

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:11-00012-16
)	CHIEF JUDGE KEVIN H. SHARP
JERRY DINKINS)	

PETITION TO ENTER A PLEA OF GUILTY

I, Jerry Dinkins, respectfully represent to the Court as follows:

(1) My true full name is Jerry Dinkins. I was born on January 2, 1989, am 26 years old, and completed 9 years of formal education.

(2) My lawyers are Paul Bruno and David Baugh.

(3) I have received a copy of the Second Superseding Indictment before being called upon to plead and have read and discussed it with my lawyers, and believe and feel that I understand every accusation made against me in the Second Superseding Indictment.

(4) I have had sufficient opportunity to discuss with my lawyers the facts and surrounding circumstances concerning the matters mentioned in the Second Superseding Indictment. My lawyers have counseled and advised with me as to the nature and cause of every accusation against me. We have thoroughly discussed the government's case against me and my potential defenses to the government's case. My lawyers have explained each element of the crime charged to me and what the government would offer to prove these elements beyond a reasonable doubt.

(5) I understand that the statutory penalties for the offenses with which I am charged is as follows:

Count 1. Conspiracy to distribute and to possess with intent to distribute cocaine and crack cocaine

Possible Sentence: Not less than 10 years imprisonment; Not more than life imprisonment

Possible Fine: Up to \$10,000,000.00

Possible Term of Supervised Release: At least 5 years

Special Assessment: \$100.00

Count 2. Possession with intent to distribute cocaine and crack cocaine within 1000 feet of public housing

Possible Sentence: Not less than 1 year imprisonment; Not more than 40 years imprisonment

Possible Fine: Up to \$2,000,000.00

Possible Term of Supervised Release: At least 10 years

Special Assessment: \$100.00

Count 3. Conspiracy to interfere with threats or violence

Possible Sentence: Not more than 20 years imprisonment

Possible Fine: Up to \$250,000.00

Possible Term of Supervised Release: Up to 5 years

Special Assessment: \$100.00

Count 4. Use of a firearm in a crime of violence resulting in death

Possible Sentence: Life imprisonment

Possible Fine: Up to \$250,000.00

Possible Term of Supervised Release: Up to 5 years

Special Assessment: \$100.00

(6) I have been advised that I will be sentenced to a sentence sufficient, but not greater than necessary, to satisfy the goals of sentencing specified in 18 U.S.C. §3553(a). One consideration will be Guidelines established by the United States Sentencing Commission. I understand that these Guidelines are advisory, but that the Court must take account of the Guidelines together with other sentencing goals. My lawyers and I have discussed the calculation of the Guidelines in my case. My lawyers have given me an estimate of the Guidelines range that may apply in my case. I realize that this is simply my lawyers' estimate. I understand that my advisory Guideline range will be calculated by the United States Probation Officer who prepares the presentence report in my case. This estimation is subject to challenge by either me or the government, unless prohibited by a plea agreement. The final Guideline calculation will be made by the Court. I further understand that I may be sentenced to a fine to be calculated through the Guidelines. No fine will be imposed if the Judge finds me unable to pay any fine. Considered in this fine may be the amount of financial loss to the victim or gain to me as well as the costs of any confinement or probation supervision. The Court may also order that restitution be made to any victim of the offense. I have a right to a review of my sentence by the United States Court of Appeals for the Sixth Circuit unless waived in the plea agreement.

(7) I understand that, under 18 U.S.C. §3561(a), I am not eligible for a sentence of probation if I receive any sentence of imprisonment at the same time on this offense or any other offense, or am convicted of a Class A or Class B felony, or the offense is one for which probation is expressly prohibited. I have been informed that under the present federal sentencing system there is no parole. I will receive only 54 days good time credit per year, and it will not vest until the end of each year. I further understand that if I am sentenced to a period of supervised release and I violate the terms of that supervised release, upon revocation, I could be imprisoned again.

