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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF MISSISSIPPI

FILED

DEC 04 2007

DAVID CREWS, CLERK
By J. Adams
Deputy

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:07CR192

TIMOTHY R. BALDUCCI

PLEA AGREEMENT

The United States Attorney hereby proposes to the Court a plea agreement to be filed in this cause under Rule 11(c) 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 One of the Indictment, which charges conspiracy to commit bribery of an elected state official, and which carries maximum possible penalties of 5 years imprisonment, \$250,000 fine, 3 years supervised release, and a mandatory special assessment of \$100; all in violation of Title 18, United States Code § 371.

2. **COOPERATION.** (a) The defendant agrees to cooperate with the United States Attorney by giving full and truthful statements to such agents as are assigned by the United States Attorney to interview defendant as to all knowledge defendant may have of other persons involved in any way in the offenses charged and all other criminal offenses in any way and to give full and truthful testimony about same before any federal grand juries and trial juries before which defendant is subpoenaed. The defendant understands that a false statement to a federal agent or a failure to testify truthfully would subject him to prosecution for false statements or

perjury.

(b) The government acknowledges the fact that the defendant has already substantially assisted the government within the meaning of Section 5K1.1 of the United States Sentencing Commission Guidelines Manual. Provided the defendant continues his cooperation and substantial assistance, the government agrees to file with the Court a motion for downward departure. Both sides understand that the amount of downward departure, if any, would then rest within the sound discretion of the Court.

3. **POLYGRAPH**. The defendant agrees to submit to a polygraph examination, if requested by the United States Attorney, by a federal polygraph examiner designated by the U.S. Attorney, regarding defendant's knowledge of these and any other unlawful activities about which defendant has knowledge.

4. **OTHER CHARGES**. The United States agrees not to charge the defendant with any other offenses arising from or related to the charges in the indictment.

5. **SENTENCE**. 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 has been explained to defendant by his attorney. Both parties reserve their right to speak at sentencing.

6. **SPECIAL ASSESSMENT**. The defendant agrees pursuant to 18 U.S.C. § 3013 to pay to the Clerk of the U. S. District Court prior to sentencing in this case the mandatory \$100 assessment fee for each count to which he pleads guilty, which is by law in addition to any other penalty imposed.

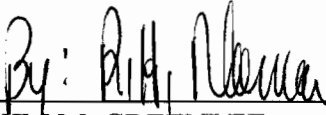
7. **OTHER AUTHORITIES**. This agreement does not bind any prosecuting authority of any state or any other federal district, nor does it bind the Attorney General of the United States with regard to any matter, criminal or civil, involving federal tax laws.

8. **VIOLATIONS OF THIS AGREEMENT.** If defendant violates this agreement, all statements made pursuant hereto will all be admissible against defendant who hereby waives the provisions of Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence. Defendant may also, in that event, be prosecuted for all federal offenses, including perjury and false statements relating to this plea agreement.

9. **ACKNOWLEDGMENTS: NO OTHER AGREEMENTS; DEFENDANT IS IN FACT GUILTY.** Apart from being advised of the applicability of the U.S. Sentencing Guidelines, no promise or representation whatsoever has been made to defendant as to what punishment the Court might impose if it accepts the plea(s) of guilty. Defendant agrees that the Court may continue all proceedings in the case until such date as the Court may set for consideration of the plea agreement, the plea of guilty and imposition of sentence. 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.

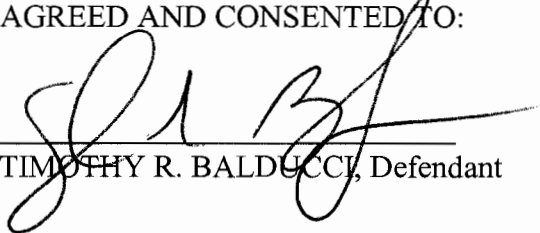
The foregoing constitutes the only plea agreement between the parties.

This the 4th day of December, 2007.

By: 

JIM M. GREENLEE
UNITED STATES ATTORNEY
Mississippi Bar No. 7018

AGREED AND CONSENTED TO:



TIMOTHY R. BALDUCCI, Defendant