

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

CRIMINAL NO.
HONORABLE:

Plaintiff,

OFFENSES: 18U.S.C. 1001; 18U.S.C. 1512;

v.

STATUTORY INCARCERATION
PERIOD: Up to 30 years.

Sandra Marie Anderson,

Defendant.

STATUTORY FINE
AMOUNT:

RULE 11 PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, defendant, defendant's attorney, the United States Attorney for the Eastern District of Michigan and the Civil Rights Division of the Department of Justice ("United States") agree as follows:

I. PLEA AGREEMENT

1. Defendant Sandra Marie Anderson agrees to plead guilty to Counts II, IV, V, VIII and X of the Indictment, charging her with two violations of Title 18, United States Code, Section 1001 (a)(1) and (a)(2), Falsifying a Material Fact and Making False Representations; one violation of Title 18, United States Code, Section 1512(b)(3),

Obstruction of Justice, and two violations of Title 18 United States Code, Section 1001 (a)(2), False Statements and Representations. Conditioned on the understandings specified below, if the defendant enters a guilty plea and is sentenced on these charges, the Department of Justice will dismiss Counts I, III, VI, VII and IX. In addition, the Department of Justice will not bring any further charges in any district against the defendant relating to false representations, falsifying material facts, obstruction of justice, witness tampering, mail fraud or wire fraud related to any of the defendant's activities of falsifying evidence at law enforcement searches on or before the date of plea. In addition, the Department of Justice will advise any state or local agency considering criminal charges against the defendant that the Department of Justice considers the disposition in this matter to be a just resolution of all the defendant's actions at search scenes prior to the date of plea and of which the Department of Justice is aware.

2. The defendant has read the charges against her contained in the Indictment, and the charges have been fully explained to her by her attorney.

3. The defendant fully understands the nature and elements of the crimes with which she has been charged.

4. The defendant will enter a voluntary plea of guilty to Counts II, IV, V, VIII and X of the Indictment.

5. The defendant agrees that this Plea Agreement will be filed and become part of the record in this case.

6. The defendant enters this plea because she is in fact guilty of the charges in the Indictment and agrees that this plea is voluntary and not the result of coercion or threats.

7. Except for the provisions of the Plea Agreement, no officer or agent of any branch of government (federal, state or local), nor any other person, has made the defendant any promise or suggestion of any kind to her, or within her knowledge to anyone else, that the defendant would receive a lighter sentence, or probation, or any other form of leniency, if the defendant pleads "Guilty." The defendant hopes to receive a sentence of 18 to 24 months incarceration, but is prepared to accept any punishment permitted by law which the Court may see fit to impose, to be followed by a term of supervised release to be imposed by the Court. The defendant understands that the government will recommend that the term of supervised release be five years under the conditions detailed in paragraph 15 below, but that the Court has the discretion to impose a lesser term of supervised release. In addition, the defendant understands that the Court may see fit to impose a fine within the applicable range of the Guidelines. The defendant also agrees to make complete restitution as set forth in paragraph 16 below.

The defendant understands that the Court will address her personally and ask her if she wishes to make a statement on her behalf and to present any information in mitigation of punishment.

8. The defendant understands that by pleading guilty she surrenders certain rights, including the following:

a. If the defendant persisted in a plea of not guilty to the charges against her, she would have the right to a public and speedy trial. The trial could be either a jury trial or a trial by a judge sitting without a jury. The defendant has a right to a jury trial. However, in order that the trial be conducted by the judge sitting without a jury, the defendant, the prosecution and the judge all must agree that the trial be conducted by the judge without a jury.

b. The defendant and her attorney would have a say in whom the jurors would be by removing prospective jurors for cause where actual bias or other disqualification is shown, or without cause by exercising peremptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that the defendant is presumed innocent, and that it could not convict him unless, after hearing all the evidence, it was persuaded of his guilt beyond a reasonable doubt.

