

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

FILED IN OPEN COURT
DATE: 9/15/10
TIME: 4:20pm
INITIALS: JRW

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

VON RICO WEBBER,)

Defendant.)

Cr. No. 08-20261

MEMORANDUM OF PLEA AGREEMENT

The Defendant, Von Rico Webber, by and through his counsel, Michael J. Stengel, Esq., knowingly and voluntarily agrees with the United States, through the United States Attorney for the Western District of Tennessee, through the undersigned Assistant U.S. Attorney, have reached the following agreement:

1. The Defendant agrees:

(a) to waive his right to trial by jury and all other rights appurtenant thereto and to plead guilty to the Second Superseding indictment previously filed charging the Defendant with two violations of 21 U.S.C. § 846, and one violation of 18 U.S.C. § 1956(a)(1) and 2;

(b) that he is pleading guilty, knowingly and voluntarily, free from coercion or duress, and after discussion with his attorney because he is in fact guilty;

(c) to knowingly, voluntarily and intelligently waive his right to receive material impeachment evidence;

(d) to waive his right to challenge his conviction and sentence, and the manner in which the sentence was determined, and (in any case in which the term of imprisonment and fine are within the maximums provided by statute) his attorney's alleged failure or refusal to file a notice of appeal, in any collateral attack or future challenge, including but not limited to a motion brought under Title 28, United States Code, Section 2255;

(e) that for the purposes of determining a base offense level of his relevant conduct, the Court may consider drugs and drug proceeds derived from uncharged conduct, and dismissed counts as well as the counts of conviction;

(f) to waive all rights, whether directly asserted or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation and prosecution of this case, including without limitation any records that may be sought by the Defendant or the Defendant's representative under the Freedom of Information Act, set forth at Title 5, United States Code, Section 553, or the Privacy Act of 1974, set forth at Title 5, United States Code, Section 552a;

2. The parties mutually agree under Fed. R. Crim. P. 11(c)(1)(C) that a sentencing range of 151 to 188 months is appropriate. The parties mutually agree that a sentence within this range is the appropriate sentence under the factors set forth under Title 18, United States Code, Section 3553(a). If the Court imposes a sentence outside of this range then either party will have a right to withdraw the plea.

3. The Defendant understands that while the parties have jointly recommended a sentence within the range of 151 to 188 months pursuant to Fed. R. Crim. P. 11(c)(1)(C) that recommendation only becomes binding upon the Court once it accepts the plea agreement. If the Court does not accept the plea agreement either party has the right to withdraw from it. In that event, the Defendant's right would include his right to withdraw his plea of guilty.

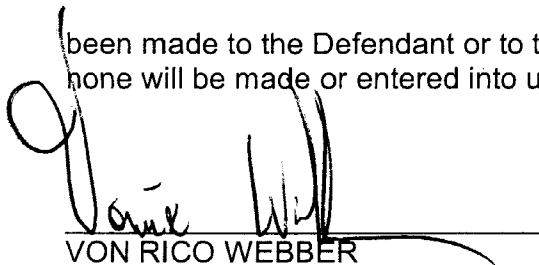
4. Should it be judged by the United States that the Defendant violated any federal, state or local law, or has engaged in any conduct constituting obstructing or impeding justice within the meaning of U.S. Sentencing Guidelines § 3C1.1 or has failed to make any court appearances in this case or if the Defendant attempts to withdraw the plea, or if he engages in any conduct inconsistent with acceptance of responsibility, including, but not limited to, breaching a term of this guilty plea or minimizing the scope of his criminal involvement, from the date of the Defendant's signing of this plea agreement to the date of the Defendant's sentencing, then the United States will be released from its obligations and would become free to argue for any sentence within statutory limits. Such a breach by the Defendant would not release the Defendant from this plea of guilty.

5. The Defendant further understands and agrees the special assessment is due and payable to the U.S. District Clerk's Office immediately following the Defendant's sentencing.

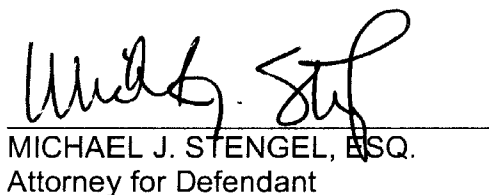
6. In the event *U.S. v. Webber*, W.D. Tenn. No. 10-20303 is settled, the parties agree that the sentencing of this case and W.D. Tenn. No. 10-20303 will occur at the same time or in a consolidated proceeding. In no event, however, shall a need for more time to pursue settlement of W.D. Tenn. No. 10-20303 constitute a basis to continue the sentencing in this cause.

7. This writing constitutes the entire Plea Agreement between the Defendant and the United States with respect to the plea of guilty. No additional promises, representations or inducements other than those referenced in this Plea Agreement have

been made to the Defendant or to the Defendant's attorney with regard to this Plea, and none will be made or entered into unless in writing and signed by all parties.


VON RICO WEBBER

9/15/2010
Date


MICHAEL J. STENGEL, ESQ.
Attorney for Defendant

Sept. 15 2010
Date

EDWARD L. STANTON, III.
UNITED STATES ATTORNEY

By: 
BRADEN H. BOUCEK
Assistant U.S. Attorney

9.15.10
Date