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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 20 2008

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 JAMES EDWARD PRATT,

11 Defendant.

CR-08-026-FVS-3

Plea Agreement

12
13 Plaintiff, United States of America, by and through James A. McDevitt,
14 United States Attorney for the Eastern District of Washington, and Stephanie Van
15 Marter, Assistant United States Attorney for the Eastern District of Washington,
16 and Defendant JAMES EDWARD PRATT and the Defendant's counsel, Brian P.
17 Whitaker, agree to the following Plea Agreement:

18 1. Guilty Plea and Maximum Statutory Penalties:

19 The Defendant, JAMES EDWARD PRATT, agrees to plead guilty to
20 Information Superseding Indictment charging the Defendant with Possession and
21 Transportation of Prohibited Wildlife, in violation of 16 U.S.C. § 3373(d)(2).

22 The Defendant, JAMES EDWARD PRATT, understands that the charge
23 contained in the Information Superseding Indictment is a misdemeanor charge.
24 The Defendant, JAMES EDWARD PRATT, also understands that the maximum
25 statutory penalty for Possession and Transportation of Prohibited Wildlife, in
26 violation of 16 § 3373(d)(2), is not more than 1 year imprisonment; a fine not to
27 exceed \$10,000; a term of supervised release of not more than 1 year; and a \$25
28 special penalty assessment.

1 The Defendant, JAMES EDWARD PRATT, understands that a violation of
2 a condition of supervised release carries an additional penalty of re-imprisonment
3 for all or part of the term of supervised release without credit for time previously
4 served on post-release supervision.

5 2. The Court is Not a Party to the Agreement:

6 The Court is not a party to this Plea Agreement and may accept or reject this
7 Plea Agreement. Sentencing is a matter that is solely within the discretion of the
8 Court. The Defendant understands that the Court is under no obligation to accept
9 any recommendations made by the United States and/or by the Defendant; that the
10 Court will obtain an independent report and sentencing recommendation from the
11 U.S. Probation Office; and that the Court may, in its discretion, impose any
12 sentence it deems appropriate up to the statutory maximums stated in this Plea
13 Agreement.

14 The Defendant acknowledges that no promises of any type have been made
15 to the Defendant with respect to the sentence the Court will impose in this matter.
16 The Defendant understands that the Court is required to consider the applicable
17 sentencing guideline range, but may depart upward or downward under the
18 appropriate circumstances.

19 The Defendant also understands that should the sentencing judge decide not
20 to accept any of the parties' recommendations, that decision is not a basis for
21 withdrawing from this Plea Agreement or a basis for withdrawing this plea of
22 guilty.

23 3. Waiver of Constitutional Rights:

24 The Defendant, JAMES EDWARD PRATT, understands that by entering
25 this plea of guilty the Defendant is knowingly and voluntarily waiving certain
26 constitutional rights, including:

27 (a). The right to a jury trial;

28 (b). The right to see, hear and question the witnesses;

- (c). The right to remain silent at trial;
- (d). The right to testify at trial; and
- (e). The right to compel witnesses to testify.

While the Defendant is waiving certain constitutional rights, the Defendant understands the Defendant retains the right to be assisted through the sentencing and any direct appeal of the conviction and sentence by an attorney, who will be appointed at no cost if the Defendant cannot afford to hire an attorney. The Defendant also acknowledges that any pretrial motions currently pending before the Court are waived.

4. Elements of the Offense:

The United States and the Defendant agree that in order to convict the Defendant of Possession and Transportation of Prohibited Wildlife, in violation of 16 § 3373(d)(2), the United States would have to prove beyond a reasonable doubt the following elements:

- (a). First, on or about January 11, 2007, the Defendant, JAMES EDWARD PRATT, knowingly received, possessed and transported wildlife, to wit a Rhesus Macaque monkey, and
- (b). Second, the Defendant, in the exercise of due care should have known that the wildlife had been taken, possessed, or transported in violation of or in a manner unlawful under United States law and regulations.

5. Factual Basis and Statement of Facts:

The United States and the Defendant stipulate and agree that the following facts are accurate; that the United States could prove these facts beyond a reasonable doubt at trial; and these facts constitute an adequate factual basis for JAMES EDWARD PRATT's guilty plea. This statement of facts does not preclude either party from presenting and arguing, for sentencing purposes,

1 additional facts which are relevant to the guideline computation or sentencing,
2 unless otherwise prohibited in this agreement.

3 On December 27, 2007, Spokane ICE Agent McClain received a call from a
4 Cooperating Private Individual (CPI) that wished to remain anonymous. The CPI
5 relayed to SA McClain that the evening before he/she witnessed an unknown
6 individual in the Fashion Bug store, located in Spokane Washington, with a
7 Macaque monkey in his possession. The CPI overheard this unknown individual
8 engaged in conversation with people in the store and heard this individual make
9 reference to the fact that the monkey was smuggled into the United States.

10 SA McClain, SA Roberts (U.S. Fish and Wildlife) and Washington
11 Department of Fish and Wildlife Sergeant Rahn, first reviewed the applicable laws
12 in the State of Washington as well as various federal laws regarding the possession
13 and/or sale of various primates to include the Rhesus Macaque monkey. Fish and
14 Wildlife Agent Roberts also contacted several agencies including the Center for
15 Disease Control (CDC) and Washington State Public Health in order to assess the
16 potential public health risk from exposure to a smuggled monkey or risk of various
17 infectious diseases this monkey may pose to the public. The Agents were advised
18 that these monkeys are carriers to a variety of infectious diseases which would
19 pose risk to the population, however, the extent of that risk was unknown until the
20 origin of the monkey was determined. Thus, the monkey was considered a
21 significant public health risk and therefore, a primary focus in the investigation at
22 that time was to find the monkey, quarantine it and determine its origin.

23 As a result, SA McClain, SA Roberts and Washington Department of Fish
24 and Wildlife Sergeant Rahn went to the Fashion Bug and interviewed several
25 employees who confirmed the presence of the monkey in the store the night
26 before. Several employees stated that the individual with the monkey, was talking
27 to a former employee, Jessie Miller.

1 Contact was then made with Ms. Miller at her place of employment. SA
2 McClain questioned Ms. Miller about her knowledge of the monkey, as well as her
3 knowledge of how the individual came to possess the monkey. Ms. Miller advised
4 that her boyfriend Nathan Wurtz was present at the store and would be able to
5 provide information concerning the owner of the monkey. Ms. Miller refused to
6 provide any additional information to law enforcement at that time.

7 Nathan Wurtz was interviewed on January 3, 2008, concerning his
8 knowledge of the monkey. Mr. Wurtz stated the monkey belonged to a friend of
9 his known only by his first name, Jimmy. Mr. Wurtz stated he had known Jimmy
10 for some time, but learned that he owned a monkey last week. He further stated
11 that he saw the monkey and produced a photograph of the monkey which he had
12 stored on his cell phone. Mr. Wurtz stated he knew for a fact that the monkey was
13 smuggled from overseas but would not be more specific. He then provided a cell
14 phone number for Jimmy.

15 Agents later identified "Jimmy" as Defendant James Edward Pratt. SA
16 McClain contacted James Pratt and asked if he could speak to him. He
17 specifically asked him if he was the owner of a monkey, to which Defendant Pratt
18 replied that he was. SA McClain explained that he needed to talk to him regarding
19 an allegation that the monkey was smuggled into the United States. The
20 Defendant told SA McClain that his girlfriend recently purchased the monkey for
21 him from an individual she met while visiting California and denied that the
22 monkey came from overseas. SA McClain explained that he needed to confirm
23 the origin of the monkey in order to determine if it posed any health risks. The
24 Defendant volunteered that he had an appointment with a veterinarian on Monday
25 and that he was currently attempting to find out how to properly license the
26 monkey. SA McClain requested that Defendant Pratt and his girlfriend come to
27 the RAC Spokane ICE office.
28

1 On that same day, January 4, 2008, Defendant James Pratt and his girlfriend,
2 later identified as Gypsy Lawson, arrived at the ICE office. SA McClain began
3 the interview by telling the two individuals that he had received a report that they
4 had smuggled this monkey in from Thailand. The Defendant stated that he did
5 have a monkey and that it was a Rhesus Macaque. SA McClain informed them,
6 that prior to any questioning, he wanted to advise them of their Miranda rights.
7 While explaining this, Gypsy Lawson volunteered that the monkey was from
8 South America. SA McClain asked Gypsy Lawson to wait until completing the
9 Statement of Rights before discussing the case. Both Defendant Pratt and Co-
10 Defendant Lawson were provided a copy of their statement of rights, allowed to
11 read them and asked if they had any questions. The Defendant indicated he would
12 not answer any questions without a lawyer but Co-Defendant Lawson indicated
13 she was willing to talk and signed the form. Co-Defendant Lawson stated she
14 didn't mind answering questions, and was told she could terminate the interview at
15 any time. The Defendant demanded to be present during Lawson's interview to
16 which the agents stated he could not. At that time, the Defendants terminated the
17 interview.

18 SA McClain did a border crossing check for both Defendants. Defendant
19 Pratt's search was negative, however, Co-Defendant Lawson's search revealed
20 recent international travel. Specifically, on November 4, 2007, Lawson departed
21 from Seattle, Washington, on a Korean Air Lines flight to Incheon, South Korea.
22 Co-Defendant Lawson returned to the United States on a Korean Air Lines flight
23 that originated in Tokyo, Japan, and arrived in Los Angeles, California on
24 November 28, 2007.

25 On January 7, 2008, SA McClain contacted the PKAU at LAX to obtain the
26 complete flight itinerary of Co-Defendant Lawson to include any information
27 regarding whether she was traveling with someone. SA McClain also requested a
28 copy of Co-Defendant Lawson's Customs Declaration (CPB Form 6059B) from

1 her entry at LAX on November 28, 2007 as well as the declaration of any
2 passenger traveling with her. Flight itineraries were provided not only for Co-
3 Defendant Lawson, but also for a Fran Ogren, who was later identified as
4 Lawson's mother. Their flight itineraries revealed that their destination was in
5 fact Thailand as previously reported by several witness who overheard Co-
6 Defendant Lawson and the Defendant discussing where the monkey came from.
7 Specifically, the itineraries of Lawson and Ogren showed their travel originating
8 from the Spokane International Airport on November 4, 2007, with connections in
9 Seattle, Washington, and Incheon, Korea, arriving at their final destination of
10 Suvarnabhumi International Airport , in Bangkok, Thailand, on November 5,
11 2007. The return journey was leaving Thailand on November 28, 2007, arriving at
12 LAX that same day. The itinerary terminated in Los Angeles.

13 Customs declarations for both Co-Defendants Lawson and Ogren, showed
14 neither declared bringing in any animals or merchandise on their declaration
15 forms.

16 On January 11, 2008, Spokane ICE agents assisted US Fish and Wildlife
17 Service in executing a federal search warrant at 3467 Stoddard Mountain Road,
18 Northport, WA, the residence of Co-Defendant Fran Ogren. Co-Defendant Ogren
19 was present when the warrant was executed and advised that one of the purposes
20 of the warrant was to secure the primate and confirm its foreign origin so that it
21 may be tested for any illnesses. Co-Defendant Ogren stated that there was a
22 primate but it was acquired from a domestic breeder in California, not overseas.
23 She stated that the primate was not at her residence and she did not know its
24 present location. She then invoked her right to consult counsel and no further
25 questions were asked. On that same date, another team was executing a federal
26 search warrant at the residence of the Co-Defendant Lawson and the Defendant.
27 Both Defendants were home during the execution of that warrant, the monkey was
28

1 found and taken into quarantine.¹

2 During the execution of these warrants, several pieces of documentation,
3 including photographs and handwritten notes were seized confirming that Co-
4 Defendants Lawson and Ogren had in fact obtained the monkey in Thailand and
5 smuggled it into the United States. Specifically, agents seized a handwritten
6 journal detailing how the monkey had been smuggled as well as several
7 photographs corroborating the accounts in the journal. Additionally, agents
8 through an executed search warrant, obtained various e-mails accounting the Co-
9 Defendants actions in smuggling the monkey. In summary, the Defendant
10 stipulates and agrees that the overt acts as listed within the Superseding Indictment
11 are accurate and can be proven through the evidence seized.

12 The Defendant further stipulates and agrees that the monkey which he
13 possessed, is in fact listed under Appendices II of the CITES Treaty which is
14 incorporated through the Endangered Species Act, and is therefore unlawful to
15 import into the United States. The Defendant further stipulates that he knew Co-
16 Defendants Lawson and Ogren had smuggled the monkey contrary to law at the
17 time he possessed and transported the monkey here in the Eastern District of
18 Washington.

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22
23 ¹ The monkey had to be transported in a specialized vehicle with a
24 quarantine compartment. The monkey was taken to a CDC facility in California
25 where it was in quarantine for several weeks. The monkey ultimately did not test
26 positive, other than being a carrier for the Herpes B virus, for any other infectious
27 diseases. After a great deal of effort and communication by SA Roberts, a non-
28 profit primate rescue center in Colorado agreed to accept the monkey, which is
where it is currently.

1 6. Cooperation:

2 The Defendant agrees to cooperate completely and truthfully with the
3 United States as follows:

4 (a.) Debriefings:

5 The Defendant agrees to participate in full debriefings by federal and local
6 investigative agencies about all the Defendant's knowledge of illegal conduct, at
7 times and places to be decided by these agencies. The Defendant agrees to
8 provide complete, accurate and truthful information to these agencies. The
9 Defendant agrees to not falsely implicate any person or entity and agrees to not
10 protect any person or entity through false information or omission.

11 It is understood that the Defendant may have an attorney present at any or
12 all such debriefings.

13 (b.) Testimony:

14 The Defendant agrees to testify completely and truthfully at any subsequent
15 hearing, grand jury proceeding, or other federal or state court proceeding
16 involving Co-Defendants or any other person involved in criminal activity.

17 Both the Defendant and the United States agree to request a reasonable
18 continuance of the sentencing date in order to ensure that the Defendant testifies
19 pursuant to this provision prior to sentencing.

20 (c.) Documents:

21 The Defendant agrees to voluntarily produce all documents, records, or
22 other tangible evidence relating to matters about which the United States
23 Attorney's Office or law enforcement agencies inquire.

24 (d.) Notification:

25 The Defendant agrees to immediately notify the United States Attorney's
26 Office if the Defendant is contacted, interviewed, subpoenaed or requested to
27 testify for or against any other person.

1 (e.) Effect of Breach:

2 The Defendant agrees that if the Defendant breaches this Plea Agreement,
3 the agreement is null and void and the Defendant expressly waives the right to
4 challenge the initiation of additional charges against the Defendant for any
5 criminal activity and agrees that the United States may make derivative use of and
6 may pursue any investigative leads suggested by the Defendant's statements and
7 cooperation.

8 This agreement does not protect the Defendant from prosecution for perjury,
9 obstruction of justice, or any other offense should the Defendant commit any
10 crime during the Defendant's cooperation under this agreement.

11 7. Waiver of Inadmissibility of Statements:

12 The Defendant agrees to waive the inadmissibility of statements made in the
13 course of plea discussions with the United States, pursuant to Fed. R. Crim.
14 P. 11(f). This waiver shall apply if the Defendant withdraws this guilty plea or
15 breaches this Plea Agreement. The Defendant acknowledges that any statements
16 made by the Defendant to law enforcement agents in the course of plea discussions
17 in this case would be admissible against the Defendant in the United States's case-
18 in-chief if the Defendant were to withdraw or breach this Plea Agreement.

19 8. The United States Agrees:

20 (a.) Dismissal(s):

21 At the time of sentencing, the United States agrees to move to dismiss the
22 Superseding Indictment, which charges the Defendant with Conspiracy to
23 Smuggle Goods into the United States, in violation of 18 U.S.C. § 371, all in
24 violation of 18 U.S.C. § 545 (Count 1), Smuggling Goods into the United States,
25 in violation of 18 U.S.C. §§ 545 and 2 (Count 2); and False Statement, in violation
26 of 18 U.S.C. § 1001(Count 3).

27 (b.) Not to File Additional Charges:

28 The United States Attorney's Office for the Eastern District of Washington

1 agrees not to bring any additional charges against the Defendant based upon
2 information in its possession at the time of this Plea Agreement and arising out of
3 Defendant's conduct involving illegal activity charged in this Indictment, unless
4 the Defendant breaches this Plea Agreement any time before or after sentencing.

5 9. United States Sentencing Guideline Calculations:

6 The Defendant understands and acknowledges that the United States
7 Sentencing Guidelines (hereinafter "U.S.S.G.") are applicable to this case and that
8 the Court will determine the Defendant's applicable sentencing guideline range at
9 the time of sentencing.

10 (a.) Base Offense Level:

11 The United States and the Defendant agree that the base offense level for
12 Possession and Transportation of Prohibited Wildlife, in violation of 16 U.S.C.
13 § 3373(d)(2) is 6. See U.S.S.G. §2Q2.1(a).

14 (b.) Specific Offense Characteristics:

15 The United States and the Defendant also agree and stipulate that the base
16 offense is increased by an additional 2 levels because the offense involved wildlife
17 that was not quarantined as required by law or otherwise created a significant risk
18 of infestation of disease transmission potentially harmful to humans, fish, wildlife,
19 or plants. See U.S.S.G. §2Q2.1(b)(2).