c. If the trial is held by a judge without a jury, the judge would find the facts and determine, after hearing all the evidence, whether or not he or she was persuaded of the defendant's guilt beyond a reasonable doubt.

d. At a trial, whether by a jury or a judge, the prosecution would be required to present its witnesses and other evidence against the defendant. The defendant would be able to confront those prosecution witnesses and her attorney would be able to cross-examine them. In turn, the defendant could present witnesses and other evidence on her own behalf. If the witnesses for the defendant would not appear voluntarily, she could require their attendance through the subpoena power of the Court.

e. At a trial, the defendant would have a privilege against self-incrimination so that she could decline to testify, and no inference of guilt could be drawn from her refusal to testify.

9. The defendant understands that by pleading guilty, she is waiving all of the rights set forth in the preceding paragraphs, that her attorney has explained those rights to her, and the consequences of the waiver of those rights.

10. The defendant expressly waives any challenges to the form of the Indictment, including but not limited to any challenges for specificity or duplicity.

11. The defendant also expressly waives the right to appeal the conviction and/or sentence imposed in this case, or the manner in which the conviction was had or the sentence imposed, on any grounds whatsoever, and expressly waives the right to contest the conviction and/or sentence or the manner in which the conviction was imposed in any post-conviction proceeding, including but not limited to a motion brought under Title 18 U.S.C. Section 2255.

12. The defendant waives any right to seek attorney's fees and/or costs under the *Hyde Amendment*, i.e., Section 617 of Public Law 105-119, Title 18 U.S.C. Section 3006, and she acknowledges that the government's position in the instant prosecution is not vexatious, frivolous, or undertaken in bad faith.

13. The defendant is aware that the defendant's sentence will be imposed in accordance with the applicable law and United States Sentencing Commission Guidelines. The defendant and counsel have discussed the application of the Guidelines to the defendant's case. The defendant has consulted with counsel and understands the following: the Court has authority to impose any sentence within the statutory maximum set for the offense to which the defendant pleads guilty; the Court has not yet determined a sentence; any estimate of the probable sentencing range under the sentencing guidelines that the defendant may have received from anyone is a prediction, not a promise, and is not binding on the Court; the United

States makes no promise or representation concerning what sentence the defendant will receive; the defendant cannot withdraw her guilty plea based upon the actual sentence she receives unless the Court imposes a sentence of more than 30 months incarceration, followed by a five year term of supervised release under the conditions set forth in paragraph 15 below. In addition, the defendant understands that the Court may see fit to impose a fine within the applicable range of the Guidelines and that she is responsible for restitution as set forth in paragraph 16 below. The United States agrees to recommend that the Court accept the calculations as set forth in the Guideline worksheets, with a final offense level of 15 and a Guideline range of 18-24 months, followed by a five year term of supervised release under the conditions set forth in paragraph 15 below.

14. The defendant further acknowledges that credit for time served, if any, will be calculated and awarded or denied by the United States Bureau of Prisons according to the laws and regulations of the United States.

15. The defendant understands that the United States will recommend a five year term of supervised release to follow whatever sentence of incarceration is imposed. And, in order to prevent other misconduct as charged in this case and unjust enrichment to the defendant, the United States will recommend the following conditions be imposed:

a. The defendant must report all searches, in which she participates, whether for law enforcement or private parties and/or in search of missing persons or their remains or in search of historical remains, to her probation officer in a timely manner.

b. The defendant must assign to the United States Department of Justice all rights, title, and interest that she may acquire in income and profits resulting from any story, account, or dramatic representation concerning the circumstances of the defendant's cadaver dog search activity and/or defendant's criminal misconduct. This provision is limited to the defendant's activities which occurred prior to the date of plea. This assignment shall survive the supervised release period.