(8) I understand that should this plea of guilty be accepted, I will be a convicted felon in the eyes of the law for the rest of my life. This means, under present law, that (a) I cannot vote in Tennessee, unless my right to vote is lawfully restored, and may not be eligible to vote in other states; (b) I cannot possess a firearm anywhere; (c) If I am presently on probation, parole, or supervised release, whether state or federal, the fact that I have been convicted may be used to revoke my probation, parole or supervised release regardless of what sentence I receive on this case; (d) If I am convicted of any crime in the future, whether state or federal, this conviction may be used to increase that sentence; (e) I may have to disclose the fact that I am a convicted felon when applying for employment and such disclosure may result in my not getting some jobs and having difficulty in getting others. If I have been convicted of certain drug offenses, my conviction may result in my losing entitlement to certain federal benefits pursuant to the Anti-Drug Abuse Act of 1988. I understand that this list may not include all of the adverse consequences of my conviction in this case.

(9) I understand that I can plead "NOT GUILTY" to any or all offenses charged against me, and continue to plead "NOT GUILTY", and that if I choose to plead not guilty, the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right not to testify and no implication of guilt would arise by my failure to do so; (c) the right to be presumed innocent until such time, if ever, that the government proves my guilt beyond a reasonable doubt to the satisfaction of a court and jury; (d) the right to see and hear all the witnesses and to cross-examine any witness who may testify against me; (e) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses, in my favor; and to testify in my own behalf if I choose to do so; (f) the right to have the assistance of counsel in my defense at all stages of the proceedings; (g) if I am convicted at such trial, I have the right to appeal with a lawyer to assist me and the appeal will not cost me any money if I am indigent. I understand that if the Court accepts my plea that there will be no jury trial and that I will be convicted of the count to which I plead guilty just as if a jury found me guilty of the charge following a trial. The Court may then impose sentence upon me, subject to the maximum punishments set forth in paragraph (5).

(10) No officer or agent of any branch of government (federal, state or local), nor any other person, has guaranteed me what sentence I will receive. If there are any agreements between myself and my lawyers and the prosecution concerning my plea, they are fully set forth in paragraph (13) below. I understand that even with a plea agreement, no person can bind the Judge to give any particular sentence in my case. If the Judge rejects an agreement pursuant to *Federal Rule of Criminal Procedure* 11(c)(1)(A) or (C), I will be offered the opportunity to withdraw my guilty plea. If the Judge rejects a recommendation made pursuant to Rule 11(c)(1)(B), I have no right to withdraw my plea. I understand that if the Judge decides to make a recommendation about where I should serve any incarceration, that the recommendation is not a promise or a guarantee, but only a recommendation and is not binding on the Bureau or Prisons which will make the final decision (after I am sentenced) about where I will be incarcerated.

(11) My lawyers have done all the investigation and research in this case that I have asked them to do, and have reviewed with me the discovery material provided by the Government. I am satisfied with their representation at this point.

(12) Fully understanding my rights to plead "NOT GUILTY" and fully understanding the consequences of my plea of guilty, I wish to plead "GUILTY" and respectfully request the Court to accept my plea as follows:

I agree to plead guilty to Count 4 of the Second Superseding Indictment.

(13) This plea is a result of a plea agreement between my lawyers and the prosecution under the provisions of Rule 11 of the *Federal Rules of Criminal Procedure*. The plea agreement is as follows:

Please see attached plea agreement.

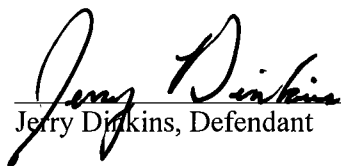
(14) I offer my plea of "GUILTY" freely and voluntarily and of my own accord; also, my lawyers have explained to me, and I feel and believe I understand this petition.

(15) I am not under the influence of either drugs or alcohol.

(16) I request the Court to enter now my plea of "GUILTY" as set forth in paragraph (12) of this petition, in reliance upon my statements made in this petition.

