

FILED

JAN 20 2016

U.S. DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

UNITED STATES OF AMERICA)

v.)

JUSTIN ADAM WATSON)

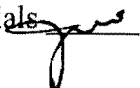
Case No: 5:15-cr-00243-KOB-SGC

PLEA AGREEMENT

The Government and defendant hereby acknowledge the following plea agreement in this case (hereafter the "Plea Agreement"):

PLEA

The defendant agrees: (i) to plead guilty to COUNT FIVE of the Indictment filed in the above numbered and captioned matter; (ii) that the Guidelines range calculation appended as Exhibit A, which results in a total Guidelines range of 33–41 months of imprisonment, is correct; (iii) to pay restitution as recommended by the Government; and (iv) to consent to an order of forfeiture. In exchange, the United States Attorney, acting on behalf of the Government and through the undersigned Assistant United States Attorney and Trial Attorney, agrees to dismiss COUNTS ONE, TWO, THREE, and FOUR of the Indictment, subject to the conditions in paragraphs VII and VIII.

Defendant's Initials 

TERMS OF THE AGREEMENT

I. MAXIMUM PUNISHMENT

The defendant understands that the maximum statutory punishment that may be imposed for the crime of obstruction of justice, in violation of Title 18, United States Code, Section 1512(b)(3), as charged in COUNT ~~ONE~~^{FIVE}, is:

- a. Imprisonment for not more than 20 years;
- b. A fine of not more than \$250,000, or,
- c. Both (a and b);
- d. Supervised release of no more than 3 years; and
- e. Special Assessment Fee of \$100 per count.

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II. FACTUAL BASIS FOR PLEA

The parties agree that, had this case proceeded to trial, the Government would have proved the following facts beyond a reasonable doubt:

During the relevant period, Defendant Justin Watson was a deputy for the Madison County Sheriff's Office in Huntsville, Alabama. One night in July 2012, Defendant Watson, while off-duty, got into a fight with Robert Bryant at Billy's Bar in Hazel Green, Alabama. Over the next several weeks, Defendant Watson searched for Bryant. On the night of August 22, 2012, Defendant Watson, while

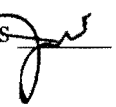
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on duty, parked his patrol car up the street from Billy's Bar and waited. When Robert Bryant left the bar and began driving home, Defendant Watson followed him and pulled him over. Defendant Watson ordered Bryant out of his truck. The men got into a physical altercation. Defendant Watson ^{struck} ~~punched~~ Bryant in the face, hit Bryant with his baton, and choked Bryant until Bryant was unconscious. Defendant Watson told the criminal investigator assigned to the case that Bryant had attacked him and that he had acted in self-defense. The criminal investigator charged Bryant with Aggravated Assault on a Police Officer. At Bryant's preliminary hearing, Defendant Watson testified under oath that he had never seen Bryant before the night of the traffic stop, and that he did not previously have an encounter with Bryant at Billy's Bar. Those statements were false, as Defendant Watson then well knew, because Defendant Watson had, in fact, seen Bryant before the night of the traffic stop, and did, in fact, have a previous encounter with Bryant at Billy's Bar. Defendant Watson made those false statements with the intent to prevent the communication, to a federal law enforcement officer, of information relating to the possible commission of a federal criminal civil-rights violation.

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The defendant hereby stipulates that the government would have proved the foregoing facts beyond a reasonable doubt at trial, and that the

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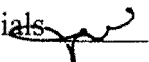
Court can use these facts in calculating the defendant's sentence. The defendant further acknowledges that these facts do not constitute all of the evidence of each and every act that the defendant committed.


JUSTIN ADAM WATSON

III. RECOMMENDED SENTENCE

Subject to the limitations in Section VII of this Agreement regarding subsequent conduct and pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B), the Government and the defendant hereby agree to the following disposition:

- (a) That the defendant be awarded an appropriate reduction in offense level for acceptance of responsibility;
- (b) That the agreed-upon Guidelines range calculation appended as Exhibit A, which results in a total Guidelines range of 33–41 months of imprisonment, is correct; and that the parties will not dispute any aspect of the calculation;
- (c) That the parties are nevertheless free, at sentencing, to recommend an upward or downward departure from the agreed-upon Guidelines range;
- (d) That the defendant be remanded to the custody of the Bureau of

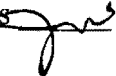
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Prisons and incarcerated for a term determined by the court on the date that the sentence is pronounced;

- (e) That following the said term of imprisonment, the defendant be placed on supervised release for a period to be determined by the court, subject to the standard conditions of supervised release as set forth in U.S.S.G § 5D1.3, and to the following special condition(s):
- (f) That the defendant be required to pay a fine in accordance with the sentencing guidelines, said amount due and owing as of the date sentence is pronounced, with any outstanding balance to be paid in full by the expiration of the term of supervised release;
- (g) That the defendant be required to pay restitution as ordered by the court on the date sentence is pronounced. If any other restitution becomes known to the Government before the date of sentencing, the Government reserves the right to request additional restitution; and
- (h) That the defendant pay a special assessment fee of \$100, said amount due and owing as of the date sentence is pronounced.

