

FILED IN OPEN COURT

DATE: 7/12/07

TIME: 1:59 pm

INITIALS: DE

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
WARD CRUTCHFIELD,)
)
Defendant.)

No. 05-20204-B

MEMORANDUM OF PLEA AGREEMENT

The defendant, Ward Crutchfield, knowingly and voluntarily agrees with the United States, through the United States Attorney for the Western District of Tennessee, through the undersigned Assistant United States Attorney, Timothy R. DiScenza, to plead guilty to Count Two of the above-numbered Indictment, charging a violation of Title 18 U.S.C. Section 371. Count One of the indictment will be dismissed at the disposition of this cause.

1. Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure and in consideration for the defendant's plea of guilty, the government and the defendant agree that the defendant's guideline should be calculated under 2C1.2 of the United States Sentencing Guidelines, and the relevant conduct and value of the gratuity at issue under 2B1.1 of the United States Sentencing Guidelines should be limited to the \$3,000, the amount of the gratuity personally received by the defendant on February 15, 2005, and that only this single gratuity shall be considered for sentencing purposes.

2. In consideration of the defendant's plea of guilty, the government will recommend that the defendant will receive credit for acceptance of responsibility under United States Sentencing Guidelines Section 3E1.1.

3. The defendant and the government further agree that the government will make no recommendation as to sentence, but will submit the issue to the court.

4. The defendant states that he is pleading guilty freely and voluntarily, and not under duress or threat of coercion, and after having consulted with counsel, because he is guilty.

5. Neither the government nor any law enforcement officer can or does make any promises or representations as to what sentence will be imposed by the court.

6. The defendant knowingly, intelligently, and voluntarily waves any rights to an appeal of his conviction or sentence in case number 05-20204-B, if the Court accepts the provisions of paragraph 1 of this agreement.

7. Should it be judged by the Court upon motion of the government that the defendant has committed or attempted to commit any additional crimes or has engaged in any conduct constituting obstruction or impeding justice within the meaning of the United States Sentencing Guidelines Section 3C1.1 from the date of the defendant's signing of this plea agreement to the date of the defendant's sentencing, or if the defendant attempts to withdraw the plea, the government will be released from its obligations and would become free to argue for any sentence within the statutory limits. Such a breach by the defendant would not release the defendant from the plea of guilty.

8. If the Court does not accept the agreements concerning the appropriate guidelines and relevant conduct as described in paragraph 1, then both parties will be free to withdraw from this agreement pursuant to Rules 11(c)(4), 11(c)(5), and 11(d) of the Federal Rules of Criminal Procedure.

9. The defendant further understands and agrees that the special assessment is due and payable to the United States District Court Clerk's Office immediately following the defendant's sentencing.

7/12/2007
DATE

Ward Crutchfield
WARD CRUTCHFIELD
Defendant

7/12/07
DATE

William H. Farmer
WILLIAM FARMER
Attorney for Defendant

DAVID KUSTOFF
United States Attorney

7/12/2007
DATE

By: *[Signature]*
TIMOTHY R. DISCENZA