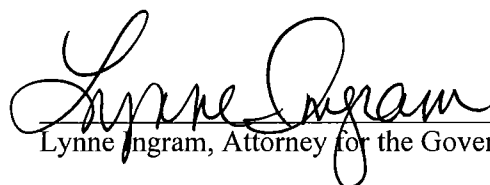
(17) Recognizing that the Court may reserve acceptance of this plea pending the receipt of the pre-sentence report, I hereby agree that the pre-sentence report may be disclosed to the United States Attorney, my counsel and myself, prior to the sentencing hearing.

Signed by me in open court under the penalties of perjury in the presence of my lawyer, this the 26th day of June, 2015.


Jerry Dinkins, Defendant

ACKNOWLEDGMENT OF GOVERNMENT ATTORNEY

The maximum punishment and plea petition are accurately stated above.


Lynne Ingram, Attorney for the Government

CERTIFICATE OF COUNSEL

The undersigned, as attorney and counselor for Jerry Dinkins, hereby certifies as follows:

(1) I have read and fully explained to Jerry Dinkins all of the accusations against him in this case;

(2) To the best of my knowledge and belief each statement set forth in the foregoing petition is accurate and true;

(3) In my opinion, the plea of "GUILTY" as offered by Jerry Dinkins, in paragraph (12) of the foregoing petition, is voluntarily and understandingly made, and I recommend to the Court that the plea of "GUILTY" be accepted and entered as requested in paragraph (12) of the foregoing petition.

Signed by me in open court in the presence of Jerry Dinkins, this 26th day of June, 2015.



Paul Bruno
Attorney for Jerry Dinkins

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
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UNITED STATES OF AMERICA)	
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)	CHIEF JUDGE KEVIN H. SHARP
JERRY DINKINS)	

ORDER

Good cause appearing therefore from the foregoing petition of the foregoing named defendant and the certificate of his counsel and for all proceedings heretofore had in this case, it is **ORDERED** that the petition be granted and the defendant's plea of "GUILTY" be accepted and entered as prayed in the petition and as recommended in the certificate of counsel.

Done in open court this 26th day of June, 2015.


CHIEF JUDGE KEVIN H. SHARP
UNITED STATES DISTRICT COURT JUDGE

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA)
)
)
) No. 3:11-00012-16
) Chief Judge Sharp
)
)
JERRY DINKINS)

PLEA AGREEMENT

The United States of America, through David Rivera, United States Attorney for the Middle District of Tennessee, and Assistant United States Attorney Lynne Ingram, Trial Attorney Laura Gwinn, and defendant, Jerry Dinkins, through defendant’s counsel, Paul J. Bruno and David P. Baugh, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, have entered into an agreement, the terms and conditions of which are as follows:

Charges in This Case

1. Defendant acknowledges that he has been charged in the indictment in this case with Count 1: Conspiracy to distribute and to possess with intent to distribute cocaine and crack cocaine, in violation of Title 21 United States Code Section 846 and Title 18 United States Code Section 2. Count 2: Possession with intent to distribute cocaine and crack cocaine within 1000 feet of public housing, in violation of Title 21 United States Code Section 841(a)(1), Title 21 United States Code Section 860 and Title 18 United States Code Section 2. Count 3: Conspiracy to interfere with threats or violence, in violation of Title 18 United States Code Section 1951 and Title 18 United States Code Section 2. Count 4: Murder in the course of discharging a firearm in furtherance of a crime of violence, in violation of Title 18 United States Code Section 924(c) and Title 18 United States Code Section 924(j) and Title 18 United States Code Section 2.

2. Defendant has read the charges against him contained in the indictment and those charges have been fully explained to him by his attorney. Defendant fully understands the nature and elements of the crimes with which he has been charged.

Charge to Which Defendant is Pleading Guilty and Conditions

3. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to Count Four of the indictment of Use of a Firearm in a Crime of Violence Resulting in Death. After sentence has been imposed on the count to which defendant pleads guilty as agreed herein, the government will move to dismiss the remaining counts of the indictment.

