

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION
FILED IN OFFICE
2:00 P.m.
1/7/2009
B. McCarty
Deputy Clerk

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

UNITED STATES OF AMERICA)

v.)

JIMMIE W. WILLIAMSON)

CR

VIO: 18 U.S.C. § 1341, 1346
Honest Services Fraud

PLEA AGREEMENT

R. Brian Tanner, Assistant United States Attorney, and Ashley W. McLaughlin, attorney for the defendant, pursuant to the provisions of Rule 11, 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 Information styled above, and a Plea Agreement has been reached by said parties as follows:

GOVERNMENT'S OBLIGATIONS UNDER THIS AGREEMENT

1. Upon the defendant's entry of a plea of guilty to the offense charged in Count One of the Information, his full compliance with all promises made hereinafter as a part of this agreement, and his adherence to all representations and understandings recited hereinafter, the attorney for the government will do the following:

a. Not object to a recommendation from the probation officer that the defendant receive a two-level reduction for acceptance of responsibility under the provisions of Chapter Three, Part E of the Sentencing Guidelines and, if applicable, move for the third offense level point reduction based upon the timeliness of defendant's plea, all provided the defendant truthfully admits the conduct comprising the offense of conviction and all relevant conduct, has fully complied with the terms of pretrial release, if applicable, and has not engaged in any criminal conduct subsequent to arrest or initial appearance in this matter.

2. The government reserves the right to inform the Court and the U.S. Probation Office of all facts pertinent to the sentencing process, including all relevant information

concerning the defendant and his background. The government will inform the defendant and defense counsel of all information provided to the probation office at the time it is provided to that office.

DEFENDANT'S OBLIGATIONS

3. In exchange for the government's promises set forth above, the defendant will do the following:

- a. Waive indictment and plead guilty to Count One of the Information;
- b. Agree that the value of the money and property fraudulently obtained by Defendant in the course of the scheme exceeded \$10,000, for purposes of U.S.S.G. § 2C1.1(b)(2);
- c. Waive certain rights under the Freedom of Information Act ("FOIA") and the Privacy Act (as set forth in ¶ 4 of the Plea Agreement); and
- d. To pay full restitution as determined by the U.S. Probation Office and the Court.

4. **FOIA AND PRIVACY ACT WAIVER.** The defendant retains all discovery rights to documents pertaining to the investigation and prosecution of this case as may by law apply to any post-conviction litigation as to which the right to proceed has not otherwise been waived or relinquished by the defendant in this agreement or otherwise; HOWEVER, notwithstanding any right on the part of the defendant to post-conviction litigation, the defendant, as a part of this agreement and in consideration of the promises by made the government hereunder, waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any record pertaining to the investigation or prosecution of this case under the authority of the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a, and all subsequent amendments thereto.

5. The defendant understands that if a fine is imposed by the Court at sentencing, the defendant shall meet with a member of the Debt Collection Unit of the United States Attorney's

Office on the day of sentencing and complete a written personal financial statement setting forth the defendant's assets and liabilities. The defendant further understands that by completing the financial statement, the defendant is representing that it is true and accurate to the best of the defendant's information, knowledge, and belief, and agrees to make an honest, good faith effort to pay said fine as directed by the financial litigation section of the United States Attorney's Office.

6. The defendant understands that any assessments imposed pursuant to 18 U.S.C. § 3013 by the Court at sentencing must be paid on the date of sentencing.

REPRESENTATIONS OF DEFENDANT TO THE COURT

7. The defendant, before entering a plea of guilty to Count One of the Information, advises the Court that:

a. The defendant understands that Count One of the Information charges that the defendant did commit an offense against the United States, that is to say, that from on or about January 2004 through the present, in the Southern District of Georgia and elsewhere, Defendant devised and intended to devise a scheme and artifice to defraud and deprive the Telfair County Sheriff's Department, the Telfair County courts, and the citizens of Telfair County of their right to the honest services of their Sheriff, performed free from deceit, favoritism, bias, self-enrichment, self-dealing, concealment, and conflict of interest; that it was a part of the scheme that Defendant would embezzle fine and bond money paid by individuals arrested in Telfair County for his own personal use instead of properly remitting such money to the Telfair County courts; that it was a part of the scheme that Defendant would accept bribes from individuals arrested in Telfair County in exchange for reducing or dismissing the pending charges against them and in exchange for granting those individuals special privileges while housed at the Telfair County Jail; that it was a part of the scheme that Defendant would improperly purchase items for his own personal use, to include a all-terrain vehicle, using funds belonging to and for the exclusive use of the Sheriff's Department; and that on or about

