

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 11-80135-CR-COHN/SELTZER

UNITED STATES OF AMERICA

v.

JAMES E. MURPHY,

Defendant.

AMENDMENT TO PLEA AGREEMENT

COMES NOW, the United States of America and the Defendant, by and through the undersigned attorneys, and respectfully submit as follows:

In light of the criminal history identified by the United States Probation Office in the preliminary presentence report, the parties hereby amend the plea agreement filed with the Court on August 15, 2011, by substituting the following language for the corresponding provisions in the original plea agreement.

In Paragraph 8:

“(d) Based on the foregoing, defendant’s adjusted Offense Level for the offenses to which he is pleading guilty is 21. The Guidelines imprisonment range for Offense Level 21, Criminal History Category III, is 46 to 57 months imprisonment. The defendant’s appropriate Guidelines fine range is between \$7,500 and \$75,000.”

All of Paragraph 9:

“Pursuant to Fed. R. Crim. P. 11(c)(1)(B), the United States and the defendant agree to recommend jointly, as the appropriate disposition of this case, that the Court impose a sentence requiring the defendant to pay to the United States a criminal fine of \$10,000 payable in full before the fifteenth (15th) day after the date of judgment; a period of imprisonment of 23 months; a two year period of supervised release, and restitution to Ryan International Airlines, Inc., of \$42,500 pursuant to 18 U.S.C. § 3663A(c)(1)(A)(ii) (“the recommended sentence”). The defendant agrees that he will not request that he be allowed to serve any part of his sentence in home detention, intermittent confinement, or community confinement. The United States will not object to the defendant’s request that the Court make a recommendation to the Bureau of Prisons that the Bureau of Prisons designate that the defendant be assigned to a Federal Minimum Security Camp to serve his sentence and that the defendant be released following the imposition of sentence to allow him to self-surrender to the assigned prison facility on a specified date. 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. The parties further agree that the recommended sentence set forth in this Plea Agreement is reasonable. The defendant understands that the Court will order him to pay a \$100 special

assessment pursuant to 18 U.S.C. § 3013(a)(2)(A) for each count in the Information in addition to any restitution imposed.”

Dated: October 19, 2011

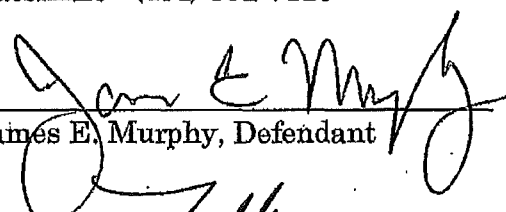
Respectfully submitted,



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10/19/11



James E. Murphy, Defendant

Date: _____

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