4. This agreement is conditioned upon the following: (a) all co-defendants charged in Counts One through Four of the Indictment entering a guilty plea in this case; and (b) acceptance of the pleas by a United States District Judge at the time of the guilty plea hearings. If any co-defendant charged in Counts One through Four of the Indictment does not satisfy these two conditions, or subsequently seeks to withdraw his guilty plea, the United States Attorney's Office, in its sole discretion, will be released from all its obligations under this agreement. In addition, if any co-defendant charged in Counts One through Four of the Indictment breaches his plea agreement, the United States Attorney's Office, in its sole discretion, may void this defendant's plea agreement.

5. In the event that (a) the defendant's conviction is later vacated for any reason; (b) the conviction of any co-defendant charged in Counts One through Four of the Indictment is later vacated for any reason; (c) the defendant violates this agreement; (d) any co-defendant charged in Counts One through Four of the Indictment violates his or her plea agreement; (e) the defendant's plea is later withdrawn; or (f) any co-defendant charged in Counts One through Four

of the Indictment has his plea later withdrawn, the defendant waives all defenses based on speedy trial and the statute of limitations, for 120 days from any of these events.

Penalties

6. The parties understand and agree that the offenses to which defendant will enter a plea of guilty carries the following maximum penalties:

- a. Maximum term of imprisonment: Life.
- b. Mandatory minimum term of imprisonment: None.
- c. Term of supervised release: Up to 5 years.
- d. Maximum fine: \$250,000, due and payable immediately.
- e. Full restitution, due and payable immediately, to all victims of the offenses and relevant conduct.
- f. Mandatory special assessment: \$100.00.

Defendant further understands that the Court must order restitution to the victims of the offense in an amount determined by the Court.

Acknowledgements and Waivers Regarding Plea of Guilty

Nature of Plea Agreement

7. This Plea Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in case 3:11-00012-16.

8. Defendant understands that by pleading guilty he surrenders certain trial rights, including the following:

- a. If defendant persisted in a plea of not guilty to the charge against him, he would have the right to a public and speedy trial. Defendant has a right to a jury trial, and the trial would be by a judge rather than a jury only if defendant, the government, and the Court all agreed to have no jury.

b. If the trial were a jury trial, the jury would be composed of twelve laypersons selected at random. Defendant and his attorney would have a say in who the jurors would be by removing prospective jurors for cause, or without cause by exercising so-called peremptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that defendant is presumed innocent; that the government bears the burden of proving defendant guilty of the charge(s) beyond a reasonable doubt; and that it must consider each count of the indictment against defendant separately.

c. If the trial were held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, whether or not the judge was persuaded of defendant's guilt beyond a reasonable doubt.

d. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them. In turn, defendant could present witnesses and other evidence on his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court.

e. At a trial, defendant would have a privilege against self-incrimination so that he could testify or decline to testify, and no inference of guilt could be drawn from his refusal to testify.

9. Defendant understands that by pleading guilty he is waiving all of the trial rights set forth in the prior paragraph. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

Factual Basis

10. Defendant will plead guilty because he is in fact guilty of charge contained in Count Four of the indictment. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt:

On October 27, 2010, Cornell Oliver, Jerry Dinkins, and Blake Wright participated in a home-invasion robbery at a crack house on Elder Street in Clarksville, Tennessee. Raymond Caston, a/k/a "Black," who sold crack cocaine from the house, was the target of the robbery because he was known to cook and sell substantial amounts of crack cocaine at the house and to have large amounts of money.

A few days prior to Caston's murder, a witness brought Oliver, Wright and Dinkins to the house. Caston and several other individuals were in the house gambling. Oliver and Wright also participated in the gambling and displayed their firearms while Dinkins remained outside.

The day of the murder, Caston left in a Jaguar to get cocaine and returned to the house on Elder Street to cook the drugs. While Caston was cooking, he instructed a witness to gather all of his belongings, including a flat-screen television, a Playstation, games, and clothes, and load them inside the Jaguar. When Caston finished cooking the drugs, he left, but told people at the house he would return.

