

that this is simply my attorney's estimate and that my advisory Guideline range will be calculated by the United States Probation Officer who prepares the presentence report in my case, subject to challenge by either me or the government with the final advisory Guideline calculation based upon the factual and legal findings of the Court. These findings are subject to appeal. I further understand that if I am sentenced to a period of supervised release and I violate the terms of that supervised release, upon revocation I could be imprisoned for an additional term. I have been informed that under the present federal sentencing system I will not be subject to parole and I will receive only 54 days good time per year and it will not vest until the end of each year. I further understand that I may be sentenced to a fine to be calculated through the Guidelines. No fine will be imposed if the Judge finds me indigent and unable to pay any fine. Considered in this fine may be the amount of financial loss to the victim or gain to me as well as the costs of any confinement or probation supervision. The Court may also order that restitution be made to any victim of the offense.

(7) I understand that should this plea of guilty be accepted, I will be a convicted felon in the eyes of the law for the rest of my life. This means, under present law that (a) I cannot vote in Tennessee; (b) I cannot possess a firearm anywhere; (c) If I am presently on probation, parole, or supervised release whether state or federal, the fact that I have been convicted may be used to revoke my probation, parole or supervised release regardless of what sentence I receive on this case; (d) If I am convicted of any crime in the future, whether state or federal, this conviction may be used to increase any sentence that I receive, including up to life imprisonment; (e) I may have to disclose the fact that I am a convicted felon when applying for employment and such disclosure may result in my not getting some jobs and having difficulty in getting others.

(8) I understand that I can plead "NOT GUILTY" to any or all offenses charged against me, and continue to plead "NOT GUILTY", and that if I choose to plead not guilty, the Constitution guarantees me (a) the right to a speedy and public trial by jury; (b) the right not to testify and no implication of guilt would arise by my failure to do so; (c) the right to be presumed innocent until such time, if ever, that the government proves my guilt beyond a reasonable doubt to the satisfaction of a court and jury; (d) the right to see and hear all the witnesses and to cross-examine any witness who may testify against me; (e) the right to use the power and process of the court to compel the production of any evidence, including the attendance of any witnesses, in my favor; and to testify in my own behalf if I choose to do so; (f) the right to have the assistance of counsel in my defense at all stages of the proceedings; (g) if I am convicted at such trial I have the right to appeal with a lawyer to assist me and the appeal will not cost me any money if I am indigent. I understand that if the Court accepts my plea that there will be no jury trial and that I will be convicted of the count to which I plead just as if a jury found me guilty of the charge following a trial and that the Court may impose sentence upon me within the limits set forth in the plea agreement stated in paragraph (10) herein.

(9) No officer or agent of any branch of government (federal, state or local), nor any other person, has guaranteed me what sentence I will receive. I understand that even with a plea agreement no person can bind the Judge to give any particular sentence in my case and that if the Judge decides to reject the plea agreement set forth in paragraph (12) below I will be offered the opportunity to withdraw my plea and plead not guilty, if I desire unless the government has only agreed to recommend a sentence to the Court (Rule 11(e)(1)(B) of the Federal Rules of Criminal

Procedure). If there are any agreements between myself and my lawyer and the prosecution concerning my plea they are fully set forth in paragraph (12) below. I hope to receive probation or some form of leniency but I am prepared to accept any punishment permitted by law which the Judge may see fit to impose. I understand that I am not eligible for a sentence of probation if I receive any sentence of imprisonment. I understand that if the Judge decides to make a recommendation about where I should serve any incarceration that the recommendation is not a promise or a guarantee, but only a recommendation and is not binding on the Bureau of Prisons which will make the final decision (after I am sentenced) about where I will be incarcerated.

(10) My lawyer has done all that anyone could do to counsel and assist me, and I understand the proceedings in this case against me. My lawyer has done all the investigation and research in this case that I have asked her/him to do and I am satisfied with his representation at this point.