IV. WAIVER OF RIGHT TO APPEAL AND POST-CONVICTION RELIEF

In consideration of the terms of this Plea Agreement, I, JUSTIN ADAM

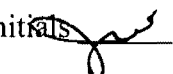
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WATSON, hereby waive and give up my right to appeal my conviction and/or sentence in this case, as well as any fines, restitution, and forfeiture orders the court might impose. Further, I waive and give up the right to challenge, in any post-conviction proceeding, including, but not limited to, a motion brought under 28 U.S.C. § 2255, my conviction and/or sentence; any fines, restitution, and forfeiture orders imposed; and the manner in which my conviction, sentence, fines, restitution, and forfeiture were determined.

I reserve the right to contest, in an appeal or post-conviction proceeding, the following:

- (a) Any sentence imposed in excess of the applicable statutory maximum sentence(s);**
- (b) Any sentence imposed in excess of the guideline sentencing range determined by the court at the time sentence is imposed; and**
- (c) Ineffective assistance of counsel.**

I acknowledge that before giving up these rights, I discussed the Federal Sentencing Guidelines and their application to my case with my attorney, who explained them to my satisfaction. I further acknowledge and understand that the Government retains its right to appeal where authorized by statute.

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I, Justin Adam Watson, hereby place my signature on the line directly below to signify that I fully understand the foregoing paragraphs, and that I am knowingly and voluntarily entering into this waiver.



JUSTIN ADAM WATSON

V. UNITED STATES SENTENCING GUIDELINES

Defendant's counsel has explained to the defendant that, in light of the United States Supreme Court's decision in United States v. Booker, the federal sentencing guidelines are **advisory** in nature. Sentencing is in the Court's discretion and is not required to be within the guideline range stipulated to by the parties in this case. The defendant agrees that, pursuant to this agreement, the court may use facts it finds by a preponderance of the evidence to reach an advisory guideline range, and defendant explicitly waives any right to have those facts found by a jury beyond a reasonable doubt.

VI. AGREEMENT NOT BINDING ON COURT

The defendant fully and completely understands and agrees that it is the Court's duty to impose sentence upon the defendant, and that any sentence

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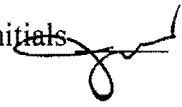
recommended by the Government or the defense is **NOT BINDING UPON THE COURT**. Further, the defendant understands that if the Court does not accept the sentencing recommendation of the Government or the defendant, the defendant does not have the right to withdraw his guilty plea.

VII. VOIDING OF AGREEMENT

The defendant understands that should the defendant move the Court to accept the defendant's plea of guilty in accordance with, or pursuant to, the provisions of North Carolina v. Alford, 400 U.S. 25 (1970), or tender a plea of *nolo contendere* to the charges, this agreement will become NULL and VOID. In that event, the Government will not be bound by any of the terms, conditions, or recommendations, express or implied, which are contained herein.

VIII. SUBSEQUENT CONDUCT

The defendant understands that should the defendant violate any condition of release or violate any federal, state, or local law, or should the defendant say or do something that is inconsistent with acceptance of responsibility, the United States will no longer be bound by its obligation to make the recommendations set forth in paragraph III of the Agreement, but instead, may make any

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recommendation deemed appropriate by the United States Attorney in her sole discretion.

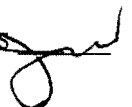
IX. OTHER DISTRICTS AND JURISDICTIONS

The defendant understands and agrees that this agreement **DOES NOT BIND** any other United States Attorney in any other district, or any other state or local authority.

X. COLLECTION OF FINANCIAL OBLIGATION

In order to facilitate the collection of financial obligations to be imposed in connection with this prosecution, the defendant agrees to fully disclose all assets in which the defendant has any interest and over which the defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party. The defendant agrees to promptly submit a completed financial statement to the United States Attorney's Office, in a form that it provides and as it directs. The defendant agrees that the defendant's financial statement and disclosures will be complete, accurate, and truthful. Finally, the defendant expressly authorizes the United States Attorney's Office to obtain a credit report on the defendant in order to evaluate the defendant's ability to satisfy any financial

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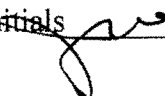
obligation imposed by the Court.