16. Defendant agrees to make complete restitution for (1) any loss incurred as a result of any offense charged in this case , and (2) any loss incurred by the reliance of any person or agency on defendant's purported expertise as a locator of human remains, where the defendant claimed to find evidence but did not in fact do so. It is the Government's position that the only potential victims, under the above provisions, are the two individuals who were the subjects of her unlawful conduct as stated in Counts VIII and IX of the Indictment and those local law enforcement agencies which incurred expenses as a result of defendant's activities prior to the federal criminal investigation that resulted in the Indictment against the defendant.

Defendant agrees that the court may impose this restitution under the provisions of 18U.S.C. 3663 (a)(3).

17. The parties agree to be bound by the provisions of U.S.S.G. §1B1.8. Nothing in this plea agreement restricts the Court's or Probation Office's access to information and records in the possession of the United States.

II. ELEMENTS OF THE OFFENSES OF CONVICTION

A. The defendant understands that in order to prove her guilt as to Count II and IV, violations of 18 U.S.C. §1001(a)(1) and (a)(2), Falsifying a Material Fact and False Statements and Representations, the government would have to prove beyond a reasonable doubt the following elements:

1. That the defendant falsified a fact to the Federal Bureau of Investigation or made a false representation;
2. That the defendant falsified a fact or made a false statement intentionally, knowing that it was falsified or that it was a false representation;
3. That the falsified fact or false representation was material;
4. That the defendant falsified the fact or made the false representation for the purpose of misleading the Federal Bureau of Investigation.

B. The defendant understands that in order to prove her guilt as to Count VIII, a violation of 18 U.S.C. §1512(b)(3), Obstruction of Justice, the government would have to prove beyond a reasonable doubt the following elements:

1. That the defendant engaged in misleading conduct towards another person,
2. That the defendant acted with the intent to hinder, delay, or prevent the communication to a federal law enforcement officer or judge of the United States of information, and
3. Such information relates to the commission or possible commission of a federal offense.

C. The defendant understands that in order to prove her guilt as to Counts V and X, violations of 18 U.S.C. §1001(a)(2), False Representation, the government would have to prove beyond a reasonable doubt the following elements:

1. That the defendant made a false representation to the Department of Justice and/or the Federal Bureau of Investigation;
2. That the defendant made the representation intentionally, knowing that it was false;
3. That the representation was material;
4. That the defendant made the false representation for the purpose of misleading the Department of Justice and/or the Federal Bureau of Investigation.

III. FACTUAL BASIS

The parties stipulate to the facts below, which the United States is prepared to prove, as an accurate factual basis for defendant's guilty plea. The defendant acknowledges that the following facts are not a detailed recitation, but merely an

outline of what happened in relation to the charges to which the defendant is pleading guilty.

The defendant understands that, by her guilty plea, she is admitting that she committed the following acts as described in the following paragraphs:

A. FACTUAL BASIS FOR COUNTS II and IV - FALSIFYING MATERIAL

FACTS

1. Background: On April 17 and 18, 2002, the defendant was assisting law enforcement officers, including members of the Federal Bureau of Investigation, in attempting to locate the remains of an African American female who had disappeared in the 1980s. This search was taking place in the Huron National Forest in the Eastern District of Michigan.
2. Count II: On April 17, 2002, the defendant directed law enforcement officers to a small piece of carpet in a pile of debris. When a crime scene technician removed the carpet from the debris, the defendant acted as though this was a genuine discovery of potential evidence, not revealing that she knew that the piece of carpet had come from her possession, had been placed there by her, and was not genuinely related to the crime under investigation. The defendant falsified the facts for the purpose of misleading agents with the Federal Bureau of Investigation into believing the carpet to be a genuine discovery of potential evidence in the very matter under investigation.

