

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION

MAR 23 1992

U. S. DISTRICT COURT
CLERK'S OFFICE
BY DEPL

UNITED STATES OF AMERICA,

Plaintiff,

VS.

CR. NO. P-92-CR-03(1)

RICHARD DEE THOMPSON,

Defendant.

PLEA AGREEMENT

I, Richard Dee Thompson, being of sound mind and under no compulsion, threat or promises of leniency, do hereby state:

1. I want to enter a plea of guilty to Count Three of the Indictment charging me with a violation of Title 21, United States Code, Section 963. I understand that the punishment range for this offense is a term of imprisonment with a mandatory minimum of ten (10) years, a minimum mandatory term of supervised release of five (5) years, a fine not to exceed \$4,000,000.00 and a mandatory special assessment.

2. My attorney, Barry Crutchfield, has explained to me all of the elements of this offense, and it is my understanding that if I plead not guilty, the government would be required to prove each and every one of the elements to the unanimous satisfaction of a jury beyond a reasonable doubt.

a.) In this case, the government would have to prove from at least on or about December 2, 1991, and continuing through December 4, 1991, in the Western District of Texas, that I did unlawfully, knowingly and intentionally combine, and conspire, confederate and agree together and with Glyn Robert

Chambers and with other persons to the grand jury unknown to commit the following offense against the United States, to wit: did unlawfully, knowingly and intentionally import and cause to be imported more than five (5) kilograms of cocaine, a Schedule II Narcotic Drug Controlled Substance, into the United States from the United Mexican States, contrary to Title 21, United States Codes, Section 952(a) and 960(a)(1).

b.) I understand that by pleading guilty, I am admitting that all of the allegations made against me are true.

3. I understand by pleading guilty, I gave up the following rights:

- a.) the right to be tried by a jury;
- b.) the right to object to the composition of the grand jury and the petit jury;
- c.) the right to confront and cross-examine the witnesses against me;
- d.) the right to remain silent; and
- e.) the right to appeal all issues except a substantial departure of the Guidelines after sentencing.

I further understand that if I plead guilty, there will not be a trial and that the Court may require me, under oath, to answer questions about the offense. I understand that I may be prosecuted if I make false statements or give false answers.

4. I understand that I have a right to plead not guilty and that no one can force me to plead guilty. I also understand that if anyone, including my attorney, has done or said anything other than what is contained in this agreement, I should inform the Judge when I stand before him to make my plea.

5. I understand that it is the duty of my attorney, Barry Crutchfield, after examining the facts of my case to give me his opinion as to what plea I should enter, but I understand that I am free to enter whatever plea I desire and may disregard his opinion without incurring his displeasure, and that it is his duty, under the law, to abide by my wishes. If he refuses to do this, I should immediately inform the Judge.

6. I understand that no one, including my attorney, can guarantee the outcome of my case regardless of what plea I enter, and no one can guarantee what sentence the Judge may impose if I plead guilty. Any opinion my attorney may give is merely an opinion based on his experience and nothing more.

7. I understand that this agreement binds only the United States Attorney in the Western District of Texas, I also understand that if I participated in any criminal activities in any other judicial district, only the United States Attorney in that district can agree not to prosecute me. In addition, the United States Attorney for the Western District of Texas agrees not to prosecute Richard Dee Thompson for any past narcotics violations, any past gun violations or any perjury committed in the past before the grand jury, which may have occurred in the Western District of Texas.

8. I understand that Judge has absolute discretion to accept or reject this plea agreement, but that if he rejects it I will be permitted to withdraw my guilty plea. I also understand the fact that I once offered to plead guilty and any statements made in respect to this agreement will not be used against me at trial.

9. I understand that anything I discuss with my attorney is privileged and confidential and cannot be revealed without my permission. Knowing this, I agree that this instrument may be filed among the papers in my case under seal.

