

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
Houston Division

UNITED STATES OF AMERICA)	
)	
v.)	Cr. No. 4:04-cr-25-2 (Lake, J.)
)	
JEFFREY K. SKILLING,)	
)	
Defendant.)	

NOTICE OF SENTENCING AGREEMENT

The United States of America, through undersigned counsel, hereby notifies the Court that the parties in the above-captioned criminal case have reached an agreement regarding sentencing, a copy of which is attached to this notice.

On January 6, 2009, the United States Court of Appeals for the Fifth Circuit vacated the defendant’s original sentence and directed that the defendant be resentenced without the application of a sentencing enhancement for substantially jeopardizing the safety and soundness of a “financial institution.” The Fifth Circuit’s ruling requires a four-level reduction in the defendant’s adjusted offense level under the federal sentencing guidelines, reducing the defendant’s recommended term of imprisonment from a range of 292 to 365 months to a range of 188 to 235 months.

Pursuant to the attached agreement, the parties recommend a one-level variance from the recommended sentencing guidelines range, resulting in an advisory guidelines range of 168 to 210 months of imprisonment. As set forth in the agreement, the Government has taken into account a number of relevant considerations, including that: the agreement enables the distribution of more than \$40 million in forfeited assets as restitution to victims of the

defendant's crimes; the agreement provides for an appropriate sentencing of the defendant in light of the Fifth Circuit's decision on appeal; and the defendant generally waives in the agreement any further challenges to his convictions and sentence, effectively ending this long-running litigation and providing finality to victims and the public.

Respectfully submitted,

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Attorney for the United States

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Dated: May 8, 2013

CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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