3. Count IV: On April 18, 2002, the defendant participated in the discovery of a small piece of human bone in mud in a stream she was searching. The defendant pretended that this was a genuine discovery of potential evidence and failed to disclose that she knew that the bone had come from her possession, had been placed there by her, and was not genuinely related to the crime under investigation. The defendant pretended that this was a genuine discovery of potential evidence to agents with the Federal Bureau of Investigation. The defendant falsified the facts for the purpose of misleading agents of the Federal Bureau of Investigation into believing the bone to be a genuine discovery of potential evidence in the very matter under investigation.

B. FACTUAL BASIS FOR COUNT VIII - OBSTRUCTION OF JUSTICE

1. BACKGROUND

a. On or about January 4, 2002, the defendant, along with other non-law enforcement individuals, participated in a search in the Proud Lake Recreation Center in the Eastern District of Michigan which was being conducted by a joint federal/local task force. During that search, the defendant found a bone in the dirt, pretending that it was a genuine discovery of potential evidence. The defendant failed to disclose that she knew that the bone had come from her possession, had been placed there by her and was not genuinely related to the crime under investigation. Members of the joint task force were informed of the purported discovery.

b. On April 19, 2002, the day after the FBI executed a search warrant on the defendant's house, the defendant took a bag of bones to Oakland County deputies, who had also participated in the searches at Proud Lake Recreation Center, and explained that they were animal bones from the search site and that she thought there might be some human bones from the search site mixed in with them. The purpose of the defendant's statement to the deputies was to provide an explanation for why she possessed human bones similar to the human bones found at the Proud Lake Recreation Center.

2. OBSTRUCTION

a. On or about April 22 and April 23, 2002, the defendant knowingly attempted to corruptly persuade an individual, who had been present at the January 4, 2002 search at the Proud Lake Recreation Center in the Eastern District of Michigan, to include false information in written reports for law enforcement concerning bones discovered during that search. Specifically, the defendant instructed the individual to state that just prior to the January 4, 2002 search, the defendant told her to gather up animal bones at the search site as was her usual practice. In fact, the defendant did not instruct the individual to gather up animal bones, it was not the defendant's usual practice to so instruct fellow searchers, and animal bones were not collected at the scene.

b. The purpose of attempting to persuade the individual to include the above false information was so the individual would corroborate the false story that the defendant provided to the deputies on April 19, 2002. Accordingly, the defendant attempted to hinder communication to law enforcement, in this case the Federal Bureau of Investigation, of accurate information; to wit: that the human bones discovered at the Proud Lake Recreation Center came from the defendant's possession, she had placed them there, and she had not revealed that fact, which was a possible Federal offense.

C. FACTUAL BASIS FOR COUNT V

1. On April 18, 2002, the defendant spoke with a member of the Federal Bureau of Investigation about whether she had planted evidence at the Huron National Forest or elsewhere. The defendant made a materially false, fictitious and fraudulent statement and representation; to wit, she affirmatively stated and represented that she had never planted evidence at a crime scene and that all her finds were legitimate. The purpose of making the false representations was to mislead the federal investigators as to the substance of their investigation. These representations were false because in fact:

(b) The defendant placed carpet fiber at the Huron National Forest. On April 17 during a search with law enforcement officers for a human body, the defendant pretended that the placed carpet fiber was potential evidence related to the search,

not revealing that she had placed the item at that location and knew that they came from her possession. The defendant admits this conduct and that she intentionally failed to reveal the true facts to the FBI agent during the April 18, 2002, interview and that she intended to mislead the federal investigators as to the substance of their investigation. Finally, carpet fiber found by the defendant at the scene matches, to a scientific certainty, fiber found at her home, as well as fiber found in the pocket of the jeans she was wearing during the search.

(d) The defendant placed human bone at the Huron National Forest. On April 18, 2002 during a search with law enforcement officers for a human body, A law enforcement scientist saw the defendant place human bone at the scene and saw her pretend to discover it. The defendant admits this conduct and that she intentionally failed to reveal the true facts to the FBI agent during the April 18, 2002, interview and that she intended to mislead the federal investigators as to the substance of their investigation.

(e) The defendant placed human bone in the Proud Lake Recreation Center, where she, along with law enforcement officers a federal/state task force, were searching for evidence relevant to a suspected homicide. On January 4, 2002, during one of the searches in the Proud Lake Recreation Center, the defendant found the human bone she had placed and pretended it was a genuine discovery of

potential evidence, not revealing that she had placed the human bone at that location. The defendant admits this conduct and her failure to reveal the true facts to the FBI agent during the April 18, 2002, interview and that she intended to mislead the federal investigators as to the substance of their investigation.

(f) The defendant obtained an intact human toe from Fire Department Captain in a jurisdiction outside of Ohio. The defendant placed the human toe in mud from the creek at Bad Creek in Delta, Ohio. On April 9, 2002, during a canine search with law enforcement officers for a human body, the defendant found the human toe she had placed and pretended it was a genuine discovery of potential evidence, not revealing that she had placed the human toe at that location. The defendant admits this conduct and her failure to reveal the true facts to the FBI agent during the April 18, 2002, interview and that she intended to mislead the federal investigators as to the substance of their investigation. The body of the subject of the search was later found with his boots on and ten toes attached and two completely intact hands with all their digits attached. The Nuclear DNA profile of the toe discovered by the defendant at Bad Creek, Ohio, matches the Nuclear DNA profile of a dissected foot, missing its toes, found in a freezer at the home of the defendant's close friend, the Fire Department Captain.

(g) The defendant participated in a canine search with law enforcement for evidence of a murder in the basement of the home of a homicide suspect in Plymouth, Michigan on January 7, 2000. The defendant placed a saw blade with her bodily fluid on it behind the dryer in the basement. The defendant informed law enforcement that her dog was alerting on the washer/dryer area, as well as other areas of the basement and other objects. After the defendant had left the search scene, law enforcement officers found a broken saw blade that appeared to be bloody behind the dryer. While blood matching the victim was obtained by law enforcement from other areas of the basement, the Nuclear DNA profile of the body fluid on the saw blade did not match the Nuclear DNA profile of the victim. After the federal investigation began, it was determined that the Nuclear DNA profile of the body fluid on the saw blade matches the defendant's Nuclear DNA profile. The defendant admits this conduct and her failure to reveal the true facts to the FBI agent during the April 18, 2002, interview and that she intended to mislead the federal investigators as to the substance of their investigation.

(j) The defendant placed a bone fragment on the grounds of Stress Con, a business in Bay City, Michigan. During a search conducted on October 24, 2000, with law enforcement officers for human remains, the defendant directed law enforcement officers to the area where she had placed the bone fragment, leading

them to believe it was a genuine discovery of potential evidence and not revealing that she had placed the bone at that location. The defendant admits this conduct and her failure to reveal the true facts to federal prosecutors and FBI agents during the May 31, 2002, proffer and that she intended to mislead the federal investigators as to the substance of their investigation. Additionally, a bone fragment from Anderson's home and three bone fragments from the Stress Con search scene were physically matched together. Accordingly, these bone fragments once joined together to form a portion of the same bone.

P. FACTUAL BASIS FOR COUNT X

1. On May 31, 2002, the defendant voluntarily agreed to meet with federal officials, including members of the Federal Bureau of Investigation and attorneys with the Department of Justice Civil Rights Division. The meeting took place in Flint, Michigan, in the Eastern District of Michigan. The purpose of the meeting was for the defendant to provide full and truthful information to those federal officials who were investigating whether the defendant had made false representations concerning material facts and evidence at crime scenes. The defendant acknowledged that she could be criminally prosecuted for making false representations to the federal officials during that meeting.