Upon Caston's return, he began selling crack cocaine to the people inside the house. As Caston was getting ready to give a witness some drugs, they heard multiple bangs on the door. Caston gave the crack to the witness and stated, "If that is the police, I'll get you out, just take the dope." The witness took the drugs and hid in the bathroom.

The second time there was banging on the door, one of the three defendants kicked open the door, and all three entered. According to witnesses inside the house, at least two of the defendants were armed. They demanded that everybody get on the ground. They went directly to Caston, demanded to know where to find money and drugs (witnesses stated that the robbers asked for "it," "dope," etc.), and one of the robbers hit Caston with a gun. Caston said that "it" was not there and that he had taken "it" home. The robbers told Caston that Caston was going to take them to "it" (i.e., show them where the drugs/drug proceeds were stored). They took Caston outside and continued to threaten and extort him. People inside the house soon heard multiple gunshots, but were not outside and did not see which of the three robbers actually fired shots. The three robbers then fled. Caston had been shot three times: a shot to the shoulder which punctured his lung, a shot to the thigh, and a superficial shot to the forehead. He was pronounced dead at the scene. Law enforcement officers

observed that all four doors of the Jaguar that Caston had been driving earlier that day were open. A consent search at Caston's residence resulted in the seizure of 32 grams of crack cocaine.

No casings were found on the scene, suggesting that Caston was shot with a revolver. Four bullet fragments were recovered from the scene and were submitted for analysis. Tennessee Bureau of Investigation (TBI) analysts examined the fragments and determined that they were likely from either a .38 special or a .357 Magnum. Three of the four fragments were determined to have been fired from the same weapon; the fourth fragment was of no value. Three bullets were recovered at autopsy. One bullet was fired from the same barrel as one of the fragments; one bullet was of no value. The third bullet was fired from a .22 caliber gun, thus establishing the use of at least two firearms.

At the time of the murder, there were at least eight people in the house. Several witnesses identified one or more of the three defendants as the participants in the home invasion, even though the robbers had worn masks. One witness knew Wright and Oliver by name and had seen Dinkins. The day of the robbery, this witness was outside just prior to the murder, and saw all three lurking near the porch of the house; at least one of them had a gun, and they "were kind of trying to conceal themselves." Another witness knew Wright and Oliver and recognized their voices. In addition, at one point Wright removed his mask and the witness saw his face. A third witness knew all three defendants from the neighborhood and recognized them by their voices and their physical appearance. He testified in grand jury that, a few days before the murder, he overheard them talking about "getting" the victim because the victim had taken over part of their drug-selling territory. A fourth witness identified Cornell Oliver (by voice and body language), whom he has known for a while, and Blake Wright (by voice). He was not certain about Jerry Dinkins.

Oliver's DNA was found on a pair of gloves recovered from inside the Jaguar that Caston had been driving on the night of the murder. In addition, a shoe impression was found on the front door of the house where the door had been kicked in. The impression was consistent with Wright's right shoe.

A witness who is the mother of Oliver's baby, stated that Oliver came to her residence on the night of the murder, that he was visibly upset, and that he had apparent blood spatter on his clothes. When asked about his appearance, Oliver stated that he did not want to talk about it, and he left. He came back about 30 minutes later wearing a different shirt. Scott stated that Dinkins and Wright came to the residence to speak to Oliver. She then received a call from Brian Vance, who asked her to ride with Regina Ligon to Nashville. She agreed to do so, and slept during the ensuing ride. When they got to Nashville, they met Oliver, Wright, and Dinkins and gave them money and clothing provided by Brian Vance. The witness also stated that Oliver told her that they had killed Caston, and that it was not supposed to have happened. She stated that Oliver told her that they asked Caston where the money was, and

that Caston said that he did not have any. She stated that Oliver told her that they shot Caston, and that Oliver was present when Caston was shot. Oliver told her that was how he got blood on his jacket. Oliver did not identify the actual shooter(s) to Scott.

This statement of facts is provided to assist the Court in determining whether a factual basis exists for defendant's plea of guilty. The statement of facts does not contain each and every fact known to defendant and to the United States concerning defendant's and/or others' involvement in the offense conduct and other matters.

Sentencing Guidelines Calculations

11. The parties understand that the Court will take account of the United States Sentencing Guidelines (hereinafter "U.S.S.G."), together with the other sentencing factors set forth at 18 U.S.C. § 3553(a), and will consider the U.S.S.G. advisory sentencing range in imposing defendant's sentence. The parties agree that the U.S.S.G. to be considered in this case are those effective November 1, 2014.

12. For purposes of determining the U.S.S.G. advisory sentencing range, the United States and defendant agree, pursuant to Rule 11(c)(1)(C), the following:

Offense Level Calculations.

i. The base offense level for the count of conviction is 43, pursuant to U.S.S.G. § 2B3.1(c).

ii. Assuming defendant clearly demonstrates acceptance of responsibility, to the satisfaction of the government, through his allocution and subsequent conduct prior to the imposition of sentence, a 2-level reduction will be warranted, pursuant to U.S.S.G. § 3E1.1(a). Furthermore, assuming defendant accepts responsibility as described in the previous sentence, the United States will move for an additional one-level reduction pursuant to U.S.S.G. § 3E1.1(b), because defendant will have given

timely notice of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently.

iii. The parties agree that no additional upward or downward adjustments are appropriate.

Criminal History Category. The defendant appears to have no prior convictions, and therefore, is believed to have a Criminal History Category of I.

Therefore, the parties agree to recommend to the Court a final offense level of 40. Defendant understands that the offense level as ultimately determined by the Court (the “court-determined offense level”) may be different from the Recommended Offense Level. Defendant likewise understands that the guidelines range as ultimately determined by the Court (the “court-determined guidelines range”) may be based on an offense level different from the Recommended Offense Level.

Agreements Relating to Sentencing

13. This Plea Agreement is governed, in part, by Federal Rule of Criminal Procedure 11(c)(1)(C). That is, the parties have agreed that the sentence imposed by the Court shall include a term of imprisonment of 300 months in the custody of the Bureau of Prisons. Other than the agreed incarceration, the parties have agreed that the Court remains free to impose the sentence it deems appropriate. If the Court accepts and imposes the agreed incarceration set forth herein, defendant may not withdraw this plea as a matter of right under Federal Rule of Criminal Procedure 11(d). If, however, the Court refuses to impose the agreed incarceration thereby rejecting the Plea

Agreement, or otherwise refuses to accept defendant's plea of guilty, either party shall have the right to withdraw from this Plea Agreement.

14. Regarding restitution, the parties acknowledge that pursuant to Title 18, United States Code, Section 3663A, the Court must order defendant to make restitution in an amount to be determined by Probation, minus any credit for funds repaid prior to sentencing. Unless the Court orders otherwise, restitution shall be due immediately.

Presentence Investigation Report/Post-Sentence Supervision

15. Defendant understands that the United States Attorney's Office, in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing, shall fully apprise the District Court and the United States Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against him, as well as any related matters. The government will make known all matters in aggravation and mitigation relevant to the issue of sentencing.

16. Defendant agrees to execute truthfully and completely a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the United States Probation Office, and the United States Attorney's Office regarding all details of his financial circumstances, including his recent income tax returns as specified by the Probation Officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1 and enhancement of his sentence for obstruction of justice under U.S.S.G. § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001, or as a contempt of the Court.

17. This Plea Agreement concerns criminal liability only. Except as expressly set forth in this Plea Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Plea Agreement are limited to the United States Attorney's Office for the Middle District of Tennessee and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Plea Agreement.

Entry of Guilty Plea

18. The parties jointly request that the Court accept the defendant's plea of guilty as set forth in this agreement and enter an order reflecting the acceptance of the plea while reserving acceptance of this plea agreement until receipt of the pre-sentence report and sentencing.

