

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
JAMES BONINI  
CLERK

2005 NOV -31 P 4:17

U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
EAST. DIV. COLUMBUS

UNITED STATES OF AMERICA :

vs. :

NO. **2:05 cr 227**  
JUDGE

MICHELLE K. THOMPSON :

JUDGE FROST

PLEA AGREEMENT

Plaintiff United States of America and Defendant  
MICHELLE K. THOMPSON hereby enter into the following Plea  
Agreement pursuant to Rule 11(c) of the Federal Rules of Criminal  
Procedure:

1. Defendant MICHELLE K. THOMPSON will enter a plea of  
guilty to Count 1 of the Information filed herein which charges  
her with embezzlement of labor union funds, in violation of 29  
U.S.C. §501(c).

2. Defendant MICHELLE K. THOMPSON understands that the  
maximum penalty that may be imposed pursuant to her plea of  
guilty to Count 1 is a term of imprisonment of 5 years, a fine of  
\$10,000.00, and 1 year of supervised release.

3. Prior to or at the time the defendant is  
sentenced, the defendant will pay a special assessment of \$100.00  
as required in 18 U.S.C. §3013. This assessment shall be paid by  
the defendant before sentence is imposed and defendant will

furnish a receipt at the time of sentencing. The payments shall be made to the United States District Court, at the Clerk's Office, 85 Marconi Blvd., Columbus, Ohio 43215.

4. Defendant MICHELLE K. THOMPSON agrees to testify truthfully and completely concerning all matters pertaining to the information returned herein and to any and all other embezzlement activities in which she may have been involved or as to which she may have knowledge. Defendant further agrees to provide a complete statement to authorities of the United States concerning such matters prior to the entry of her guilty plea pursuant to this agreement. Defendant agrees to submit to supplemental debriefings on such matters whenever requested by authorities of the United States, whether before or after her plea is entered.

Pursuant to §1B1.8 of the Federal Sentencing Guidelines, the government agrees that any self-incriminating information so provided will not be used against the defendant in determining the applicable guideline range for sentencing, or as a basis for upward departure from the guideline range.

5. The defendant MICHELLE K. THOMPSON agrees to make restitution to St. Paul/Travelers Insurance Company 5801 Smith Avenue, Baltimore, Maryland 21209

6. If such plea of guilty is entered, and not withdrawn, and Defendant MICHELLE K. THOMPSON acts in accordance

with all other terms of this agreement, the United States Attorney for the Southern District of Ohio agrees not to file additional criminal charges against Defendant MICHELLE K. THOMPSON based on the embezzlement charged in the Information or based on other fraud activities in the Southern District of Ohio occurring prior to the date of the Information and as to which Defendant gives testimony or makes statements pursuant to this agreement.

7. Defendant MICHELLE K. THOMPSON is aware that, in light of *United States v. Booker*, 125 S.Ct. 738 (2005), the United States Sentencing Guidelines are advisory and are no longer mandatory. The defendant is aware that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set forth for the offense to which the defendant pleads guilty. The defendant is aware that the Court has not yet determined a sentence. The defendant is also aware that any estimate of the probable sentencing range under the sentencing guidelines that the defendant may have received from the defendant's counsel, the United States, or the probation office, is a prediction, not a promise, and is not binding on the United States, the probation office, or the Court. The United States makes no promise or representation concerning what sentence the defendant will receive and the defendant cannot withdraw a guilty plea based upon the actual sentence.

8. The parties agree that pursuant to U.S.S.G. §3E1.1, at the time of her plea, the defendant MICHELLE K. THOMPSON has accepted responsibility for this offense and that she is entitled to a 2-level reduction in the base offense level under the sentencing guidelines. At the time of sentencing the United States will not object to this same determination provided that defendant's conduct has continued to demonstrate compliance with the terms of U.S.S.G. §3E1.1. The parties further understand that this agreement is not binding on the Court and the final determination concerning the defendant's acceptance of responsibility rests with the Court.

9. Defendant MICHELLE K. THOMPSON understands that this agreement does not protect her from prosecution for perjury, should she testify untruthfully, or for making false statements, nor does it protect her from prosecution for other crimes or offenses which the United States discovers by independent investigation. Further, should Defendant MICHELLE K. THOMPSON fail to comply fully with the terms and conditions set forth herein, or should she fail to appear as required for sentencing, this agreement is voidable at the election of the government, in which case Defendant MICHELLE K. THOMPSON shall be subject to prosecution as if the agreement had never been made.

10. By virtue of the defendant pleading guilty to Count 1 of the Information the defendant understands that she is

not a prevailing party as defined by 18 U.S.C. §3006A (statutory note captioned "Attorney Fees and Litigation Expenses to Defense") and hereby expressly waives her right to sue the United States.

11. No additional promises, agreements, or conditions have been made relative to this matter other than those expressly set forth herein, and none will be made unless in writing and signed by all parties.

9-23-05

Date

Michelle K. Thompson  
MICHELLE K. THOMPSON  
Defendant

Steven Mathless  
STEVEN MATHLESS (0041254)  
Attorney for Defendant Thompson

GREGORY G. LOCKHART  
United States Attorney

Brenda S. Shoemaker  
BRENDA S. SHOEMAKER (0041411)  
Assistant United States Attorney

November 3, 2005  
Jimmy Jones  
November 3, 2005