December 2, 2005, in the Southern District of Georgia, for the purpose of executing or attempting to execute the scheme and artifice to defraud and deprive, Defendant knowingly caused to be sent and delivered by mail, according to the directions thereon, the following matter: a letter from the Telfair County Sheriff's Office to Lendmark Financial Services, enclosing a check drawn on Telfair County Sheriff's Office Inmate Account Fund for the purpose of making a monthly payment on a loan for an all-terrain vehicle.

Defendant acknowledges and agrees that a factual basis exists for Count One of the Information. Defendant further understands that his plea of guilty constitutes proof of that Count.

b. The defendant understands and agrees that nothing in this agreement shall abrogate the duty and right of the government to bring all sentencing facts to the attention of the sentencing court, and the defendant further agrees that the government shall not be bound to make any recommendation under this agreement if to do so would directly contradict facts relevant to the offense conduct or the defendant's prior conduct or criminal history, which first come to the attention of the government, or are confirmed as true, only after the signing of this agreement.

c. The defendant understands that the Court is not a party to this agreement, that the government can only make recommendations which are not binding on the Court, and that after the entry of the defendant's guilty plea, the defendant has no absolute right to withdraw the plea. Thus, the Court is free to impose any sentence authorized by law up to the statutory maximum sentence of twenty (20) years imprisonment, a fine of up to \$250,000, a term of supervised release of not more than three (3) years, and a special assessment of \$100. The defendant also understands that in accordance with *United States v. Booker*, the Court, while not bound to apply the federal sentencing guidelines, must consult those guidelines and take them into account to formulate a reasonable sentence.

d. The defendant further understands that the U. S. Probation Office will

prepare a presentence investigation report for the Court, and that the U. S. Probation Office will consider all of defendant's conduct related to the offense to which he is pleading, which may include conduct related to Counts of the Indictment which were or are to be dismissed or for which the defendant was acquitted, as well as the defendant's criminal history, and that these facts will be considered by the Court in determining the defendant's sentence. The defendant understands that the offense level and criminal history category determined by the United States Probation Office and the Court may differ from that estimated or projected by defendant's counsel or the United States Attorney. **The defendant advises the Court that the defendant understands that if the relevant conduct, guideline sentencing range, or sentence imposed by the Court is more or greater than the defendant expected or, in the case of relevant conduct, is found to be more extensive than the defendant has admitted to, the defendant will still have no absolute right to withdraw his guilty plea.**

e. The defendant represents to the Court that the defendant has had the services of an attorney the defendant believes to be competent; that the defendant has met with said attorney on a sufficient number of occasions and for a sufficient period of time to discuss the defendant's case and receive advice; that the defendant has been truthful with his attorney and related all information of which the defendant is aware pertaining to the case; that the defendant and defendant's attorney have discussed possible defenses, if any, to the charges in the Information, including the existence of any exculpatory or favorable evidence or witnesses, discussed the defendant's right to a public trial by jury or by the Court, the right to the assistance of counsel throughout the proceedings, the right to call witnesses in the defendant's behalf and compel their attendance at trial by subpoena, the right to confront and cross-examine the government's witnesses, the defendant's right to testify in the defendant's own behalf, or to remain silent and have no adverse inferences drawn from the defendant's silence; and that the defendant, with the advice of counsel, has weighed the relative benefits of a trial by jury or by the Court versus a plea of guilty pursuant to this Agreement, and has entered this Agreement as a

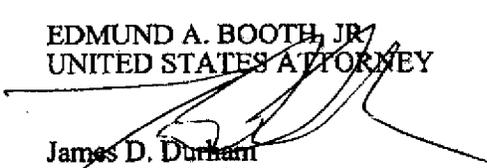
matter of the defendant's free and voluntary choice, and not as a result of pressure or intimidation by any person.

