SENTENCING FACTORS

8 8. Defendant understands that in determining defendant's
9 sentence the Court is required to calculate the applicable Sentencing
10 Guidelines range and to consider that range, possible departures
11 under the Sentencing Guidelines, and the other sentencing factors set
12 forth in 18 U.S.C. § 3553(a). Defendant understands that the
13 Sentencing Guidelines are advisory only, that defendant cannot have
14 any expectation of receiving a sentence within the calculated
15 Sentencing Guidelines range, and that after considering the
16 Sentencing Guidelines and the other § 3553(a) factors, the Court will
17 be free to exercise its discretion to impose any sentence it finds
18 appropriate up to the maximum set by statute for the crime of
19 conviction.

20 9. Defendant and the USAO agree to the following applicable
21 Sentencing Guidelines factors:

22 Base Offense Level: 4 USSG § 2A2.3(a)(2)

23 Defendant and the USAO reserve the right to argue that additional
24 specific offense characteristics, adjustments, and departures under
25 the Sentencing Guidelines are appropriate. Defendant understands
26 that defendant's offense level could be increased if defendant is a
27 career offender under USSG §§ 4B1.1 and 4B1.2. If defendant's
28

1 offense level is so altered, defendant and the USAO will not be bound
2 by the agreement to Sentencing Guideline factors set forth above.

3 10. Defendant understands that there is no agreement as to
4 defendant's criminal history or criminal history category.

5 11. Defendant reserves the right to argue for a sentence
6 outside the sentencing range established by the Sentencing Guidelines
7 based on the factors set forth in 18 U.S.C. § 3553(a)(1), (a)(2),
8 (a)(3), (a)(6), and (a)(7).

9 WAIVER OF CONSTITUTIONAL RIGHTS

10 12. Defendant understands that by pleading guilty, defendant
11 gives up the following rights:

- 12 a. The right to persist in a plea of not guilty.
- 13 b. The right to a speedy and public trial by jury.
- 14 c. The right to be represented by counsel -- and if
15 necessary have the court appoint counsel -- at trial. Defendant
16 understands, however, that, defendant retains the right to be
17 represented by counsel -- and if necessary have the court appoint
18 counsel -- at every other stage of the proceeding.
- 19 d. The right to be presumed innocent and to have the
20 burden of proof placed on the government to prove defendant guilty
21 beyond a reasonable doubt.
- 22 e. The right to confront and cross-examine witnesses
23 against defendant.
- 24 f. The right to testify and to present evidence in
25 opposition to the charges, including the right to compel the
26 attendance of witnesses to testify.

1 g. The right not to be compelled to testify, and, if
2 defendant chose not to testify or present evidence, to have that
3 choice not be used against defendant.

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

7 WAIVER OF APPEAL OF CONVICTION

8 13. Defendant understands that, with the exception of an appeal
9 based on a claim that defendant's guilty plea was involuntary, by
10 pleading guilty defendant is waiving and giving up any right to
11 appeal defendant's conviction on the offense to which defendant is
12 pleading guilty.

13 LIMITED MUTUAL WAIVER OF APPEAL OF SENTENCE

14 14. Defendant agrees that, provided the Court imposes a total
15 term of imprisonment on all counts of conviction of no more than six
16 months, defendant gives up the right to appeal all of the following:
17 (a) the procedures and calculations used to determine and impose any
18 portion of the sentence; (b) the term of imprisonment imposed by the
19 Court; (c) the fine imposed by the court, provided it is within the
20 statutory maximum; (d) the term of probation or supervised release
21 imposed by the Court, provided it is within the statutory maximum;
22 and (e) any of the following conditions of probation or supervised
23 release imposed by the Court: the conditions set forth in General
24 Orders 318, 01-05, and/or 05-02 of this Court; the drug testing
25 conditions mandated by 18 U.S.C. §§ 3563(a)(5) and 3583(d); and the
26 alcohol and drug use conditions authorized by 18 U.S.C. § 3563(b)(7).

1 defendant's obligations under this agreement ("a breach"), the USAO
2 may declare this agreement breached. All of defendant's obligations
3 are material, a single breach of this agreement is sufficient for the
4 USAO to declare a breach, and defendant shall not be deemed to have
5 cured a breach without the express agreement of the USAO in writing.
6 If the USAO declares this agreement breached, and the Court finds
7 such a breach to have occurred, then: (a) if defendant has previously
8 entered a guilty plea pursuant to this agreement, defendant will not
9 be able to withdraw the guilty plea, and (b) the USAO will be
10 relieved of all its obligations under this agreement.