20 (c.) Acceptance of Responsibility:

21 If the Defendant pleads guilty and demonstrates a recognition and an
22 affirmative acceptance of personal responsibility for the criminal conduct;
23 provides complete and accurate information during the sentencing process; does
24 not commit any obstructive conduct; accepts this Plea Agreement; and enters a
25 plea of guilty no later than August 20, 2008, the United States will recommend
26 that the Defendant receive a two (2) level downward adjustment for acceptance of
27 responsibility, pursuant to U.S.S.G. §3E1.1(a).

28 The Defendant and the United States agree that the United States may at its

1 option and upon written notice to the Defendant, not recommend a two (2) level
2 downward reduction for acceptance of responsibility if, prior to the imposition of
3 sentence, the Defendant is charged or convicted of any criminal offense
4 whatsoever or if the Defendant tests positive for any controlled substance.

5 Furthermore, the Defendant agrees to pay the \$25 mandatory special penalty
6 assessment to the Clerk of Court for the Eastern District of Washington, at or
7 before sentencing, and shall provide a receipt from the Clerk to the United States
8 before sentencing as proof of this payment, as a condition to this recommendation
9 by the United States.

10 Thus, the parties agree that the Defendant's adjusted offense level is 6.

11 (d.) Criminal History:

12 The United States and the Defendant understand that the Defendant's
13 criminal history computation is tentative and that ultimately the Defendant's
14 criminal history category will be determined by the Court after review of the
15 Presentence Investigative Report. The United States and the Defendant have made
16 no agreement and make no representations as to the criminal history category,
17 which shall be determined after the Presentence Investigative Report is completed.

18 10. Departures/Substantial Assistance:

19 The United States also agrees to furnish the Defendant an opportunity to
20 provide "substantial assistance," that is, information and assistance in the
21 investigation and prosecution of others. The Defendant agrees to meet with
22 federal and state law enforcement agents in an attempt to assist them in obtaining
23 information that would form the basis of a motion for correction or reduction of
24 sentence. The Defendant understands that should he comply with his agreement
25 to cooperate, the United States will move for a reduction of his sentence and an
26 amendment of his charges as is contemplated within this agreement, pursuant to
27 U.S.S.G. §5K1.1.
28

1 (a.) The Defendant must provide information and assistance in the
2 federal or state investigation and prosecution of others who have the same as or
3 greater involvement than the Defendant's involvement in violations of the law.

4 (b.) The Defendant understands and agrees to participate in full
5 debriefings by federal and local investigative agencies about the Defendant's
6 knowledge of illegal conduct, at times and places to be decided by these agencies.
7 The Defendant agrees to provide complete, accurate, and truthful information
8 during the debriefings. It is understood that the Defendant may have an attorney
9 present at the debriefings. The Defendant also agrees to participate in any future
10 court proceeding involving any named or unnamed coconspirators and any other
11 persons involved in criminal activity, by testifying completely and truthfully.
12 Such court proceedings include grand jury proceedings, trials, and sentencing
13 hearings.

14 (c.) The Defendant acknowledges that if he fails to complete his
15 efforts to provide substantial assistance by refusing reasonable requests to meet
16 with law enforcement agents, by providing false information or withholding
17 information from agents, or by failing to testify completely, truthfully, and
18 honestly, the United States is under no obligation to file a motion for a downward
19 departure pursuant to U.S.S.G. §5K1.1, and this agreement shall be considered
20 breached and null and void. The United States may then prosecute the Defendant
21 on all available charges, including making false statements and perjury, as well as
22 the charges presently reflected in the Superseding Indictment.

23 (d.) The Defendant understands this agreement does not protect him
24 from prosecution for perjury, obstruction of justice, or any other offense should
25 the Defendant commit any crime during the Defendant's cooperation under this
26 agreement.

27 (e.) The Defendant understands further that if the United States
28 determines that the Defendant has provided "substantial assistance" and a motion

1 is made, the Court will be free to impose any sentence, even one below the
2 applicable Guidelines sentencing range. If a "substantial assistance" motion is
3 filed, the parties have agreed upon a joint recommendation in this case of one year
4 probation.

5 11. Incarceration:

6 (a.) Length of Imprisonment:

7 Should the Defendant comply with the provisions of paragraph 6 and 9 of
8 this Plea Agreement, the United States and the Defendant agree to recommend that
9 the Court impose a one year term of probation. The parties would not be
10 recommending any jail time be imposed.