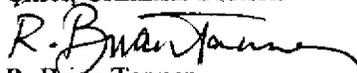
f. The defendant further represents to the Court that the plea agreement as set forth herein and the plea to be entered by the defendant is the result of prior discussions between the attorney for the government and the attorney for the defendant, conducted with the defendant's authorization, knowledge and consent; that this plea agreement contains the entire agreement and understanding between the government and the defendant; and that the defendant has no other agreements, understandings, or deals with any person other than those set out in this plea agreement, that is, the defendant advises the Court that the defendant's entire understanding of this Plea Agreement is completely set forth in writing in this document.

g. The defendant represents to the Court that the defendant has been advised of the nature of the charge to which the plea of guilty is to be offered, of the maximum possible penalty provided by law, as set forth above, and that by entering a plea of guilty the defendant gives up all of the rights set out above, gives up any defenses to the charges, and understands that there will not be a further trial of any kind. The defendant further understands that in entering a plea of guilty, the Court will ask questions about the offense to which the plea is entered. The defendant understands that the defendant will be under oath and on the record in answering those questions, and that the defendant's answers may later be used against the defendant in a criminal prosecution for perjury or false statement if those answers are not truthful.

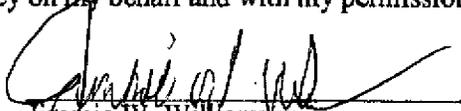
This 21st day of December, 2008.

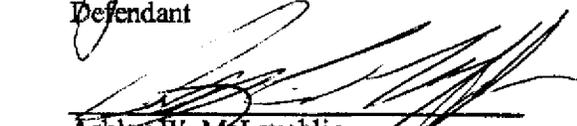
EDMUND A. BOOTH, JR.
UNITED STATES ATTORNEY


James D. Durham
Chief, Criminal Section


R. Brian Tanner
Assistant United States Attorney

I have read the foregoing Plea Agreement, consisting of 7 pages, including this page, and I understand what it says and means, and by my signature hereunder I swear or affirm under penalty of perjury that the matters and facts set forth therein are true, and accurately and correctly state the representations that have been made to me by my attorney and government agents and/or prosecutors, and accurately set forth the terms and conditions of the plea agreement that has been reached by my attorney on my behalf and with my permission.


Jimmie W. Williamson
Defendant


Ashley W. McLaughlin
Attorney for the Defendant

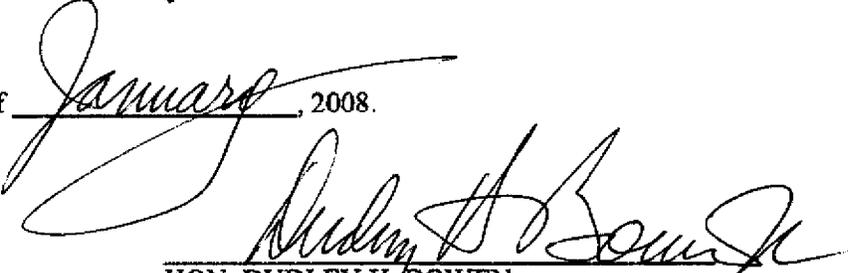
12/19/08
Date

ORDER

The aforesaid Plea Agreement, having been considered by the Court in conjunction with the interrogation by the Court of the defendant and the defendant's attorney at a hearing on the defendant's motion to change his plea and the Court finding that the plea of guilty is made freely, voluntarily and knowingly, it is thereupon,

ORDERED that the plea of guilty by defendant be, and it is, hereby accepted and the foregoing Plea Agreement be, and it is, hereby ratified and confirmed.

This 7th day of January, 2008.


HON. DUDLEY H. BOWEN
JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA