

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff)	
)	
v.)	Case No. 2:08-cr-20055-KHV
)	
)	
MARY JO LADURON, a/k/a MARY JO GAULT,)	
)	Hon. Kathryn H. Vratil
Defendant.)	

PLEA AGREEMENT

The United States of America and Mary Jo LaDuron, a/k/a Mary Jo Gault ("defendant") hereby enter into the following Plea Agreement pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure ("Fed. R. Crim. P."):

RIGHTS OF DEFENDANT

1. The defendant understands her rights:
 - (a) to be represented by an attorney;
 - (b) to be charged by Indictment;
 - (c) to plead not guilty to any criminal charge brought against her;
 - (d) to have a trial by jury, at which she would be presumed not guilty of the charge and the United States would have to prove every essential element of the charged offense beyond a reasonable doubt for her to be found guilty;
 - (e) to confront and cross-examine witnesses against her and to subpoena witnesses in her defense at trial;
 - (f) not to be compelled to incriminate herself;

(g) to appeal her conviction, if she is found guilty; and

(h) to appeal the imposition of sentence against her.

AGREEMENT TO PLEAD GUILTY
AND WAIVE CERTAIN RIGHTS

2. The defendant knowingly and voluntarily waives the rights set out in Paragraph 1(b)-(h) above. The defendant also knowingly and voluntarily waives the right to file any appeal, any collateral attack, or any other writ or motion, including but not limited to an appeal under 18 U.S.C. § 3742 or a motion under 28 U.S.C. § 2241 or 2255, that challenges the sentence imposed by the Court if that sentence is within the Guidelines range in Paragraph 8 of this Plea Agreement, regardless of how the sentence is determined by the Court. This agreement does not affect the rights or obligations of the United States as set forth in 18 U.S.C. § 3742(b). Nothing in this paragraph, however, shall act as a bar to the defendant perfecting any legal remedies she may otherwise have on appeal or collateral attack respecting claims of ineffective assistance of counsel or prosecutorial misconduct. The defendant agrees that there is currently no known evidence of ineffective assistance of counsel or prosecutorial misconduct. Pursuant to Fed. R. Crim. P. 7(b), the defendant will waive indictment and plead guilty at arraignment to a one-count Information to be filed in the United States District Court for the District of Kansas. The Information will charge the defendant with making false statements to the Federal Bureau of Investigation on March 23, 2006 in violation of 18 U.S.C. § 1001.

3. The defendant, pursuant to the terms of this Plea Agreement, will plead guilty to the criminal charge described in Paragraph 2 above and will make a factual admission of guilt to the Court in accordance with Fed. R. Crim. P. 11, as set forth in Paragraph 4 below. The United States agrees that at the arraignment, it will stipulate to the release of the

defendant on her personal recognizance, pursuant to 18 U.S.C. § 3142, pending the sentencing hearing in this case.

FACTUAL BASIS FOR OFFENSE CHARGED

4. Had this case gone to trial, the United States would have presented evidence sufficient to prove the following facts:

(a) Beginning in 1999 and continuing through at least November 2003, the defendant worked for Elephantine Corporation.

(b) Elephantine Corporation was formed and owned by Leonard Douglas “Doug” LaDuron and held itself out to be an independent consultant to schools seeking subsidies for the purchase and installation of Internet access and telecommunications services as well as internal computer and communication networks through the Federal government’s E-Rate Program. Leonard Douglas “Doug” LaDuron, who is the defendant’s son, introduced the defendant to the E-Rate Program prior to the defendant beginning work for Elephantine Corporation.

(c) On March 23, 2006, in the District of Kansas, the defendant knowingly and willfully made a false statement which was material to a matter within the jurisdiction of the executive branch of the Government of the United States. Specifically, in connection with an investigation by the Federal Bureau of Investigation (“FBI”), the defendant was interviewed by agents of the FBI. During that interview, the defendant falsely stated that she was unaware of who the owner of Elephantine was and did not recall how she had become familiar with the E-Rate Program.

(d) The defendant made this false statement in the District of Kansas within five

years preceding the filing of this Information.

POSSIBLE MAXIMUM SENTENCE

5. The defendant understands that the statutory maximum penalty which may be imposed against her upon conviction for a violation of 18 U.S.C. § 1001 is:

- (a) a term of imprisonment for five years;
- (b) a fine of \$250,000; and
- (c) a term of supervised release of three years following any term of imprisonment. If the defendant violates any condition of supervised release, the defendant could be required to serve up to two (2) years in prison (18 U.S.C. § 3559(a)(4); 18 U.S.C. § 3583(b)(2) and (e)(3); and United States Sentencing Guidelines (“U.S.S.G.,” “Sentencing Guidelines,” or “Guidelines”) §5D1.2(a)(2)).

