

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:09CR002

BOBBY B. DELAUGHTER

PLEA AGREEMENT

The United States Attorney hereby proposes to the Court a plea agreement to be filed in this cause under Rule 11(e) of the Federal Rules of Criminal Procedure. Defendant has read and fully understands this plea agreement and approves same, realizing that the plea agreement is subject to acceptance or rejection by the Court. The plea agreement is as follows:

1. **GUILTY PLEA:** The defendant agrees to plead guilty under oath to Count Five of the Indictment. Count Five charges obstructing, influencing and impeding an official federal corruption investigation and grand jury proceeding, in violation of 18 United States Code 1512(c)(2), which carries maximum possible penalties of not more than 20 years imprisonment, not more than \$250,000 fine, or both; not more than 3 years supervised release following imprisonment; and \$100 special assessment.

2. **OTHER CHARGES:** The United States agrees not to charge the defendant with any other offenses arising from or related to the above charge and to dismiss the remaining charges following conclusion of sentencing.

3. **SENTENCING:** Pursuant to Rule 11(c)(1)(C), Federal Rules of Criminal Procedure, the parties agree that the sentence to be imposed shall be 18 months imprisonment. Should the Court not accept the plea agreement, the parties hereby agree that the defendant will not be bound by the plea agreement and may withdraw his plea. Otherwise, there is no agreement as to

the sentence to be imposed, which will be in the sole discretion of the Court subject to the Federal Sentencing Guidelines, which were made advisory by the Supreme Court decision in Booker/Fanfan. The Court will also consider the factors enumerated in 18 U.S.C. § 3553, including: the nature and circumstances of the offense, the history and characteristics of the defendant; the need for the sentence to reflect the seriousness of the offense, promote respect for the law, provide just punishment and adequate deterrence and protect the public from further crimes of defendant; and to provide defendant with needed educational or vocational, medical care and other correctional treatment in the most effective manner. All of the above sentencing considerations have been explained to defendant by his attorney. Both parties reserve their right to speak at sentencing.

4. SPECIAL ASSESSMENT: The defendant agrees to pay to the Clerk of this Court before sentencing the mandatory \$100 assessment fee for each count of conviction.

5. OTHER AUTHORITIES: This agreement does not bind any prosecuting authority of any state or any other federal district, nor does it bind the Attorney General of the United States with regard to any matter, criminal or civil, involving federal tax laws.

6. ACKNOWLEDGMENTS: NO OTHER AGREEMENTS; DEFENDANT IS IN FACT GUILTY: Apart from being advised of the applicability of the U.S. Sentencing Guidelines, and except as agreed in paragraph 3 supra, no other promises or representations have been made to defendant as to what punishment the Court might impose if it accepts the plea of guilty. This agreement fully reflects all promises, agreements and understandings between the defendant and the United States Attorney. The defendant's agreement is knowing, free and voluntary, and not the product of force, threat, or coercion. The defendant is pleading guilty

because defendant is in fact guilty of the charges.

The foregoing constitutes the only plea agreement between the parties.

This the _____ day of _____, 2009.

JIM M. GREENLEE
UNITED STATES ATTORNEY
Mississippi Bar No. 5001

AGREED AND CONSENTED TO:

BOBBY B. DELAUGHTER
Defendant

APPROVED:

THOMAS A. DURKIN
Attorney for Defendant
Illinois Bar No. _____