Waiver of Appellate Rights

19. Regarding the issue of guilt, defendant hereby waives all (i) rights to appeal any issue bearing on the determination of whether he is guilty of the crime(s) to which he is agreeing to plead guilty; and (ii) trial rights that might have been available if he exercised his right to go to trial. Regarding sentencing, Defendant is aware that 18 U.S.C. § 3742 generally affords a defendant the right to appeal the sentence imposed. Acknowledging this, defendant knowingly waives the right to appeal any sentence within or below the guideline range associated with the Recommended Offense Level when combined with defendant's criminal history category as determined by the Court. Defendant also knowingly waives the right to challenge the sentence imposed in any collateral attack, including, but not limited to, a motion brought pursuant to 28 U.S.C. § 2255 and/or § 2241, and/or 18 U.S.C. § 3582(c). However, no waiver of the right to appeal, or to

challenge the adjudication of guilt or the sentence imposed in any collateral attack, shall apply to a claim of involuntariness, prosecutorial misconduct, or ineffective assistance of counsel. Likewise, the government waives the right to appeal any sentence within or above the guideline range associated with the Recommended Offense Level when combined with defendant's criminal history category.

Other Terms

20. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine and restitution for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office.

21. Should defendant engage in additional criminal activity after he has pled guilty but prior to sentencing, defendant shall be considered to have breached this Plea Agreement, and the government at its option may void this Plea Agreement.

Conclusion

22. Defendant understands that the indictment and this Plea Agreement have been or will be filed with the Court, will become matters of public record, and may be disclosed to any person.

23. Defendant understands that his compliance with each part of this Plea Agreement extends until such time as he is sentenced, and failure to abide by any term of the Plea Agreement is a violation of the Plea Agreement. Defendant further understands that in the event he violates this Plea Agreement, the government, at its option, may move to vacate the Plea Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Plea Agreement, or may require defendant's specific performance of this Plea


Agreement. Defendant understands and agrees that in the event that the Court permits defendant to withdraw from this Plea Agreement, or defendant breaches any of its terms and the government elects to void the Plea Agreement and prosecute defendant, any prosecutions that are not time-barred by the applicable statute of limitations on the date of the signing of this Plea Agreement may be commenced against defendant in accordance with this paragraph, notwithstanding the expiration of the statute of limitations between the signing of this Plea Agreement and the commencement of such prosecutions.

24. Defendant and his attorney acknowledge that no threats have been made to cause defendant to plead guilty.

25. No promises, agreements, or conditions have been entered into other than those set forth in this Plea Agreement, and none will be entered into unless memorialized in writing and signed by all of the parties listed below.

26. Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending indictment. Further, I fully understand all rights with respect to the provisions of the Sentencing Guidelines that may apply in my case. I have read this Plea Agreement and carefully reviewed every part of it with my attorney. I understand this Plea Agreement, and I voluntarily agree to it.

Date: 6-26-15



Jerry Dinkins
Defendant

27. Defense Counsel Signature: I am counsel for defendant in this case. I have fully explained to defendant his rights with respect to the pending indictment [*information*]. Further, I have reviewed the provisions of the Sentencing Guidelines and Policy Statements, and I have fully explained to defendant the provisions of those guidelines that may apply in this case. I have reviewed carefully every part of this Plea Agreement with defendant. To my knowledge, defendant's decision to enter into this Plea Agreement is an informed and voluntary one.

Date: 6/26/15 Paul Bruno
Paul J. Bruno
Attorney for Defendant

Date: _____
David P. Baugh
Attorney for Defendant

Respectfully submitted,

DAVID RIVERA
United States Attorney

By: [Signature]
LYNNE INGRAM
Assistant U.S. Attorney

By: [Signature]
LAURA GWINN
Department of Justice Trial Attorney

[Signature]
Hon. McDonough
Criminal Deputy Chief