

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NOV 19 2003

WESTERN DISTRICT OF OKLAHOMA U.S. DIST. COURT, WESTERN DISTRICT OF OKLA.

Handwritten signature and date stamp: NOV 19 2003

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs-)
)
 SUZANNE MARY COLEMAN,)
 a/k/a Susan Coleman,)
)
 Defendant.)

No. **CR 03-238 M**

Violation: 29 USC § 501(c)

INDICTMENT

The Federal Grand Jury charges:

COUNTS 1 - 13

1. At all times material to this Indictment, the International Association of Machinists and Aerospace Workers (IAM&AW) Local Lodge 2909 was a labor organization within the meaning and definition of Title 29, United States Code, Section 402 engaged in an industry affecting commerce and located in Oklahoma City, Oklahoma, in the Western District of Oklahoma.
2. At all times material to this Indictment, defendant Suzanne Coleman was the Secretary-Treasurer of IAM&AW Local Lodge 2909.
3. On or about the dates listed below, at Oklahoma City, Oklahoma, in the Western District of Oklahoma,

----- SUZANNE MARY COLEMAN, -----

the defendant herein, while an officer, that is, Secretary-Treasurer of IAM&AW Local Lodge 2909, did embezzle, steal, and unlawfully and willfully abstract and convert to her own use, moneys, funds, and assets of the IAM&AW Local Lodge 2909 on the dates and in the amounts listed below:

<u>COUNT</u>	<u>DATE (On or about)</u>	<u>AMOUNT</u>
1	11-20-98	934.00
2	11-25-98	444.00
3	2-3-99	475.64
4	7-6-99	413.00
5	7-15-99	413.00
6	8-9-99	863.46
7	11-2-99	637.89
8	12-17-99	264.18
9	3-4-00	738.73
10	7-31-00	375.27
11	9-8-00	608.72
12	10-10-00	876.32
13	11-6-00	94.68

All in violation of Title 29, United States Code, Section 501(c).

A TRUE BILL:

D.S. Phillips 11-18-03

FOREPERSON OF THE GRAND JURY

ROBERT G. McCAMPBELL
United States Attorney

David Walling

DAVID L. WALLING
Assistant U.S. Attorney

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED IN OPEN COURT

1/16/04

Robert D. Dennis, Clerk

By K Spaulden
DEPUTY

UNITED STATES OF AMERICA,)

Plaintiff,)

-vs-)

SUZANNE MARY COLEMAN,)

Defendant.)

No. CR-03-238-M

PLEA AGREEMENT

Introduction

1. This document contains the entire plea agreement between defendant, SUZANNE MARY COLEMAN, and the United States through its undersigned attorney. No other agreement or promise exists, nor may any additional agreement be entered into unless in writing and signed by all parties. Any unilateral modification of this agreement is hereby rejected by the United States. This agreement applies only to the criminal violations described and does not apply to any civil matter or any civil forfeiture proceeding except as specifically set forth. This agreement binds only the United States Attorney's Office of the Western District of Oklahoma and does not bind any other federal, state or local prosecuting, administrative or regulatory authority. If defendant does not accept the terms of this agreement by December 22, 2003, the offer is withdrawn.

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Guilty Plea

2. Defendant agrees to enter a plea of guilty to Count 8 in Case Number CR-03-238-M charging Embezzlement from a union in violation of 29 U.S.C. § 501(c). To be found guilty of violating 29 U.S.C. § 501(c) as charged in the Indictment, defendant must admit that:

- (a) The International Association of Machinists and Aerospace Workers, Local Lodge 2902 is a labor organization engaged in an industry affecting commerce;
- (b) She was an officer of Local Lodge 2902 during the relevant time period;
- (c) She embezzled union funds for her own use; and,
- (d) The funds taken belonged to the union.

Maximum Penalty, Restitution and Special Assessments

3. The maximum penalty that could be imposed as a result of this plea is five (5) years imprisonment or possible alternative fine of \$250,000.00 pursuant to 18 U.S.C. § 3571, or both such fine and imprisonment, as well as a mandatory special assessment of \$100.00, and a term of supervised release of three (3) years.

4. In addition, the Court must order the payment of restitution to the victim(s) of the offense.

5. Defendant agrees to pay the special assessment due the United States to the Office of the United States Court Clerk immediately following sentencing. Defendant

understands that any fine or restitution ordered by the Court is immediately due unless the Court provides for payment on a date certain or in installments.

