

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA

CRIMINAL ACTION

VERSUS

NO: 12-292

BP EXPLORATION AND
PRODUCTION, INC.

SECTION: R

ORDER

On November 11, 2012, the United States filed a bill of information charging defendant BP Exploration & Production, Inc. (BP) with eleven felony counts of seaman's manslaughter under 18 U.S.C. § 1115; one misdemeanor count of violating of the Clean Water Act, 33 U.S.C. §§ 1321(b)(3), 1319(c)(1)(A); one misdemeanor count of violating the Migratory Bird Treaty Act, 16 U.S.C. §§ 703, 707(a); and one felony count of obstruction of Congress, 18 U.S.C. § 1505. BP and the government have reached an agreement for BP to plead guilty to all thirteen counts and receive a stipulated sentence requiring BP to pay criminal fines, be placed on probation for five years, and to make certain payments and take certain remedial measures as conditions of probation. Under Federal Rule of Criminal Procedure 11(c), the Court may accept or reject the plea agreement. If it accepts the plea agreement, it must impose the sentence the parties agreed

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to. If it rejects the agreement, BP must be allowed to withdraw its guilty plea. The Court may not become involved in plea negotiations. See Fed. R. Crim. P. 11(c).

The Court held a status conference in this matter on December 11, 2012, to establish a schedule for consideration of the plea agreement. After conferring with the parties, the Court issues the following order.

1. To assist the Court in deciding whether to accept the plea agreement, the Court orders a presentence investigation to be made by the United States Probation Office for the Eastern District of Louisiana and a presentence investigation report to be submitted to the Court by January 14, 2013. BP has consented to the preparation of the presentence investigation report and its disclosure to the Court before BP enters its guilty plea in court.

2. The Court further orders the parties to file a joint memorandum by January 16, 2013, explaining why they contend that the plea agreement adequately reflects the seriousness of the offenses and accepting the agreement satisfies the statutory purposes of sentencing.

3. The Court will hold a hearing on January 29, 2013, at 10:00 a.m. at which it will either accept the plea agreement and impose

the agreed sentence or reject the agreement and allow BP to withdraw its agreement to plead guilty. The government must notify victims of this hearing.

4. If any victim wishes to be heard about the plea or the agreed sentence, the Court will receive written submissions from them by January 16, 2013. BP and the government may respond to any victim statements by January 23, 2013. If any victim wishes to be reasonably heard in person at the January 29 hearing, he or she shall notify the U.S. Attorney's Victim Witness Coordinator, Donna Duplantier at the United States Attorney's Office, Eastern District of Louisiana, 650 Poydras Street, Suite 1600, New Orleans, LA 70130, or by phone at (866)-896-2579, by January 22, 2013. The U.S. Attorney's office shall notify the Court by January 23, 2013, of any victims who would like to be heard in person at the January 29 hearing.

5. This order, the bill of information, and the proposed plea agreement shall be entered on the Court's website.

New Orleans, Louisiana, this 11th day of December, 2012.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE