

CLERK OF THE COURT

1 **GPA**
2 CATHERINE CORTEZ MASTO
3 Attorney General
4 ROBERT G. GIUNTA
5 Senior Deputy Attorney General
6 Nevada Bar No. 001229
7 555 E Washington Ave, #3900
8 Las Vegas, NV 89101
9 P: (702) 486-3199
10 F: (702) 486-3768
11 rguinta@ag.nv.gov
12 Attorneys for Plaintiff, State of Nevada

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 STATE OF NEVADA,)
10)
11 Plaintiff,)
12 vs.)
13 MASSOUD AARON YASHOUAFAR,)
14 DEFENDANT.)

CASE NO.: C-11-278252-1
DEPT. NO.: V

15 **GUILTY PLEA AGREEMENT**

16 COMES NOW, THE STATE OF NEVADA, by CATHERINE CORTEZ MASTO, Attorney
17 General, and ROBERT G. GIUNTA, Senior Deputy Attorney General, Bureau of Criminal
18 Justice, and **MASSOUD AARON YASHOUAFAR**, with his attorney DAVID CHESNOFF, Esq.,
19 of the law firm of CHESNOFF & SCHONFELD and files this Guilty Plea Agreement.

20 I, **MASSOUD AARON YASHOUAFAR**, agree to plead guilty to one (1) Count of
21 **EMBEZZLEMENT**, a felony in violation of NRS 205.300; within Las Vegas Township, Clark
22 County, State of Nevada; as more fully alleged in the Amended Criminal Indictment, attached
23 hereto as Exhibit "1", and incorporated by reference.

24 My decision to plead guilty is based upon the following plea agreement:

25 1. That I, **MASSOUD AARON YASHOUAFAR**, agree to plead guilty to one (1)
26 Count of **EMBEZZLEMENT**, a B felony in violation of NRS 205.300.

27 2. That I, **MASSOUD AARON YASHOUAFAR**, agree to pay full restitution in the
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1 amount of One Million Dollars (\$1,000,000.00) to the charged victim in this matter, PARADISE
2 SPA OWNER'S ASSOCIATION. I will pay the amount of this restitution In the following
3 fashion, Five hundred thousand dollars (\$500,000.00) prior to my sentencing date, Two
4 hundred fifty thousand (\$250,000.00) within ninety (90) days following my sentencing date and
5 an additional Two Hundred Fifty Thousand Dollars (\$250,000.00) one hundred eighty (180)
6 days after my sentencing date. Any money paid by DEFENDANT YOUSHAFFAR on behalf of
7 PARADISE SPA OWNERS ASSOCIATION will be credited toward this restitution and will be
8 subject to an accounting. It is understood by the parties that no property rights are
9 adjudicated pursuant to this plea agreement.

10 3. That I, MASSOUD AARON YASHOUAFAR, will agree to bring the assessments,
11 exclusive of penalties and interest, which are presently due on the condominiums located
12 within Paradise Spa Owner's Association which I currently own either in my own name or
13 which are owned by any entity in which I have an interest or any units in which I may obtain
14 any interest in the next sixty (60) months, including, but not limited to, the units listed in Exhibit
15 2, attached hereto. Further, I, MASSOUD AARON YASHOUAFAR, will keep the assessments
16 on units which I own, other than those units which have been foreclosed upon or sold, current
17 for the duration of the time that I am on probation, if I am granted probation in this matter, but
18 at a minimum will be responsible for keeping these assessments current for Sixty (60) months.
19 Failure to keep these assessments current will be considered a violation of the terms of my
20 probation, if I am granted probation.

21 4. That if I MASSOUD AARON YASHOUAFAR am able to make full restitution to the
22 victim, PARADISE SPA OWNERS ASSOCIATION, and successfully complete probation,
23 assuming that I am granted probation in this matter, then I may request and the prosecution
24 shall file an Amended Criminal Information charging me with ATTEMPTED THEFT, a gross
25 misdemeanor violation of NRS 205.0832 and NRS 193.330. The State will then, upon
26 approval of the court, allow Defendant to withdraw his plea to the instant charge and enter a
27 plea of guilty to the gross misdemeanor.

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1 to the victims listed in the Criminal Indictment of the offense to which I am pleading guilty.

2 I understand that I am eligible for probation for the offense to which I am pleading
3 guilty. I further understand that, except as otherwise provided by statute, the question of
4 whether I receive probation is in the discretion of the sentencing judge.

5 I have not been promised or guaranteed any particular sentence by anyone. I know that
6 my sentence is to be determined by the court within the limits prescribed by statute. I
7 understand that if my attorney or the State of Nevada or both recommend any specific
8 punishment to the court, the court is not obligated to accept the recommendation.

