

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF CONTINENTAL
NORTHERN DIVISION

UNITED STATES OF AMERICA)
)
) v.) CR. NO. _____
)
TAYLOR BEESLEY)

PLEA AGREEMENT

DEFENSE COUNSEL: Cheetum Howe

ASSISTANT U.S. ATTORNEY: William B. Free

COUNTS AND STATUTES CHARGED:

Count 1 21 U.S.C. § 841(a)(1) (Possession with Intent to Distribute)
Count 2 18 U.S.C. § 924(c)(1) (Possession of Firearm in Drug Trafficking Crime)

COUNT PLEADING PURSUANT TO PLEA AGREEMENT:

Count 1 21 U.S.C. § 841(a)(1) (Possession with Intent to Distribute)

PENALTIES BY COUNT - MAXIMUM PENALTY:

Count 1 21 U.S.C. § 841(a)(1)
 NMT 20 Years;
 NMT \$1,000,000 fine; or
 Both fine and imprisonment.
 NLT 3 Years Supervised Release;
 Special Assessment Fee of \$100.

ELEMENTS OF THE OFFENSE:

Count 1 21 U.S.C. § 841(a)(1) (Possession with Intent to Distribute)

1. The defendant knowingly and intentionally possessed a controlled substance in the amount charged; and

Exhibit 1

2. The defendant possessed the controlled substance with the intent to distribute it.

“Possession with intent to distribute” is defined as possession with intent to deliver or transfer possession, with or without any financial interest in the transaction.

* * * * *

William B. Free, Assistant United States Attorney, and Cheetum Howe, attorney for Defendant, pursuant to the provisions of Rule 11(c)(1)(C), Federal Rules of Criminal Procedure, as amended, have, with the authorization of the undersigned defendant, heretofore entered into discussions with a view towards reaching a pretrial conclusion of the charges pending in the Indictment herein and a Plea Agreement has been reached by said parties. This Plea Agreement is being submitted to the Court pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), and the parties understand that, if the terms of this Plea Agreement are not accepted by the Court, Defendant will be allowed to withdraw this plea of guilty and proceed to trial. If the Court accepts this Plea Agreement, however, and Defendant thereafter breaches this Plea Agreement, Defendant may not withdraw this guilty plea. The terms of this Plea Agreement are as follows:

UNITED STATES’ PROVISIONS

1. Upon Defendant’s entering a plea of guilty to the offense charged in Count 1 of the Indictment, the attorney for the United States will do the following:
 - a. Agree that Defendant, upon full compliance with the terms of this Plea Agreement, should receive a three level reduction under the United States Sentencing Guidelines for acceptance of responsibility;
 - b. Agree that Defendant, upon full compliance with the terms of this Plea Agreement, including, but not limited to, the Cooperation Agreement contained herein, should receive a three level reduction under the United States Sentencing Guidelines for providing

substantial assistance to the United States as provided in U.S.S.G. § 5K1.1.

c. Dismiss, at the time of sentencing, after the Court's acceptance of Defendant's plea of guilty to Count 1 of the Indictment and this Plea Agreement, Count 2 of the Indictment returned against Defendant.

2. The United States reserves the right to inform the Court and the Probation Department of all facts pertinent to the sentencing process, including all relevant information concerning the offenses and Defendant's background.

DEFENDANT'S PROVISIONS

1. Defendant agrees to the following:

- a. To plead guilty to Count 1 of the Indictment;
- b. To testify truthfully and completely at any and all reasonable times and places, before any civil and/or criminal proceeding; and
- c. To cooperate fully with the United States in the prosecution of this and other cases and fulfill all of Defendant's obligations and covenants under the Cooperation Agreement set forth infra.

DEFENDANT WAIVES APPEAL AND COLLATERAL ATTACK

Understanding that 18 U.S.C. § 3742 provides for appeal by a defendant of the sentence under certain circumstances, Defendant expressly waives any and all rights conferred by 18 U.S.C. § 3742 to appeal the sentence. Defendant further expressly waives the right to appeal the sentence on any other ground and waives the right to attack the sentence in any post-conviction proceeding; provided, however, that Defendant does not waive her right to appeal on the grounds of ineffective assistance of counsel or prosecutorial misconduct.