11 12. Criminal Fine:

12 The United States and the Defendant are free to make whatever
13 recommendation concerning the imposition of a criminal fine that they believe is
14 appropriate. The United States intends on seeking a monetary fine.

15 13. Probation:

16 The United States and the Defendant agree to recommend that the Court
17 impose a 1 year term of probation release to include the following special
18 conditions, in addition to the standard conditions of probation:

19 (1) that the Defendant's person, residence, office, vehicle, and belongings
20 are subject to search at the direction of the Probation Officer.

21 14. Mandatory Special Penalty Assessment:

22 The Defendant agrees to pay the \$25 mandatory special penalty assessment
23 to the Clerk of Court for the Eastern District of Washington, at or before
24 sentencing, pursuant to 18 U.S.C. § 3013 and shall provide a receipt from the
25 Clerk to the United States before sentencing as proof of this payment.

26 15. Additional Violations of Law Can Void Plea Agreement:

27 The Defendant and the United States agree that the United States may at its
28 option and upon written notice to the Defendant, withdraw from this Plea

1 Agreement or modify its recommendation for sentence if, prior to the imposition
2 of sentence, the Defendant is charged or convicted of any criminal offense
3 whatsoever or if the Defendant tests positive for any controlled substance.

4 16. Appeal Rights:

5 In return for the concessions that the United States has made in this Plea
6 Agreement, the Defendant agrees to waive the right to appeal if the Court imposes
7 a sentence in accordance with the agreement. Should the Defendant successfully
8 move to withdraw from this Plea Agreement or should the Defendant's conviction
9 on the Information Superseding Indictment be dismissed, set aside, vacated, or
10 reversed, this Plea Agreement shall become null and void; the United States may
11 move to reinstate all counts of Superseding Indictment No. CR-08-026-FVS-3;
12 and the United States may prosecute the Defendant on all available charges
13 involving or arising from the possession and transportation of prohibited wildlife.
14 Nothing in this Plea Agreement shall preclude the United States from opposing
15 any post-conviction motion for a reduction of sentence or other attack of the
16 conviction or sentence, including, but not limited to, proceedings pursuant to 28
17 U.S.C. § 2255 (writ of habeas corpus).

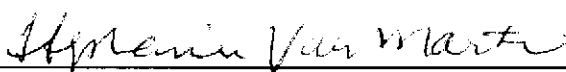
18 17. Integration Clause:

19 The United States and the Defendant acknowledge that this document
20 constitutes the entire Plea Agreement between the United States and the
21 Defendant, and no other promises, agreements, or conditions exist between the
22 United States and the Defendant concerning the resolution of the case. This Plea
23 Agreement is binding only upon the United States Attorney's Office for the
24 Eastern District of Washington, and cannot bind other federal, state or local
25 authorities. The United States and the Defendant agree that this agreement cannot
26 be modified except in a writing that is signed by the United States and the
27 Defendant.
28

Approvals and Signatures

Agreed and submitted on behalf of the United States Attorney's Office for the Eastern District of Washington.

James A. McDevitt
United States Attorney

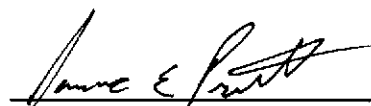


Stephanie Van Marter
Assistant U.S. Attorney

8-20-08

Date

I have read this Plea Agreement and have carefully reviewed and discussed every part of the agreement with my attorney. I understand and voluntarily enter into this Plea Agreement. Furthermore, I have consulted with my attorney about my rights, I understand those rights, and I am satisfied with the representation of my attorney in this case. No other promises or inducements have been made to me, other than those contained in this Plea Agreement and no one has threatened or forced me in any way to enter into this Plea Agreement. I am agreeing to plead guilty because I am guilty.

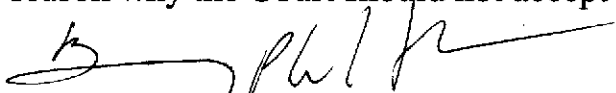


JAMES EDWARD PRATT
Defendant

8-20-08

Date

I have read the Plea Agreement and have discussed the contents of the agreement with my client. The Plea Agreement accurately and completely sets forth the entirety of the agreement between the parties. I concur in my client's decision to plead guilty as set forth in the Plea Agreement. There is no legal reason why the Court should not accept the Defendant's plea of guilty.



Brian P. Whitaker
Attorney for the Defendant

8/20/08

Date