10. I understand that through my plea of guilty, and agreement to cooperate, in this matter, that the United States of America, by and through its undersigned Assistant United States Attorney hereby acknowledges my acceptance of responsibility in this matter.

11. The United States of America agrees that no more than the twenty-four hundred (2,400) pounds of cocaine at 93% purity, involved herein shall be used to calculate the base offense level herein and that no statements made by the Defendant shall be used as a basis for any additional weight calculations.

12. I understand that the United States Attorney will ask that Counts One, Two and Four of the Indictment be dismissed at the time of sentencing; make a recommendation for two points reduction for acceptance of responsibility; that pursuant to the provisions of Rule 11(e)(1)(B) of the Federal Rules of Criminal Procedure, I understand the United States of America will recommend a sentence of ten (10) years in the custody of the Bureau of Prisons, and that no fine be assessed against me for the offense that I am pleading guilty to in this cause. I also understand that such recommendation shall not be binding upon the court. I further understand under Rule 11(e)(2) of the Federal Rules of Criminal Procedure that if the Court does not accept the recommendation of the United States of America, I have no right to withdraw my plea of guilty; and I understand the government will waive all rights to appeal.

13. Further, The Defendant agrees to cooperate with the United States by providing truthful information and testimony when required to do so by the United States Attorney and the Drug Enforcement Administration. No such information or testimony may be used against the Defendant as the basis for any prosecution, other than for perjury or

making a false statement. The information that I provide may be verified by use of a polygraph examination.

14. The Defendant understands that for this agreement to be binding upon the United States, the Defendant must provide truthful information regarding all past narcotics trafficking activities and truthful testimony in any proceeding when called upon to do so at any time in the future, even after he is sentenced. Failure to do so will result in the abrogation of this agreement with the United States and the re-institution of original charges in the Indictment, and others.

15. Defendant, Richard Dee Thompson is aware that his sentence may be imposed in conformity with the Federal Sentencing Guidelines and Policy Statements. The Defendant Richard Dee Thompson is also aware that a sentence imposed under the Guidelines does not provide for parole. Knowing these facts, Defendant agrees that this Court has jurisdiction and authority to impose any sentence within the statutory maximum set for his offense, including a sentence determined by reference to the Guidelines, and he expressly waives the right to appeal his sentence, including any appeal right conferred by 18 U.S.C. § 3742.

16. The Defendant Richard Dee Thompson is also aware that his sentence has not yet been determined by the Court. The Defendant is aware that any estimate of the probable sentencing range that he may receive from his attorneys, the government or the probation office, is a prediction, not a promise, and is not binding on the government, the probation office or the Court. Realizing the uncertainty in estimating what sentence he will ultimately receive, the Defendant knowingly waives his right to appeal the sentence unless a substantial upward departure from the recommendation of the government occurs or to

contest it in any post-conviction proceeding in exchange for the concessions made by the government in the agreement.

17. The government reserves the right to: (1) bring its version of the facts of this case to the attention of the probation office in connection with that office's preparation of a presentence report; (2) dispute sentencing factors or facts material to sentencing in the presentence report; and (3) seek resolution of such factors or facts in conference with opposing counsel and the United States Probation Office.

18. The foregoing statement contains everything my attorney has explained to me concerning my case and the plea I wish to enter. This statement also contains all of the terms to the plea agreement between the attorney for the government and my attorneys. I have read this statement carefully, and I understand it thoroughly. I wish to enter a plea of guilty to Count Three of the Indictment charging me with a violation of Title 21, United States Code, Section 963.

Approved:

RONALD F. EDERER
UNITED STATES ATTORNEY

Date: 2-11-92

By: Thomas P. Beery
THOMAS P. BEERY
Assistant United States Attorney

Date: 11 Feb. 1992

C. Barry Crutchfield
C. BARRY CRUTCHFIELD
Attorney for Defendant

Date: 11 Feb. 1992

Richard Dee Thompson
RICHARD DEE THOMPSON
Defendant