Notwithstanding the above, Defendant reserves the right to file a direct appeal for an upward departure from the applicable Guidelines range which the sentencing court specifies at the time of sentencing as having been imposed pursuant to either U.S.S.G. § 4A1.3 (from criminal history) or §5K2.0 (from offense level). Defendant understands and agrees that this waiver as to all other Guidelines findings would still be in force and effect notwithstanding the appealability of an upward departure.

In return for the above waiver by Defendant, the United States does not waive its right to appeal the sentence imposed in the instant case. The United States does not waive its right to appeal any order dismissing the Information, vacating a sentence, or otherwise terminating the prosecution at any stage of the proceedings. Further, the parties agree that nothing in this agreement shall affect the United States' right and/or duty to appeal as set forth in 18 U.S.C. § 3742(b). However, if the United States appeals Defendant's sentence pursuant to 18 U.S.C. § 3742(b), Defendant is released from this waiver.

FACTUAL BASIS

Defendant admits the allegations charged in Count 1 of the Indictment and understands the nature of the charges to which the plea is offered involves proof as to Count 1 of the Indictment. With respect to Count 1, (1) on or about February 1, 2003, Defendant was riding in a vehicle in which Shannon _____ was also a passenger; (2) on this date, such vehicle was stopped by law enforcement officers; (3) law enforcement officers found marijuana in the vehicle; (4) Defendant knowingly possess the marijuana found in the vehicle; and (5) Defendant did not intend to keep the marijuana, but rather to transfer possession of it to someone else. Defendant acknowledges and agrees that this conduct violates Title 21, United States Code, Section 841(a)(1).

COOPERATION AGREEMENT

1. Defendant agrees to cooperate completely and truthfully with the United States in the prosecution of this and other cases. In particular, Defendant agrees to:

a. Cooperate fully and testify truthfully against any and all persons as to whom she may have knowledge at grand jury, trial (criminal or civil), or whenever called upon to do so;

b. Be available for the review of documents and other materials and for interviews by law enforcement officers and attorneys for the United States, or their designees, and to respond fully and truthfully to all questions asked by such persons;

c. Disclose fully and truthfully to law enforcement officers and attorneys for the United States any and all knowledge and information, including any documents or materials in Defendant's possession or of which Defendant has knowledge, Defendant has about any and all criminal activity in the Middle District of Continental and elsewhere; and

d. Submit, upon request, to polygraph examinations conducted by the United States.

2. Provided that Defendant satisfies the terms of this Plea Agreement, any information that she truthfully discloses to the United States during the course of her cooperation, concerning related offenses, will not be used against her, directly or indirectly. Defendant understands, however, that this Plea Agreement does not bar her prosecution for capital felonies, perjury, false statements, and obstruction of justice.

3. Upon Defendant's fulfillment of the obligations and covenants under this Plea Agreement, including, but not limited to the Cooperation Agreement contained herein, at the time of sentencing, the United States will recommend a downward departure of three levels pursuant to

U.S.S.G. § 5K1.1 and/or Federal Rule of Criminal Procedure 35.

4. If Defendant has failed or should fail in any way to fulfill completely Defendant's obligations under this Plea Agreement, including the obligations and covenants under the Cooperation Agreement contained herein, then the United States will be released from its commitment to honor all of its obligations to Defendant set forth in this Plea Agreement. Thus, if at any time, including, but not limited to, prior to or during Defendant's testimony before grand juries, hearings or in trials, Defendant should knowingly and willfully withhold evidence from, or provide false, or fail to disclose full and truthful, information to, the United States, its investigators, or attorneys then the United States will be free (1) to prosecute Defendant for perjury, false declaration, false statement, and/or obstruction of justice (18 U.S.C. Sections 1621, 1623, 1001, 1503); (2) to prosecute Defendant for all violations of federal criminal law which Defendant has committed; (3) to use against Defendant in all of those prosecutions and sentencing the documents, materials, statements, and information that Defendant has disclosed or furnished to the United States during the course of her cooperation; (4) to recommend a maximum sentence; and (5) to seek forfeiture of any and all forfeitable properties of Defendant. Whether Defendant has fulfilled the terms of this Cooperation Agreement shall be within the sole discretion of the United States.

DEFENDANT'S UNDERSTANDING AND ACKNOWLEDGMENT

Defendant, before entering a plea of guilty to Count 1 of the Indictment that is the subject of this Plea Agreement, advises the Court that:

1. The discussions between the attorneys for the United States Government and the attorney for Defendant held for the purpose of reaching an agreed plea in this case have taken place with Defendant's authorization and consent.