2. During that meeting, the defendant knowingly and willfully falsely represented that all material discovered by her and her dog during law enforcement searches was genuinely discovered as potential evidence and that she had never placed material at a search scene on any occasion and pretended that such material was genuinely discovered potential evidence. The purpose of making the false representations was to mislead the federal investigators as to the substance of their investigation. These representations were false because in fact:

(b) The defendant placed carpet fiber at the Huron National Forest. On April 17 during a search with law enforcement officers for a human body, the defendant pretended that she placed carpet fiber was potential evidence related to the search, not revealing that she had placed the item at that location and knew that they came from her possession. Finally, carpet fiber found by the defendant at the scene matches, to a scientific certainty, fiber found at her home, as well as fiber found in the pocket of the jeans she was wearing during the search. The defendant admits this conduct and that she intentionally failed to reveal the true facts to federal prosecutors and FBI agents during the May 31, 2002, proffer and that she intended to mislead the federal investigators as to the substance of their investigation.

(d) The defendant placed human bone at the Huron National Forest. On April 18, 2002 during a search with law enforcement officers for a human body, a law

enforcement scientist saw the defendant place human bone at the scene and saw her pretend to discover it. The defendant admits this conduct and that she intentionally failed to reveal the true facts to federal prosecutors and FBI agents during the May 31, 2002, proffer and that she intended to mislead the federal investigators as to the substance of their investigation.

(e) The defendant placed human bone in the Proud Lake Recreation Center, where she, along with law enforcement officers a federal/state task force, were searching for evidence relevant to a suspected homicide. On January 4, 2002, during one of the searches in the Proud Lake Recreation Center, the defendant found the human bone she had placed and pretended it was a genuine discovery of potential evidence, not revealing that she had placed the human bone at that location. The defendant admits this conduct and that she intentionally failed to reveal the true facts to federal prosecutors and FBI agents during the May 31, 2002, proffer and that she intended to mislead the federal investigators as to the substance of their investigation.

(f) The defendant obtained an intact human toe from Fire Department Captain in a jurisdiction outside of Ohio. The defendant placed the human toe in mud from the creek at Bad Creek in Delta, Ohio. On April 9, 2002, during a canine search with law enforcement officers for a human body, the defendant found the human toe she had placed and pretended it was a genuine discovery of potential evidence, not

revealing that she had placed the human toe at that location. The body of the subject of the search was later found with his boots on and ten toes attached and two completely intact hands with all their digits attached. The Nuclear DNA profile of the toe discovered by the defendant at Bad Creek, Ohio, matches the Nuclear DNA profile of a dissected foot, missing its toes, found in a freezer at the home of the defendant's close friend, the Fire Department Captain. The defendant admits this conduct and that she intentionally failed to reveal the true facts to federal prosecutors and FBI agents during the May 31, 2002, proffer and that she intended to mislead the federal investigators as to the substance of their investigation.

(g) The defendant participated in a canine search with law enforcement for evidence of a murder in the basement of the home of a homicide suspect in Plymouth, Michigan on January 7, 2000. The defendant placed a saw blade with her bodily fluid on it behind the dryer in the basement. The defendant informed law enforcement that her dog was alerting on the washer/dryer area, as well as other areas of the basement and other objects. After the defendant had left the search scene, law enforcement officers found a broken saw blade that appeared to be bloody behind the dryer. While blood matching the victim was obtained by law enforcement from other areas of the basement, the Nuclear DNA profile of the body fluid on the saw blade did not match the Nuclear DNA profile of the victim. After the federal investigation began, it was

determined that the Nuclear DNA profile of the body fluid on the saw blade matches the defendant's Nuclear DNA profile. The defendant admits this conduct and that she intentionally failed to reveal the true facts to federal prosecutors and FBI agents during the May 31, 2002, proffer and that she intended to mislead the federal investigators as to the substance of their investigation.