9
10 **WAIVER OF RIGHTS**

11 By entering my plea of guilty, I, MASSOUD AARON YASHOUAFAR, understand that I
12 have waived the following rights and privileges:

13 1. The constitutional privilege against self-incrimination, including the right to refuse
14 to testify at trial, in which event the prosecution would not be allowed to comment to the jury
15 about my refusal to testify.

16 2. The constitutional right to a speedy and public trial by an impartial jury, free of
17 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
18 assistance of an attorney, either appointed or retained. At trial, the state would bear the
19 burden of proving beyond a reasonable doubt each element of the offense charged.

20 3. The constitutional right to confront and cross-examine any witnesses who would
21 testify against me.

22 4. The constitutional right to subpoena witnesses to testify on my behalf.

23 5. The constitutional right to testify in my own defense.

24 6. The right to appeal the conviction, with the assistance of an attorney, either
25 appointed or retained, unless the appeal is based upon reasonable constitutional,
26 jurisdictional or other grounds that challenge the legality of the proceedings and except as
27 otherwise provided in subsection 3 of NRS 174.035.

28 **VOLUNTARINESS OF PLEA**

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I, MASSOUD AARON YASHOUAFAR, have discussed the elements of all the original charges against me with my attorney, David Chesnoff, and I understand the nature of these charges against me.

I understand that the State of Nevada would have to prove each element of the charge(s) against me at trial.

I have discussed with my attorney any possible defenses and circumstances which might be in my favor.

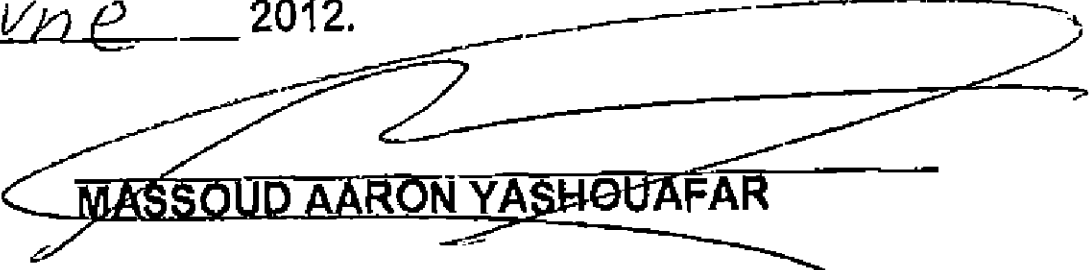
All of the foregoing elements, consequences, rights and waiver of rights have been thoroughly explained to me by my attorney, David Chesnoff, and I believe that pleading guilty and accepting this plea bargain is in my best interest and that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney and I am not acting under duress or coercion or by virtue of any promises of leniency, except for those set forth in this agreement.

I am not now under the influence of intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 29th day of June 2012.


MASSOUD AARON YASHOUAFAR

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VERIFICATION OF COUNSEL

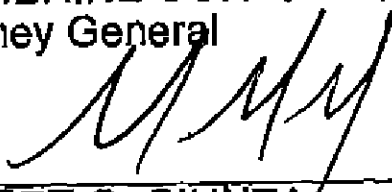
I have reviewed this matter and I concur that the disposition delineated above is a true and accurate representation of the negotiations entered into and agreed to by myself on behalf of the State of Nevada with the Defendant, MASSOUD AARON YASHOUAFAR, and his attorney, David Chesnoff.

Agreed to on this 2nd day of July 2012.

SUBMITTED BY:

CATHERINE CORTEZ MASTO
Attorney General

By:


ROBERT G. GIUNTA
Senior Deputy Attorney General
Nevada Bar No. 1229
555 E. Washington Avenue, #3900
Las Vegas, NV 89101
702-486-3199
Attorneys for Plaintiff, State of Nevada

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CERTIFICATE OF DEFENSE COUNSEL

I, the undersigned, as the attorney for the Defendant, **MASSOUD AARON YASHOUAFAR** and as an officer of the court hereby certify that:

1. I have fully explained to **MASSOUD AARON YASHOUAFAR** the allegations in the charges to which the guilty plea is being entered.

2. I have advised **MASSOUD AARON YASHOUAFAR** of the penalties for each charge and the restitution that the Defendant may be ordered to pay.

3. All pleas of guilty offered by the Defendant, **MASSOUD AARON YASHOUAFAR**, pursuant to this agreement are consistent with all the facts known to me and are made with my advice to **MASSOUD AARON YASHOUAFAR** and are in the best interest of **MASSOUD AARON YASHOUAFAR** who:


(a) Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.

(b) Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

DATED this 2 day of July 2012.





David Chesnoff, Esq.
CHESNOFF & SCHONFELD
520 S 4th Street
Las Vegas, NV 89101-6520