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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,)
14 Plaintiff,)
15 v.)
16 BRUCE BARKER)
17 Defendant.)

No. CR 06-687 SI

PLEA AGREEMENT

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the Northern District of California.

Date Filed: 10/31/07

RICHARD W. WIEKING, Clerk

By: *Roe*, Deputy Clerk

19 I, Bruce Barker, and the United States Attorney's Office for the Northern District of
20 California (hereafter "the government") enter into this written plea agreement (the "Agreement")
21 pursuant to Rule 11(c)(1)(A) and 11(c)(1)(C) of the Federal Rules of Criminal Procedure:

22 The Defendant's Promises

23 1. I agree to plead guilty to count one of the captioned indictment charging me with
24 false declaration before a court, in violation of 18 U.S.C. § 1623(a). I agree that the elements of
25 the offense are as follows: (1) I testified under oath before a court of the United States; (2) the
26 testimony was false; and (3) I knew that the testimony was false and material to the matter before
27 the Court. I agree that the maximum penalties are as follows:
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- a. Maximum prison sentence 5 years
- b. Maximum fine \$250,0000
- c. Maximum supervised release term 3 years

2. I agree that I am guilty of the offense to which I will plead guilty, and I agree that the following facts are true: On November 20, 2002, I took an oath to testify truthfully in a federal criminal case, *United States v. Marvin Washington*, CR 02-169 SI, before this Court. In that case, Washington was on trial for, among other offenses, being a felon in possession of a firearm, and one of the key issues was whether Washington was carrying a gun on May 1, 2002 at the Holly Courts Housing Projects, and I knew that before I testified. I testified falsely in the Washington case by stating, among other things, that: (a) I was present at Holly Courts around 5:00 p.m. on May 1, 2002 and I saw Washington, when, in fact, I was not present at Holly Courts at that time and did not see Washington; (b) I saw Washington running down the street and I saw him knock at the door of the security office and interact with the security guard, when, in fact, I did not see Washington running down the street, nor did I see him knock on the security office door or interact with the security guard; and (c) I did not see Washington in possession of a firearm at the security office, on Appleton Street or inside 162 Appleton Street, when, in fact, I was not with, nor did I observe, Washington during the time these events took place and thus had no basis to make these statements, which were false. I knew that this testimony was false at the time I provided it, and I knew it was material because it contradicted the facts on a material matter before the Court.

3. I agree to give up all rights that I would have if I chose to proceed to trial, including the rights to a jury trial with the assistance of an attorney; to confront and cross-examine government witnesses; to remain silent or testify; to move to suppress evidence or raise any other Fourth or Fifth Amendment claims; to any further discovery from the government; and to pursue any affirmative defenses and present evidence.

4. I agree to give up my right to appeal my conviction, the judgment, and orders of the Court. I also agree to waive any right I may have to appeal any aspect of my sentence, including any orders relating to forfeiture and/or restitution.

1 not included within the guideline calculation. I also agree that the government may agree, or
2 object, to any requests for a sentence of less than 24 months under 3553(a) that I make.

3 Furthermore, I agree that I will not be allowed to seek to withdraw my guilty plea if the Court
4 decides against sentencing me to a period less than 24 months.

5 I agree that I will make a good faith effort to pay any fine, forfeiture or restitution I am
6 ordered to pay. Before or after sentencing, I will, upon request of the Court, the government, or
7 the U.S. Probation Office, provide accurate and complete financial information, submit sworn
8 statements and give depositions under oath concerning my assets and my ability to pay, surrender
9 assets I obtained as a result of my crimes, and release funds and property under my control in
10 order to pay any fine, forfeiture, or restitution. I agree to pay the special assessment at the time
11 of sentencing.

12 9. I agree not to commit or attempt to commit any crimes before sentence is imposed
13 or before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial
14 release; not to intentionally provide false information to the Court, the Probation Office, Pretrial
15 Services, or the government; and not to fail to comply with any of the other promises I have
16 made in this Agreement. I agree that, if I fail to comply with any promises I have made in this
17 Agreement, then the government will be released from all of its promises in this Agreement,
18 including those set forth in paragraphs 12 through 14 below, but I will not be released from my
19 guilty plea.

20 10. I agree that this Agreement contains all of the promises and agreements between
21 the government and me, and I will not claim otherwise in the future.

22 11. I agree that this Agreement binds the U.S. Attorney's Office for the Northern
23 District of California only, and does not bind any other federal, state, or local agency.

24 The Government's Promises

25 12. The government agrees to move to dismiss any open charges pending against the
26 defendant in the captioned indictment at the time of sentencing.

27 13. The government agrees not to file any additional charges against the defendant
28 that could be filed as a result of the investigation that led to the captioned indictment.

1 14. The government agrees that the reasonable and appropriate sentence in this case
2 should be as set forth in paragraph 8 above, unless the defendant violates the Agreement as set
3 forth in paragraphs 8 through 9 above or fails to accept responsibility.

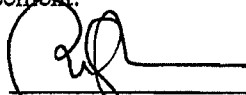
4 The Defendant's Affirmations

5 15. I confirm that I have had adequate time to discuss this case, the evidence, and this
6 Agreement with my attorney, and that he has provided me with all the legal advice that I
7 requested.

8 16. I confirm that while I considered signing this Agreement, and at the time I signed
9 it, I was not under the influence of any alcohol, drug, or medicine.

10 17. I confirm that my decision to enter a guilty plea is made knowing the charges that
11 have been brought against me, any possible defenses, and the benefits and possible detriments of
12 proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no
13 one coerced or threatened me to enter into this Agreement.

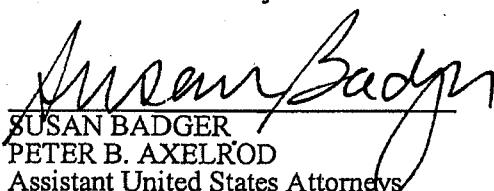
14 Dated: 10/31/2007



BRUCE BARKER
Defendant

SCOTT N. SCHOOLS
United States Attorney

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19 Dated: 10/31/07



SUSAN BADGER
PETER B. AXELROD
Assistant United States Attorneys

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22 I have fully explained to my client all the rights that a criminal defendant has and
23 all the terms of this Agreement. In my opinion, my client understands all the terms of this
24 Agreement and all the rights he is giving up by pleading guilty, and, based on the information
25 now known to me, his decision to plead guilty is knowing and voluntary.

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27 Dated: 10-31-2007



LIDIA STIGLICH
Attorney for Defendant