

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 v.)
)
 JEANETTE SUE BARNES,)
)
 Defendant.)

No. 15-10100-JDB

PLEA AGREEMENT

1. I, JEANETTE SUE BARNES, have been charged by criminal Information with a violation of Title 18, United States Code Section 242. The maximum penalty for a violation of Section 242, as charged in Count 1, is a fine of NMT \$250,000, NMT 10 years imprisonment, a period of supervised release for NMT 3 years, and a \$100 special assessment. Additional fees may be imposed to pay for incarceration or supervised release.

2. The following constitutes the Plea Agreement reached between the United States, represented by Edward L. Stanton III, United States Attorney for the Western District of Tennessee, Mark A. Erskine, Assistant United States Attorney, and Jared Fishman, Trial Attorney, Civil Rights Division, U.S. Department of Justice (collectively, "the United States" or "the Government"); and myself, JEANETTE SUE BARNES (the "Defendant"), represented by Benjamin Dempsey, my defense counsel.

3. My attorney, Benjamin Dempsey, has informed me of the maximum possible penalties, the nature of this criminal charge and the elements of the charge, each of which must be proved by the Government beyond a reasonable doubt before I could be found guilty as charged.

4. By voluntarily pleading guilty, I knowingly waive and give up my constitutional rights to plead not guilty, to compel the Government to prove my guilt beyond a reasonable doubt, not to be compelled to incriminate myself, to confront and cross-examine the witnesses against me, to have a jury or judge determine my guilt on the evidence presented, and other constitutional rights which apply to a defendant on trial in a criminal case.

5. I am pleading guilty to the charge described herein because I am guilty and because it is in my best interest to do so, and not because of any threats or promises. Although this Plea Agreement contains a recommended range of imprisonment, there has been no representation made whatsoever by any agent or employee of the United States to me as to

what the final disposition of this matter should or will be. I understand that the matter of sentencing is within the sole discretion of the Court. I have discussed sentencing with my attorney.

I understand the Plea Agreement in this case to be as follows:

6. I will enter a plea of guilty to Count 1 of the above-referenced Information, charging me with the felony offense described herein. The parties agree, pursuant to Rule 11(c)(1)(C), that the appropriate disposition of this case is a sentence within the range of 18 to 24 months imprisonment. If this plea agreement is accepted by the Court, this recommendation will be binding on the Court. Pursuant to Rule 11(c)(1)(C), the parties agree the sentencing guidelines in this case should be calculated as follows:

§2H1.1(a)(3)	Base offense level (use of force)	10
§2H1.1(b)(1)	Defendant was a public official or the offense was committed under color of law	+6
§3A1.3	<u>Victim was physically restrained</u>	<u>+2</u>
	Total Offense Level	18

7. I understand that, given the facts in the possession of the United States at the time of the writing of this agreement, the United States does not oppose my receiving maximum acceptance of responsibility credit pursuant to U.S.S.G. Section 3E1.1. I understand that if the United States receives information between the signing of this agreement and the time of the sentencing that I have previously engaged in, or if I engage in the future, in conduct inconsistent with the acceptance of responsibility, including, but not limited to, participation in any additional criminal activities between now and the time of sentencing, this position could change. Further, I understand that whether or not acceptance of responsibility credit pursuant to Section 3E1.1 is granted is a matter to be determined by the Court. Failure of the Court to grant acceptance of responsibility credit is not a basis for me to withdraw my guilty plea.

8. Under the calculations above, the resulting offense level would be 15. With a Criminal History Category of I, which the parties believe will be applicable, the resulting sentence under the U.S.S.G. would be the recommended 18 to 24 months. As a result of the agreement described above, the United States would not seek a cross-reference for Aggravated Assault under the guidelines, which would result in a greater advisory range of imprisonment.

9. I understand that any statement made in the course of the plea colloquy may be used against me in any criminal prosecution. I knowingly, intelligently and voluntarily waive any objection based on Rule 410 of the Federal Rules of Evidence.

10. I understand that Title 18, United States Code, Section 3742 gives me the right to appeal the sentence imposed by the Court. Acknowledging this, I knowingly and voluntarily waive my right to appeal any sentence imposed by the Court and the manner in which the sentence is determined so long as my sentence is within the ~~statutory maximum~~ specified above. This waiver is made in exchange for the concessions made by the United States in this Plea Agreement. The waiver in this paragraph does not apply to claims relating to prosecutorial misconduct or ineffective assistance of counsel.

30
the advisory guideline range of 18 to 24 months
ME
16h

11. I understand that Title 28, United States Code, Section 2255 provides an additional method by which to challenge the sentence imposed by the Court. Acknowledging this, I knowingly and voluntarily waive my rights to file an action pursuant to Section 2255. The waiver in this paragraph does not apply to claims relating to prosecutorial misconduct or ineffective assistance of counsel.

12. I understand that defendants convicted of felony crimes are required to pay a mandatory assessment of \$100 per count of conviction. I agree that payment of this assessment, in full, is a condition of this agreement and that such payment is due at the time of my sentencing.

13. I understand that this agreement does not apply to any crimes that I may have committed (other than those specifically set forth herein), or that I may commit hereafter, including perjury.

14. I understand that the Government will be free to fully describe the nature of each offense charged and the evidence in this case.

15. I willingly stipulate that there is a sufficient factual basis to support each and every essential element of each offense set forth in the above-referenced Information to which I am pleading guilty.

16. I understand that a thorough presentence investigation will be conducted and sentencing recommendations independent of the United States Attorney's Office will be made by the preparer of the presentence report, which the Court may adopt or take into consideration.

17. Should it be judged by the Government that I have committed or attempted to commit any additional crimes or have engaged in any conduct constituting obstruction of or impeding justice within the meaning of United States Sentencing Guidelines Section 3C1.1 from the date of my signing this plea agreement to the date of my sentencing, or if I attempt to withdraw my plea, I understand the Government will be released from its obligations and would become free to argue for any sentence within the statutory limits. I further understand that such a breach by me would not release me from the plea of guilty.

18. I understand that this Plea Agreement constitutes the entire agreement between me and the United States. I have not been coerced, threatened, or promised anything other than the terms of this plea agreement, in exchange for my plea of guilty. I understand that my

attorney will have the opportunity to speak on my behalf and I will also have an opportunity to personally address the Court and present any information to mitigate my sentence prior to sentence being imposed.

19. I have read or have had the foregoing plea agreement read to me in a language I understand and have discussed the terms of this plea agreement with my attorney, Benjamin Dempsey, and am satisfied with my attorney's advice and counsel. Being aware of all of the possible consequences of my plea, I have independently decided to enter this plea of my own free will, and am affirming that agreement on the date below and by my signature below.

11-18-2015

DATE SIGNED

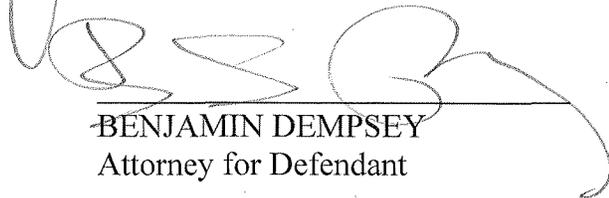
11-18-2015

DATE SIGNED

11/18/2015

DATE SIGNED


JEANETTE SUE BARNES
Defendant


BENJAMIN DEMPSEY
Attorney for Defendant


MARK A. ERSKINE
Assistant United States Attorney