(j) The defendant placed a bone fragment on the grounds of Stress Con, a business in Bay City, Michigan. During a search conducted on October 24, 2000, with law enforcement officers for human remains, the defendant directed law enforcement officers to the area where she had placed the bone fragment, leading them to believe it was a genuine discovery of potential evidence and not revealing that she had placed the bone at that location. The defendant admits this conduct and her failure to reveal the true facts to federal prosecutors and FBI agents during the May 31, 2002, proffer and that she intended to mislead the federal investigators as to the substance of their investigation. Additionally, a bone fragment from Anderson's home and three bone fragments from the Stress Con search scene were physically matched together. Accordingly, these bone fragments once joined together to form a portion of the same bone.

While the parties stipulate to the above facts as a factual basis for the Plea Agreement, the parties agree that nothing in this Plea Agreement precludes either party

from presenting and arguing for sentencing purposes additional facts or factors which are relevant to the guideline computation (1B1.3) or to sentencing in general (1B 1.4). Nor is the Court or Probation precluded from the consideration of such facts. Specifically, the Court or Probation may consider the facts and factors set forth below in Section IV, Relevant Conduct, in addition to any further information provided by the defendant. In "determining the factual basis for the sentence, the Court will consider the stipulation [of the parties], together with the results of the pre-sentence investigation, and any other relevant information." (6B1.4 Comm.).

IV. RELEVANT CONDUCT

The defendant acknowledges that during the April 18, 2002 interview and the May 31, 2002 proffer, the defendant made false representations that pertained to law enforcement searches. The government's evidence establishes that the defendant falsified material facts concerning four items of evidence that she placed at other law enforcement searches, and that the defendant made false representations during the proffer about those items and searches. The defendant does not contest the government's factual representations regarding these four incidents and agrees that the United States should be permitted to present such evidence as relevant conduct and such evidence is sufficient beyond a reasonable doubt to prove that the defendant had placed material in each of these incidents and pretended to discover

it as genuine potential evidence, not revealing the true facts known to her, for the purpose of misleading law enforcement officers about the matter under investigation.

In addition, the government's evidence establishes that the defendant obstructed justice with respect to two additional witnesses. The defendant does not contest the government's factual representations regarding these two additional incidents of obstruction of justice and agrees that the United States should be permitted to present such evidence as relevant conduct and such evidence is sufficient beyond a reasonable doubt to prove that the defendant obstructed justice with regard to these two additional witnesses.

The following is the government's evidence for the agreed relevant conduct:

1. During a search in the Huron National Forest on April 17, 2002, the defendant directed an Oscada Police Evidence Technician (ET) to search the area in and around an overturned root-ball of a large tree, claiming that her dog was alerting on bone under the root-ball. The ET stuck his head into the space looking for bone and observed a patch of sandy ground with no debris on it. As they left the area, the ET looked back to see the defendant stooping down next to the space he had just searched. The defendant exclaimed, "look there's a bone but I can't reach it." The ET again looked into the same space and this time observed a fragment of bone

conspicuously in the middle of the sandy ground, where it had not been moments before.

2. On April 18, 2002, the search at the National Forest resumed. An anthropologist had been called in because bones had been found the previous day.

The defendant brought the anthropologist to the root-ball, where the ET had found the bone as described in Count I, insisting that Eagle indicated that there was a bone in a hole four inches below the top of the root-ball.

The anthropologist looked into the hole and saw no bone. They left the scene. After lunch, the anthropologist returned to the root-ball with the defendant and she encouraged him to look again into the hole. This time, when he looked in the hole, a bone was conspicuously visible about four inches down.

3. The defendant participated in a canine search with law enforcement for evidence of a murder in a field in Monroe County, Michigan on or about May 2, 2001. The defendant directed law enforcement officers to what appeared to be bloody coins on the ground. Law enforcement officers collected the evidence and did not permit the defendant to touch the coins. Again, after the federal investigation began, it was determined that the Nuclear DNA profile of the body fluid on the coins matches the defendant's Nuclear DNA. During the May 31, 2002 proffer, defendant represented the coins she discovered were what she thought to

be genuine evidence. She further represented that she had never placed human remains or other items at search scenes.