2. Defendant further understands that pursuant to Title 18, United States Code, Section 3013, a \$100 assessment is to be paid by Defendant on the date of sentencing and that if a fine and/or restitution is imposed by the Court at sentencing, Defendant shall meet with a United States Probation officer and complete a written personal financial statement setting forth Defendant's assets and liabilities as of the date of sentencing. Defendant further understands and agrees that such financial statement shall be released to the United States Attorney's Office upon such office's request. Defendant will make an honest, good faith effort to pay the said fine and/or restitution as directed by the Financial Litigation Section of the United States Attorney's Office. Defendant further understands that by completing the financial statement, Defendant is representing that it is true and accurate to the best of Defendant's information, knowledge, and belief.

3. Defendant understands that Defendant has a right to be represented by an attorney at every stage of the proceedings against Defendant herein and is represented by Defendant's undersigned attorney.

4. Defendant understands that Defendant has the right to plead not guilty and has the right to be tried by a jury and, at a trial thereof, has the right to the assistance of counsel, the right to confront and cross-examine witnesses against Defendant, the right to call witnesses in Defendant's own behalf, and the right not to be compelled to incriminate him/herself, and that if Defendant enters a plea of guilty herein, there will not be a further trial of any kind and that by the entry of such a plea, Defendant waives the right to a trial by jury or to a trial before the Court.

5. Defendant further understands that in entering a plea of guilty herein, the Court may ask questions about the offense to which the plea is entered and further understands that if Defendant answers these questions under oath, on the record, and in the presence of counsel,

which questions and answers would be recorded, that the answers may later be used against Defendant in a prosecution for perjury or false statement if the answers are not truthful.

6. Defendant further understands and advises the Court that the Plea Agreement as set forth herein and the plea to be entered by Defendant as a result thereof is voluntary on Defendant's part and is not the result of any force or threats or of any promises apart from the aforesaid Plea Agreement. Defendant further advises the Court that the Plea Agreement set forth herein is the result of prior discussions between the attorney for the United States and the attorney for Defendant, all conducted with Defendant's authorization, knowledge and consent. Defendant understands and acknowledges that this guilty plea will remain in full force and effect upon any breach of this Plea Agreement by Defendant.

7. Defendant understands and acknowledges that as part of Defendant's consideration for this Plea Agreement Defendant agrees not to commit any further criminal offense under federal, state, or local law, including, but not limited to, possessing or using a controlled substance. Defendant further understands and acknowledges that Defendant's commission of a criminal offense under federal, state, or local law after her execution of this Plea Agreement is a material breach of such Agreement and releases the United States from its commitment to honor any and all of its obligations to Defendant set forth herein. Defendant further understands that any material breach of the Plea Agreement by Defendant will not invalidate or serve as withdrawal of Defendant's guilty plea. Upon material breach of the Plea Agreement by Defendant, the United States reserves the right to pursue in its sole discretion any sentencing enhancement or any additional criminal prosecution of Defendant.

8. Defendant further advises the Court that his/her understanding of this Plea

Agreement is as set forth in this document.

9. Defendant further acknowledges and understands that once the Court accepts this Plea Agreement (1) any breach by Defendant of this Plea Agreement will not entitle Defendant to withdraw his/her guilty plea in this case and (2) his/her guilty plea will remain in full force and effect upon Defendant's breach of any term of this Plea Agreement.

10. Defendant further advises the Court that Defendant understands and has been advised that evidence of a plea of guilty, later withdrawn or an offer to plead guilty to the crimes charged in the Indictment herein, or of statements made in connection with and relevant to said plea or offer to plead, shall not be admissible in any civil or criminal proceedings against Defendant. However, Defendant does understand that evidence of a statement made in connection with and relevant to a plea of guilty, later withdrawn, or an offer to plead guilty to the crimes charged in the Indictment herein, is admissible in a criminal proceeding for perjury or false statement when the statement was made by Defendant under oath, on the court record, and in the presence of counsel.