6. In addition, the defendant understands that:

- (a) pursuant to U.S.S.G. §5E1.1 or 18 U.S.C. § 3663(a)(3) or 3583(d), the Court may order her to pay restitution to the victims of the offense; and
- (b) pursuant to 18 U.S.C. § 3013(a)(2)(A), the Court is required to order the defendant to pay a \$100.00 special assessment upon conviction for the charged crime.

SENTENCING GUIDELINES

7. The defendant understands that the Sentencing Guidelines are advisory, not mandatory, but that the Court must consider the Guidelines in effect on the day of sentencing, along with the other factors set forth in 18 U.S.C. § 3553(a), in determining and imposing sentence. The defendant understands that the Guidelines determinations will be made by the Court by a preponderance of the evidence standard. The defendant understands that although the

Court is not ultimately bound to impose a sentence within the applicable Guidelines range, its sentence must be reasonable based upon consideration of all relevant sentencing factors set forth in 18 U.S.C. § 3553(a).

8. The United States and the defendant agree that the proper Guidelines calculations are as follows:

- (a) The base offense level under U.S.S.G. § 2B1.1(a)(2) is 6;
- (b) The defendant has demonstrated acceptance of responsibility for her offense under U.S.S.G. § 3E1.1(a) by entering a plea of guilty to the Information, resulting in a decrease in her offense level of 2.

Thus, the defendant's Final Offense Level is 4. Given the defendant's lack of previous convictions, the proper Criminal History Category for determining the appropriate Guidelines range of imprisonment is Category I, resulting in a Guidelines range of punishment of 0 to 6 months of imprisonment.

SENTENCING AGREEMENT

9. Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States agrees that it will recommend, as the appropriate disposition of this case, that the Court impose a sentence within the applicable Guidelines range. The parties agree that there exists no aggravating or mitigating circumstance of a kind, or to a degree, not adequately taken into consideration by the U.S. Sentencing Commission in formulating the Sentencing Guidelines justifying a departure pursuant to U.S.S.G. §5K2.0. The parties agree not to seek or support any sentence outside of the Guidelines range nor any Guidelines adjustment for any reason that is not set forth in this Plea Agreement.

10. The United States and the defendant understand that the Court retains complete discretion to accept or reject either party's sentencing recommendation. The defendant understands that, as provided in Fed. R. Crim. P. 11(c)(3)(B), if the Court does not impose a sentence consistent with either party's sentencing recommendation, she nevertheless has no right to withdraw her plea of guilty.

GOVERNMENT'S AGREEMENT

11. Upon the Court's acceptance of the defendant's plea of guilty to the one-count Information, the United States will move, pursuant to Rule 48(a) of the Fed. R. Crim. P., to dismiss the pending indictment charging the defendant with participating in a conspiracy in violation of 18 U.S.C. § 371. The United States will not bring further criminal charges against the defendant for any act or offense committed before the date of this Plea Agreement that was undertaken in connection with the conspiracy to defraud the E-Rate Program or undertaken in connection with any investigation of such a conspiracy. The nonprosecution terms of this paragraph do not apply to civil matters of any kind, to any violation of the federal tax or securities laws, or to any crime of violence.

REPRESENTATION BY COUNSEL

12. The defendant has reviewed all legal and factual aspects of this case with her attorney and is fully satisfied with her attorney's legal representation. The defendant has thoroughly reviewed this Plea Agreement with her attorney and has received satisfactory explanations from her attorney concerning each paragraph of this Plea Agreement and alternatives available to the defendant other than entering into this Plea Agreement. After conferring with her attorney and considering all available alternatives, the defendant has made a

knowing and voluntary decision to enter into this Plea Agreement.

VOLUNTARY PLEA

13. The defendant's decision to enter into this Plea Agreement and to tender a plea of guilty is freely and voluntarily made and is not the result of force, threats, assurances, promises, or representations other than the representations contained in this Plea Agreement. The United States has made no promises or representations to the defendant as to whether the Court will accept or reject the recommendations contained within this Plea Agreement.


ENTIRETY OF AGREEMENT

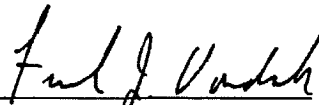
14. This Plea Agreement constitutes the entire agreement between the United States and the defendant concerning the disposition of the criminal charge[s] in this case. This Plea Agreement cannot be modified except in writing, signed by the United States and the defendant.

15. The undersigned attorneys for the United States have been authorized by the Attorney General of the United States to enter this Plea Agreement on behalf of the United States.

DATED: 7-2-09

Respectfully submitted,

BY: 
MARY JO LADURON
Defendant

BY: 
FRANK J. VONDRAK
KALINA M. TULLEY
BARRY J. KAPLAN


THOMAS R. TELTHORST
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