4. The defendant participated in a canine search with law enforcement for evidence of a murder at a trailer in Lindsey, Ohio, on February 27, 2002. The defendant informed law enforcement officers that her dog was alerting inside the trailer. Law enforcement officers collected evidence, including a cloth gauze that appeared to be bloody and did not permit the defendant to touch the gauze. Once more, the Nuclear DNA profile of the body fluid on the gauze matches the defendant's Nuclear DNA profile.

5. On April 19, 2002, the defendant contacted an Oakland County Sheriffs Department Detective. She said that she had a bag of animal bones from the Proud Lake searches and that she was concerned that they might have human bones mixed in with them. The detective arranged to meet with the defendant that day and she gave the bones to him. The conversation was audiotaped. At different times the defendant said that she was given permission to take animal bones to train her dogs with and that trainees who had accompanied her on the search had gathered the bones. At one point, she stated that the bones came from a search on a date that dog handlers (trainees) from Charlottesville were present.

In fact, neither the defendant nor trainees removed animal bones from Proud Lake during their searches. It would be improper to remove anything from the crime scene and dog handlers do not have the knowledge to distinguish between animal bones and human bones.

The defendant engaged in misleading conduct by trying to transfer the possession of human bones, which she feared might be discovered in a subsequent FBI search, to a local law enforcement officer along with a cover story of how she came to possess the human bones - i.e., they had been accidentally collected with animal bones.

6. a. On or about April 22 and April 23, 2002, the defendant knowingly engaged in misleading conduct toward an individual other than the individual identified in Count VIII, who had been present at the January 4, 2002 search at the Proud Lake Recreation Center in the Eastern District of Michigan, to include false information in written reports for law enforcement concerning bones discovered during that search. Specifically, the defendant instructed the individual to state that just prior to the January 4, 2002 search, the defendant told her to gather up animal bones at the search site as was her usual practice. In fact, the defendant did not instruct the individual to gather up animal bones, it was not the defendant's usual practice to so instruct fellow searchers, and animal bones were not collected at the scene.

b. The purpose of engaging in the misleading conduct was to persuade the individual to include the above false information so the individual would corroborate the false story that the defendant provided to the deputies on April 19, 2002. Accordingly, the defendant attempted to hinder communication to law enforcement, in this case the Federal Bureau of Investigation, of accurate information; to wit: that the human bones discovered at the Proud Lake Recreation Center came from the defendant's possession, she had placed them there, and she had not revealed that fact, which was a possible Federal offense.

VI. SENTENCING

As the crimes charged in the Information occurred in 2002, sentencing in this case is determined by application of the sentencing guidelines, issued pursuant to Title 28, United States Code, Section 994(1), and Title 18, United States Code, Section 3553.


The parties' estimated guidelines application is 18-24 months, as set forth in the Guideline worksheet and the Government will recommend that the Court accept the calculations of the parties as set forth in the Guideline worksheet, and the Government will recommend a five year term of supervised release under the conditions set forth in paragraph 15 above.

This document states the parties' entire agreement. There are no other promises, agreements, side agreements, terms, conditions, understandings or assurances, either

the Government will recommend a five year term of supervised release under the conditions set forth in paragraph 15 above.

This document states the parties' entire agreement. There are no other promises, agreements, side agreements, terms, conditions, understandings or assurances, either express or implied. In entering this agreement, neither the United States nor the defendant is relying on any terms, promises, conditions or assurances not expressly stated in this agreement.

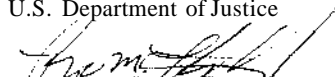
JEFFREY G. COLLINS
United States Attorney



GARY M. FELDER
Assistant U.S. Attorney

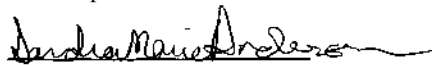
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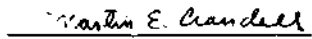


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