11. Defendant is satisfied that defense counsel has been competent and effective in representing Defendant.

12. The undersigned attorneys for the United States and for Defendant represent to the Court that the foregoing Plea Agreement is the agreement of the parties that has been reached pursuant to the Plea Agreement procedure provided for in Rule 11, Federal Rules of Criminal Procedure, as amended. The attorney for Defendant further advises the Court that Defendant has been advised of the nature of the charge to which the foregoing described plea is to be offered, and that Defendant has been advised of her right to plead not guilty and to be tried by a jury on all issues herein; of the maximum possible penalty provided by law; that by the entering of a plea of guilty as

aforesaid, Defendant waives the right to be tried by a jury or by the Court, waives the right to confront and cross-examine witnesses against Defendant and the right not to be compelled to incriminate him/herself; and that if Defendant pleads guilty, there will not be a further trial of any kind. Further, Defendant has been advised that if Defendant pleads guilty, the Court may ask questions about the offense to which Defendant has pleaded and that if the plea is rejected or later withdrawn, that the answers to such questions may not be used against Defendant in a civil or criminal proceeding, but that Defendant's answers may later be used against her in a prosecution for perjury or false statement if the answers are not truthful.

13. Defendant understands that the U.S. Probation Office will prepare a presentence investigation report for the Court. The Probation Officer will consider Defendant's conduct related to the offense to which the plea is offered, as well as Defendant's criminal history. The offense level or criminal history category, as calculated by the Probation Officer and determined by the Court may differ from that projected by Defendant's counsel or the United States Attorney. In the event that the Court determines Defendant's offense level or criminal history category to be higher than Defendant anticipated, the Defendant will have no right to withdraw the plea except as previously stated herein.

This _____ day of _____, 2003.

Respectfully submitted,

IYE M. DeMAN
UNITED STATES ATTORNEY

William B. Free
Assistant United States Attorney

I HAVE READ THE FOREGOING PLEA AGREEMENT, CONSISTING OF TEN (10) PAGES, UNDERSTAND THE SAME, AND THE MATTER AND FACTS SET FORTH THEREIN ACCURATELY AND CORRECTLY STATE THE REPRESENTATIONS THAT HAVE BEEN MADE TO ME AND ACCURATELY SET FORTH THE CONDITIONS OF THE PLEA AGREEMENT THAT HAS BEEN REACHED.

IN ADDITION TO THE FOREGOING PROVISIONS TO WHICH I AGREE, I SWEAR UNDER PENALTY OF PERJURY THAT THE FACTS IN THE “FACTUAL BASIS” PARAGRAPH ABOVE ARE TRUE AND CORRECT AND THAT I AM SATISFIED THAT I HAVE RECEIVED COMPETENT ADVICE AND REPRESENTATION FROM MY DEFENSE COUNSEL, CHEETUM HOWE.

Taylor Beesley
Defendant

Date

Cheetum Howe
Attorney for the Defendant

Date

STATE OF ALABAMA
DEPARTMENT OF REVENUE
MOTOR VEHICLE DIVISION: TITLE/TAG SECTION
VIN INQ: DUP: TITLE#:

TRANS CODE: 03 ISSUE DATE: 03/03/02 LEGENDS: 54

VEHICLE-- VIN#: 356e772h34h47zz890 DUP CODE: 08 MAKE: TOYOTA YEAR: 2001
MODEL: TUNDRA BODY: 21 P.A.T.#: 907 CYL: N/U/R/D44
PUR DATE: 3/03/01 #LIENS: 1 COLOR: BLACK ODOMETER: 23809

OWNER----- NAME: Brown, Jamie ADD: 3413 Dominick
CITY: Pleasantburg ST: Continental

OPERATOR-- NAME: SAME ADD:
CITY: ST: ZIP:

MAIL TO NAME: SAME ADD:
ADDRESS--- CITY: ST: ZIP: 36155

TAG#: 65CA003 TYPE: R
DECAL#: 7219 ISS DATE: 03/03/03
REG YR: 2003 EXP DATE: 03/03/04

CERTIFICATION: It is hereby certified that
this document is a true, and correct
 Microfilm Copy Photostatic Reproduction
 Computer Printout of a record duly recorded
in the Motor Vehicle Division. This ___ day of
MAY 14 2003, 20__
OFFICIAL: Attest
Alabama Department of Revenue

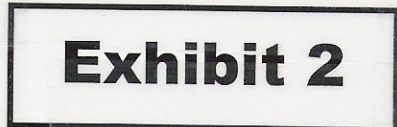




Exhibit 3



Exhibit 4