11 19. Following the Court's finding of a knowing breach of this
12 agreement by defendant, should the USAO choose to pursue any charge
13 that was not filed as a result of this agreement, then:

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

17 b. Defendant waives and gives up all defenses based on
18 the statute of limitations, any claim of preindictment delay, or any
19 speedy trial claim with respect to any such action, except to the
20 extent that such defenses existed as of the date of defendant's
21 signing this agreement.

22 c. Defendant agrees that: (i) any statements made by
23 defendant, under oath, at the guilty plea hearing (if such a hearing
24 occurred prior to the breach); (ii) the agreed to factual basis
25 statement in this agreement; and (iii) any evidence derived from such
26 statements, shall be admissible against defendant in any such action
27 against defendant, and defendant waives and gives up any claim under
28 the United States Constitution, any statute, Rule 410 of the Federal

1 Rules of Evidence, Rule 11(f) of the Federal Rules of Criminal
2 Procedure, or any other federal rule, that the statements or any
3 evidence derived from the statements should be suppressed or are
4 inadmissible.

5 COURT AND PROBATION OFFICE NOT PARTIES

6 20. Defendant understands that the Court and the United States
7 Probation Office are not parties to this agreement and need not
8 accept any of the USAO's sentencing recommendations or the parties'
9 agreements to facts or sentencing factors.

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

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

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

7 NO ADDITIONAL AGREEMENTS

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

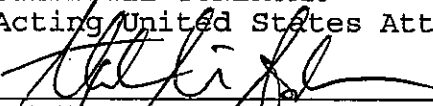
13 PLEA AGREEMENT PART OF THE GUILTY PLEA HEARING

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

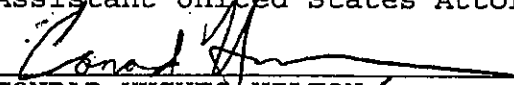
17 AGREED AND ACCEPTED

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

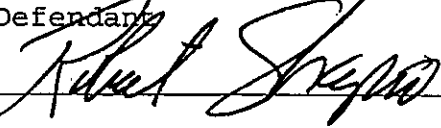
21 STEPHANIE YONEKURA
Acting United States Attorney

22 
ALEXANDER B. SCHWAB
Assistant United States Attorney

2/20/15
Date

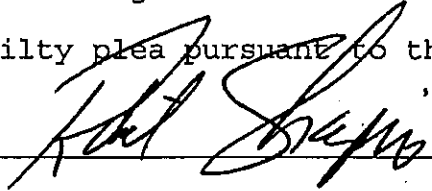
23 
24 CONRAD HUGHES HILTON
Defendant

2/19/15
Date

25 
26 Attorney for Defendant
27 CONRAD HUGHES HILTON

2/19/15
Date

1 provisions, and of the consequences of entering into this agreement.
2 To my knowledge: no promises, inducements, or representations of any
3 kind have been made to my client other than those contained in this
4 agreement; no one has threatened or forced my client in any way to
5 enter into this agreement; my client's decision to enter into this
6 agreement is informed and voluntary; and the factual basis set forth
7 in this agreement is sufficient to support my client's entry of a
8 guilty plea pursuant to this agreement.

9 

10 2/19/2015
Date

11 Attorney for Defendant
12 CONRAD HUGHES HILTON

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

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

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CONRAD HUGHES HILTON,

Defendant.

CR No.

I N F O R M A T I O N

[49 U.S.C. § 46506: Application of
Certain Criminal Laws to Acts on
Aircraft; 18 U.S.C. § 113(a)(5):
Simple Assault Within Maritime and
Territorial Jurisdiction]

[CLASS B MISDEMEANOR]

The United States Attorney charges:

[49 U.S.C. § 46506; 18 U.S.C. § 113(a)(5)]

On or about July 31, 2014, in Los Angeles County, within the
Central District of California, and elsewhere, defendant CONRAD
HUGHES HILTON, while on an aircraft in the special aircraft
jurisdiction of the United States, namely, British Airways Flight
269, from London, England, to Los Angeles, California, assaulted
another, namely, J.F. and O.P., by intentionally using a display of

//
//

1 force that reasonably caused J.F. and O.P. to fear immediate bodily
2 harm.

3 STEPHANIE YONEKURA
4 Acting United States Attorney

5 ROBERT E. DUGDALE
6 Assistant United States Attorney
7 Chief, Criminal Division

8 SCOTT M. GARRINGER
9 Assistant United States Attorney
10 Deputy Chief, Criminal Division

11 ROZELLA A. OLIVER
12 Assistant United States Attorney
13 Chief, General Crimes Section

14 ERIK M. SILBER
15 Assistant United States Attorney
16 Deputy Chief, General Crimes
17 Section

18 ALEXANDER B. SCHWAB
19 Assistant United States Attorney
20 General Crimes Section
21
22
23
24
25
26
27
28