6. If the Court sentences defendant to a term of imprisonment that exceeds one year, the Court must also impose a term of supervised release, which defendant will begin to serve after being released from custody. During the term of supervised release, defendant will be subject to conditions that will include prohibitions against violating local, state or federal law, reporting requirements, restrictions on travel and residence, and possible testing for controlled substance use. If defendant violates the conditions of her supervised release, the Court may revoke her supervised release, and sentence her to an additional term of imprisonment. This additional term of imprisonment would be served without credit for the time defendant successfully spent on supervised release. When combined, the original term of imprisonment and any subsequent term of imprisonment the Court imposes may exceed the statutory maximum prison term allowable for the offense.

Sentencing Guidelines

7. Based upon the information that is known to the parties on the date that this agreement is executed, the positions they expect to take at sentencing with respect to the United States Sentencing Guidelines will include the following:

- (a) The parties stipulate and agree that Local Lodge 2909 has suffered a loss of \$11,196.88 as a result of Defendant's actions and that this amount may be ordered as restitution to the victim;

(b) The parties stipulate and agree that for sentencing purposes the loss is greater than \$10,000.00 but less than \$30,000.00. U.S.S.G. § 2B1.1(b)(1).

To the extent the Court finds defendant qualifies under USSG §3E1.1(a) for a 2-level downward adjustment for acceptance of responsibility, and USSG §3E1.1(b) is applicable, the government agrees to move for the additional 1-level downward adjustment of §3E1.1(b), if defendant accepts the terms of this plea agreement by the deadline established in Paragraph 1.

The parties have entered into this plea agreement under the provisions of Rule 11(c)(1)(B). Defendant acknowledges and understands that the Court is not bound by, nor obligated to accept, these stipulations, agreements, or recommendations of the United States or defendant. And, even if the Court rejects one or more of these stipulations, agreements, or recommendations, that fact alone would not allow defendant to withdraw her plea of guilty. It is the expectation of the United States that its criminal investigation of defendant's conduct (as opposed to the wrongdoing of others) will cease upon the signing of this plea agreement. However, subject to the terms and conditions of this plea, the United States expressly reserves the right to take positions that deviate from the foregoing stipulations, agreements, or recommendations in the event that material credible evidence requiring such a deviation is discovered during the course of the United States' investigation subsequent to the signing of this agreement or arises from sources independent of the United States, including the U.S. Probation Office.

Waiver of Right to Appeal and Bring Collateral Challenge

8. Defendant understands that a sentencing guideline range for her case will be determined by the Court under the guidelines issued by the U.S. Sentencing Commission. Defendant also understands that the Court has jurisdiction and authority to impose any sentence within the statutory maximum for the offense(s) to which she is pleading guilty. Defendant further understands that Title 28, United States Code, Section 1291, and Title 18, United States Code, Section 3742, give her the right to appeal the judgment and sentence imposed by the Court. Acknowledging all this, defendant in exchange for the promises and concessions made by the United States in this plea agreement, knowingly and voluntarily waives her right to:

a. Appeal or collaterally challenge her guilty plea and any other aspect of her conviction, including but not limited to any rulings on pretrial suppression motions or any other pretrial dispositions of motions and issues;

b. Appeal, collaterally challenge, or move to modify under 18 U.S.C. § 3582(c)(2) or some other ground, her sentence as imposed by the Court and the manner in which the sentence is determined, provided the sentence is within or below the applicable guideline range determined by the Court to apply to this case. Defendant acknowledges that this waiver remains in full effect and is enforceable, even if the Court rejects one or more of the positions of the United States or defendant set forth in paragraph 7 concerning the application of the U.S. Sentencing Guidelines.

c. It is provided that (i) defendant specifically does not waive the right to appeal an upward departure from the sentencing guideline range determined by the Court to apply to this case, and (ii) her waiver of rights to appeal and to bring collateral challenges shall not apply to appeals or challenges based on changes in the law reflected in Tenth Circuit or Supreme Court cases decided after the date of this agreement that are held by the Tenth Circuit or Supreme Court to have retroactive effect.

9. The United States agrees to waive its right under 18 U.S.C. § 3742 to appeal the sentence imposed by the Court and the manner in which the sentence was determined, provided defendant's sentence is within the applicable guideline range determined by the Court to apply to this case. By this agreement, the United States specifically does not waive its right to appeal a downward departure from the sentencing guideline range determined by the Court to apply to this case.

Waiver of Claim to Prevailing Party Status

10. Defendant expressly acknowledges that she is not a “prevailing party” within the meaning of 18 U.S.C. § 3006A with respect to the count of conviction or any other count or charge that may be dismissed pursuant to this agreement. If defendant is represented by retained counsel, she voluntarily, knowingly, and intelligently waives any rights she may have to seek reasonable attorney’s fees and other litigation expenses under 18 U.S.C. § 3006A.

The Obligations of the United States

11. If defendant enters a plea of guilty as described above and fully meets all obligations under this agreement, the United States will move to dismiss Counts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12 and 13 of the Indictment and she will not be further prosecuted by the United States for any crimes related to her participation in embezzling union funds during the period from November 20, 1998 through November 6, 2000. This agreement does not provide any protection against prosecution for any crime not specifically described above.

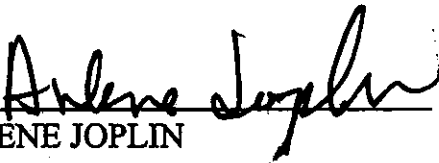
12. It is understood that the sentence to be imposed upon defendant is within the sole discretion of the Court. The United States does not make any promise or representation as to what sentence defendant will receive. The United States reserves the right to inform the Probation Office and the Court of the nature and extent of defendant's activities with respect to this case and all other activities of defendant which the United States deems relevant to sentencing.

Signatures

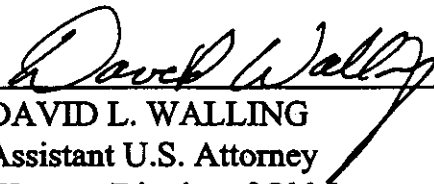
13. By signing this agreement, defendant acknowledges that she has discussed its terms with her attorney and understands and accepts those terms. Further, defendant acknowledges that this document contains the only terms of the agreement concerning her plea of guilty in this case, and that there are no other deals, bargains, agreements, or understandings which modify or alter these terms.

Dated this 16th day of December, 2003.


APPROVED:


ARLENE JOPLIN
Chief, Criminal Division

ROBERT G. McCAMPBELL
United States Attorney


DAVID L. WALLING
Assistant U.S. Attorney
Western District of Oklahoma
210 W. Park Avenue, Suite 400
Oklahoma City, Oklahoma 73102
(405) 553-8848 (Office)
(405) 553-8888 (Fax)


SUZANNE MARY COLEMAN
Defendant


WILLIAM P. EARLEY
Asst. Federal Public Defender
Attorney For Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

FILED IN OPEN COURT

1/16/04
Robert D. Dennis, Clerk

By K Spaulding
DEPUTY

UNITED STATES OF AMERICA,)
)
Plaintiff,)
vs.)
Suzanne Marie Coleman,)
)
Defendant.)

PETITION TO ENTER
PLEA OF GUILTY

NO. CR-03-238-M

The defendant states to the Court that the defendant wants to enter a plea of GUILTY to the following counts of the Indictment or Information: Count 8

In connection with this plea of GUILTY, I, Suzanne Marie Coleman, the defendant in this case, inform the Court, under penalty of perjury, that I have discussed these matters with my attorney and the answers to the following questions are true and correct to the best of my knowledge and belief:

A. BACKGROUND QUESTIONS:

Before the Court can accept your plea of guilty, it is necessary that the Court has certain background information about you and this case. The questions in this section are asked for this purpose.

1. (a) What is your name? Suzanne Marie Coleman
(b) What is your age? _____
(c) What is your current home address? _____
(d) What is your current home telephone number? _____
2. Are you currently employed? Yes _____ No X
If yes, what is the name, address and telephone number?

3. How much education have you had? High school graduate

4. Have you ever been under the care of a doctor or under treatment for drug addiction and/or alcohol abuse?
Yes _____ No X
If so, when and where? _____

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5. Have you ever been under the care of a doctor or under treatment for a mental or emotional condition?
 No _____ Yes X
 If so, when and where? 1996 for depression
6. If an attorney is now representing you in this case, what is his or her name? William P. Eadey
7. If you have an attorney, have you had enough time to talk with your attorney about your case? Yes X No _____
8. If you have an attorney, have you told him or her everything you know about your case? Yes X No _____
9. If you have an attorney, are you satisfied with the job he or she has done for you? Yes X No _____
10. Do you understand the charge against you?
 Yes X No _____

B. CONSTITUTIONAL RIGHTS - WAIVERS

Before the Court can accept your plea of guilty, it is important that you understand that you will be giving up many valuable constitutional rights by entering a plea of guilty. The questions in this section are designed to inform you of those rights.

11. Do you understand you have a right to plead NOT GUILTY to every charge filed against you? Yes X No _____
12. Do you understand if you plead NOT GUILTY you have the following constitutional rights:
- (a) the right to a speedy and public trial by jury? Yes X No _____
 - (b) the right to counsel at all stages of the proceedings, and that if you cannot afford to pay a lawyer, one will be appointed to represent you? Yes X No _____
 - (c) the right to see and hear all witnesses called to testify against you and the right to cross-examine them? Yes X No _____
 - (d) the right to use the subpoena power of the Court to compel the attendance of witnesses at trial and the production of other forms of evidence? Yes X No _____
 - (e) the right not to be compelled to incriminate yourself by taking the witness stand; and that if you do not take the witness stand, no inference of guilt may be drawn from your failure to do so? Yes X No _____

(f) the right to be presumed innocent until the United States has proved you guilty beyond a reasonable doubt by the unanimous agreement of all 12 of the jury members?

Yes No

13. Do you understand if you plead GUILTY you will be found guilty without a trial and you will have given up all of the above rights? Yes No

14. Do you understand if you plead GUILTY to a felony offense this may deprive you of valuable civil rights including the right to vote, the right to hold public office, the right to serve on a jury, the right to possess any kind of firearm, destructive device or ammunition, and may make you ineligible for certain government benefits?

Yes No

C. SENTENCING - GENERAL

Before the Court can accept your plea of guilty, it is important you understand certain aspects of the sentencing process. The questions in this section are designed for that purpose.

15. Do you realize if you plead GUILTY the maximum statutory penalty that the Court may impose remains the same just as if you had pleaded NOT GUILTY and had been convicted by a jury? Yes No

16. Do you know the sentence you will receive is solely a matter for the judge to decide? Yes No

17. (a) What is the maximum punishment which the law provides for the offense or offenses to which you want to plead GUILTY?

Up to 5 years' imprisonment; up to a \$250,000.00 fine; up to 3 years' supervised release; a \$100.00 special assessment

(b) Is there a minimum mandatory punishment which the law provides for the offense or offenses to which you want to plead GUILTY? Yes No If yes, what is it?

(c) For offenses occurring after November 1, 1987, the law provides a term of supervised release which may be imposed to run after release from a term of imprisonment. What is the maximum term of supervised release which could be imposed in this case? 3 years

What is the maximum term of imprisonment which could be imposed if your supervised release were revoked? 2 years

(d) Will you be forfeiting any property to the United States as a result of your guilty plea? Yes _____ No X
If yes, what property?

18. If you plead GUILTY the judge may require you to make restitution to any victim of the offense (18 U.S.C. § 3579 [for pre-Guidelines violations], 3663, and 3664). If you plead GUILTY to an offense that occurred on or after April 24, 1996, and the offense falls into certain categories of offenses, including property offenses and crimes of violence, ordinarily the judge is required to order you to pay restitution to any victim of the offense (18 U.S.C. § 3663A). Do you understand all of this? Yes X No _____
19. Do you realize that if the crime charged occurred after November 11, 1984, and you plead GUILTY the judge must require you to pay a mandatory special assessment? Where the offense is a felony committed before April 24, 1996, the special assessment will be \$50.00 for each count charging such an offense, and if it is a felony committed on or after April 24, 1996, the assessment will be not less than \$100.00 for each count charging such an offense. Where the offense is a misdemeanor classified as Class A, the special assessment will be \$25.00 for each count charging such an offense. Yes X No _____
20. If you are on probation or parole in this or any other court, do you know that by pleading GUILTY here your probation or parole may be revoked and you may be required to serve time in that case in addition to any sentence imposed upon you in this case? Yes X No _____
21. If your crime was committed prior to November 1, 1987, do you understand if you are imprisoned as a result of your GUILTY plea, the Parole Commission in deciding when to place you on parole will take into account the ENTIRE Indictment, even if you are pleading GUILTY to less than all counts in the Indictment? Yes _____ No _____ *Not applicable*
22. Do you understand a federal judge may, under certain limited circumstances, order a federal sentence of imprisonment to run at the same time as a state sentence of imprisonment? Yes X No _____
23. Do you understand if you are convicted of a violation of Title 18, United States Code, Section 924(c), you will be required to serve that term of incarceration prior to beginning the service of any other term of incarceration? Yes X No _____

D. SENTENCING GUIDELINES

Fill in this section only if the crime(s) to which you are pleading guilty were committed on or after November 1, 1987.

On November 1, 1987, a new sentencing law went into effect in the United States. This law established detailed sentencing guidelines which specify appropriate sentences for individuals convicted of federal crimes. In most cases, the sentencing judge must impose a sentence within the guideline range. Before the Court accepts your plea of guilty, it is important that you understand certain consequences of these guidelines.

24. The sentencing judge must select a sentence from within the guideline range. If, however, your case presents unusual features, the law permits the judge to depart from the guidelines and impose a sentence either above or below the recommended guideline range. Although most sentences will be imposed within the guideline range, there is no guarantee of this. Do you understand this?
Yes No
25. Parole has been abolished. Thus, if imprisonment is ordered in your case the sentence imposed by the Court will be the sentence you will serve (less a maximum of 54 days per year for each year you serve as good time credit, if you earn it). Do you understand this? Yes No
26. If more than one year of imprisonment is ordered in your case, the Court must also impose a term of supervised release, which you will begin serving after you are released from custody. During the term of supervised release, you will be subject to conditions which will include refraining from any additional violations of local, state or federal law, reporting requirements, travel and residence restrictions, and testing for controlled substance use. If you violate the conditions of your supervised release, the Court may revoke your supervised release and sentence you to an additional term of imprisonment. This additional term of imprisonment would be served without credit for the time you successfully spent on supervised release. Do you understand this? Yes No
27. The Court is required to take into account all conduct, circumstances, and injuries associated with your criminal conduct, whether or not this conduct is charged by the Government in the crime to which you are pleading guilty.¹ Thus, the Court will consider all relevant conduct at the time of sentencing, even though you are pleading guilty to less than all counts in the Indictment. Do you understand this? Yes No
28. Also, there is no limitation placed on the information the Court can consider at the time of sentencing concerning the background, character, and conduct of a person convicted of a

¹ See 18 U.S.C. § 3661, United States Sentencing Guidelines, §1B1.8 and United States v. Marshall, 519 F.Supp. 751 (D. Wisc. 1981), aff'd 719 F.2d 887 (7th Cir. 1983).

crime so long as the information is reliable. The Court will take all of these factors into consideration in determining an appropriate sentence.

Do you understand this? Yes No

29. An U.S. Probation Officer will be assigned to conduct a thorough presentence investigation to develop all relevant facts concerning your criminal conduct. Do you understand that if you tell lies to the U.S. Probation Officer this could increase or enhance your punishment under the guidelines? Yes No
30. Your history of prior criminal convictions will be used to compute your Criminal History Category under the sentencing guidelines. If you have prior felony convictions which were imposed or on which you have served time within the past 15 years, your Criminal History Category may be increased. Similarly, if you have received misdemeanor convictions within the past 10 years, your Criminal History Category may be increased. Certain exceptions may apply in your case which would exclude a conviction from the Criminal History Category computation. Nonetheless, do you understand your prior criminal history has a direct impact on your sentence? Yes No
31. Do you understand if you committed the present offense(s) while you were on probation, parole, supervised release, or escape status, or within two years after being released from prison this will increase the number of points assessed in your criminal history computation. If this increases your Criminal History Category, do you understand it will increase your guideline sentencing range? Yes No
32. Do you understand if you committed the present offense(s) as part of a pattern of criminal conduct from which you derived a substantial portion of your income, this may serve to increase your sentence under the guidelines? Yes No
33. Do you understand if this offense is a crime of violence or a drug trafficking offense, and if you have two prior felony convictions of either a crime of violence or a drug trafficking offense, you could be sentenced as a career criminal offender which would increase the punishment you receive to at or near the statutory maximum for the offense to which you are pleading? Yes No
34. Do you understand straight probation, without any term of any type of confinement, is not available as an option for the sentencing judge unless the lowest end of your sentencing guideline range is 0 months? Yes No
35. Do you understand if you cooperate with the Government, provide substantial assistance to investigating authorities, and the Government files a written motion for departure downward from the recommended guideline range, that the Court

is permitted to impose a sentence below the recommended guideline range? Yes No

E. VOLUNTARY NATURE OF PLEA

36. Are your plea of GUILTY and the waivers of your rights made voluntarily and completely of your own free choice, free of any force or threats or pressures from anyone? Yes No
37. (a) Has any plea agreement been made by you with anyone which causes you to plead GUILTY? Yes No
- (b) If so, exactly what is that agreement, as you understand it? (Attach agreement as an exhibit.) Attached
- (c) What are your reasons for making that agreement? To accept responsibility for what I did.
- (d) If your plea of GUILTY involves a plea agreement, do you understand that the Court can reject the plea agreement after completion of the presentence investigation if the Court finds that the plea agreement is not in the interests of justice? Yes No
38. Has any promise been made by anyone which causes you to plead GUILTY aside from the promises, if any, set out in your answer to question 37? Yes No
39. (a) Has any officer, attorney or agent of any branch of the Government (federal, state or local) promised or predicted that you will receive a lighter sentence, or probation, or any other form of leniency if you plead GUILTY? Yes No
- (b) Do you understand no one has any authority to make any such promise or prediction on your sentence because the matter of sentencing is exclusively within the control of the judge and no one else? Yes No
40. Has the judge made any suggestion as to what the actual sentence will be? Yes No
41. Are you under the influence of any kind of alcohol, medicine or drug which is, in the least way, interfering with your

ability to think clearly and understand exactly what you are doing in answering these questions? Yes _____ No X

42. Are you pleading GUILTY for any reason other than the fact that you are guilty? Yes _____ No X

43. Is there any other information or advice that you want before you enter a plea? Yes _____ No X

F. CONCLUSION/FACTUAL BASIS

44. Has your attorney gone over all of these questions and your answers to them? Yes X No _____

45. Do you understand all of these questions?
Yes X No _____

If not, which ones don't you understand?

46. (a) Do you now want to plead GUILTY? Yes X No _____


(b) Are you GUILTY? Yes X No _____

47. What act or acts did you do to commit the offense or offenses to which you are now pleading GUILTY?

I deposited into my personal account a refund check belonging to the IAM Union. I used the funds for my own benefit. This happened around December 17, 1999 in Del City, Oklahoma.

I understand that if I have knowingly and intentionally made any false answers in this petition, my answers may be used against me in another prosecution for perjury or making a false statement [See Fed. R. Crim. P. 11(c)(5)].

Signed by me in the presence of my attorney this 16th day of December, 2003, and affirmed to be true under penalty of perjury in the presence of my attorney on this 16th day of December, 2003.


Defendant

CERTIFICATE OF DEFENSE COUNSEL

I, as attorney for the defendant, Suzanne Marie Sokman, hereby certify that:

1. I have read and fully explained to the defendant the allegations contained in the Indictment or Information in this case.

2. To the best of my knowledge and belief the statements, representations, and declarations made by the defendant in the foregoing petition are in all respects accurate and true.

3. The plea of guilty offered by the defendant to Count(s) 8 accords with my understanding of the facts the defendant has related to me, is consistent with my advice to the defendant, and in my opinion is voluntarily and understandingly made.

4. For all offenses which occurred on or after November 1, 1987, to which the defendant has entered a plea of guilty, I assure the Court that I have advised the defendant about the sentencing procedures under the Sentencing Guidelines and have explained to the defendant the potential consequences of his plea of guilty in light of the questions and concerns set forth in Section D of this Petition.

Signed by me in the presence of the defendant and after full discussion of the contents of this certificate with the defendant, this 16th day of December, 2003.

W J E
Attorney for Defendant

CERTIFICATE OF PROSECUTING ATTORNEY

As attorney for the Government, I hereby certify that:

1. I have read and fully discussed with defense counsel the allegations contained in the Indictment or Information in this case.

2. I have also reviewed this Petition to Enter a Plea of Guilty and find it to be in accordance with my knowledge of the defendant and this case.

3. To the best of my knowledge and belief, the defendant in this case is pleading guilty to a charge which adequately reflects the seriousness of the actual offense behavior and the relevant conduct of the defendant as defined by the U.S. Sentencing Commission (See, e.g., U.S. Sentencing Guidelines §1B1.3).

4. In my judgment, acceptance of the defendant's plea(s) of guilty to the charges in question will not undermine the statutory purposes of sentencing.

Signed by me this 19 day of December, 2003.

David Wally
Attorney for the Government