XI. AGREEMENT REGARDING RELEVANT CONDUCT AND RESTITUTION

As part of this Plea Agreement, the defendant understands and agrees that the relevant conduct contained in the factual basis statement set forth in Section II will be used by the Court to determine the defendant's range of punishment under the advisory sentencing guidelines. The defendant admits that the relevant conduct listed in the factual basis statement is part of the same scheme and course of conduct. This agreement is not meant, however, to prohibit the United States Probation Office or the Court from considering any other acts and factors that may constitute or relate to relevant conduct. Additionally, if this agreement contains any provisions providing for the dismissal of any counts, the defendant agrees to pay any appropriate restitution to each of the separate and proximate victims related to those counts should there be any.

XII. TAX, FORFEITURE AND OTHER CIVIL/ADMINISTRATIVE PROCEEDINGS

Unless otherwise specified herein, the defendant understands and acknowledges that this agreement does not apply to or in any way limit any

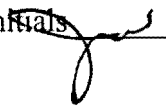
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pending or prospective proceedings related to defendant's **tax liabilities**, if any, or to any pending or prospective **forfeiture** or other **civil** or **administrative** proceedings.

Defendant recognizes that pleading guilty may have consequences with respect to his immigration status if he is not a citizen of the United States. Under federal law, a broad range of crimes are removable offenses, including the offense to which the defendant is pleading guilty. Removal and other immigration consequences are the subject of a separate proceeding, however, and defendant understands that no one, including his attorney or the district court, can predict to a certainty the effect of his conviction on his immigration status. Defendant nevertheless affirms that he wants to plead guilty regardless of any immigration consequences that his plea may entail, even if the consequence is his automatic removal from the United States.

XIII. DEFENDANT'S UNDERSTANDING

I have read and understand the provisions of this fourteen-page agreement. I have discussed the case and my constitutional and other rights with my lawyer. I am satisfied with my lawyer's representation in this case. I understand that by pleading guilty, I will be waiving and giving up my right to continue to plead not

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guilty, to a trial by jury, to the assistance of counsel at that trial, to confront, cross-examine, and compel the attendance of witnesses, to present evidence in my behalf, to maintain my privilege against self-incrimination, and to the presumption of innocence. I agree to enter my plea as indicated above on the terms and conditions set forth herein.

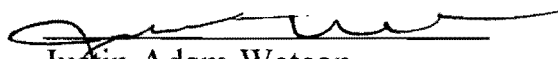
NO OTHER PROMISES OR REPRESENTATIONS HAVE BEEN MADE TO ME BY THE PROSECUTOR, OR BY ANYONE ELSE, NOR HAVE ANY THREATS BEEN MADE OR FORCE USED TO INDUCE ME TO PLEAD GUILTY.


I further state that I have not had any drugs, medication, or alcohol within the past 48 hours.

I understand that this Plea Agreement will take effect and will be binding as to the Parties **only** after all necessary signatures have been affixed hereto.

I have personally and voluntarily placed my initials on every page of this Agreement and have signed the signature line below to indicate that I have read, understood, and approved all of the provisions of this Agreement, both individually and as a total binding agreement.

01/20/16
Date


Justin Adam Watson
Defendant

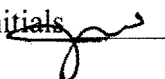
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XIV. COUNSEL'S ACKNOWLEDGMENT

I have discussed this case with my client in detail and have advised my client of all of my client's rights and all possible defenses. My client has conveyed to me that my client understands this Agreement and consents to all its terms. I believe the plea and disposition set forth herein are appropriate under the facts of this case and are in accord with my best judgment. I concur in the entry of the plea on the terms and conditions set forth herein.

1/20/16.
Date


Michael Tewalt
Defendant's Counsel

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XV. GOVERNMENT'S ACKNOWLEDGMENT


I have reviewed this matter and this Agreement and concur that the plea and disposition set forth herein are appropriate and are in the interests of justice.

JOYCE WHITE VANCE
United States Attorney

1-20-2016
Date

Mary Stuart Burrell
Mary Stuart Burrell
Assistant United States Attorney
Northern District of Alabama

1/20/16
Date



Christopher J. Perras
Trial Attorney
U.S. Department of Justice

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Exhibit A

Justin Watson
 5:15-CR-243-KOB-SGC-001

Preliminary Guideline Computations

USSG § 2J1.2 to 2X3.1 to 2H1.1 to 2A2.2 (Aggravated Assault)

Base offense level	14	§2A2.1 ² (a)
SOC	+2	§2A2.1(b)(1) involving more than minimal planning
SOC	+4	§2A2.1(b)(2)(B) dangerous weapon used
SOC	+3	§2A2.1(b)(3)(A) bodily injury
SOC	+6	§2H1.1(b)(1) public official/color of law

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	-6	§2X3.1(a)(1) 6-levels lower than underlying offense
	-3	§3E1.1 acceptance of responsibility

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Total offense level

20

Crim Hist Cat. I
 Guideline Range 33-41 months
 TSR 1-3 years
 Fine \$7,500 to \$75,000