(11) Fully understanding my rights to plead "NOT GUILTY" and fully understanding the consequence of my plea of guilty, I wish to plead "GUILTY" and respectfully request the Court to accept my plea as follows:

Guilty to tax evasion in violation of 26 U.S.C. § 7201 as charged in count four of the indictment.

(12) This plea is a result of a plea agreement between my lawyer and the prosecution under the provisions of Rule 11 of the Federal Rules of Criminal Procedure. The plea agreement is as follows:

- A. Defendant agrees to plead guilty to count four of the Indictment. The Government agrees to move to dismiss counts one, two, and three of the indictment at Defendant's sentencing hearing.
- B. Defendant agrees that \$53,286.00 is the *minimum* income tax and employment tax due and owing that he will be obligated to pay with respect to tax year 1998 as a result of his guilty plea to count four of the indictment.
- C. Defendant agrees to cooperate with the Internal Revenue Service (IRS) in any tax examination or audit of himself and any partnerships or corporations that directly or indirectly relate to or arise out of the course of conduct that gave rise to this case (MD TN Case No. 3:01-00168), by transmitting to the IRS original records or copies thereof, and any additional books and records that the IRS may request.
- D. Defendant agrees to timely file complete and accurate income tax returns for all tax years in which he has not filed a complete and accurate income tax return.
- E. Defendant agrees to pay all outstanding income taxes and employment

taxes due and owing for tax years 1993, 1994, 1995, 1996 and 1997, in addition to the minimum income tax and employment tax due and owing as a result of his guilty plea to count four. In this regards, the Defendant agrees that the IRS-Criminal Investigations has calculated the amount of said taxes due and owing for tax years 1993 through 1998 as being approximately \$131,667.00

- F. Defendant agrees to pay a \$100.00 special assessment prior to his sentencing hearing.
- G. Defendant agrees that he is aware that 18 U.S.C. § 3742 affords a defendant the right to appeal the sentence imposed. Acknowledging this, the Defendant knowingly waives the right to appeal any sentence within the maximum provided in the offense level as determined by the court or the manner in which that sentence was determined on the grounds set forth in 18 U.S.C. § 3742 or on any ground whatsoever, in exchange for the concessions made by the United States in this plea agreement. The Defendant also knowingly waives the right to challenge the sentence imposed and the manner in which it was determined in any collateral attack, including, but not limited to, a motion brought pursuant to 28 U.S.C. § 2255. Such waivers do not apply, however, to claims of prosecutorial misconduct or ineffective assistance of counsel.
- H. The Government agrees to recommend that Defendant's advisory sentencing guidelines imprisonment and fine range be determined based solely on the conduct charged in count four of the indictment.
- I. The Government agrees to recommend that Defendant receive a two level downward departure from the advisory sentencing guidelines range determined by the district court for his acceptance of responsibility.
- J. The Government agrees to waive its right to appeal

(13) I offer my plea of "GUILTY" freely and voluntarily and of my own accord; also my lawyer has explained to me, and I feel and believe I understand, the statements set forth in the indictment, and in this petition, and in the "Certificate of Counsel" which is attached to this petition.

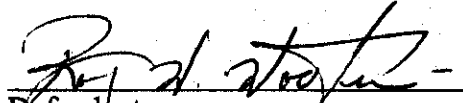
(14) I am not under the influence of either drugs or alcohol.

(15) I pray the Court to enter now my plea of "GUILTY" as set forth in paragraph (9) of this petition, in reliance upon my statements made in this petition.

(16) Recognizing that the Court may reserve acceptance of this plea pending the receipt of the pre-sentence report, I agree that the pre-sentence report may be disclosed to the United

States Attorney, my counsel and myself, prior to the sentencing hearing.

Signed by me in open court under the penalties of perjury in the presence of my lawyer, this the 2nd day of May, 2005.


Defendant

ACKNOWLEDGEMENT OF GOVERNMENT ATTORNEY

The maximum punishment, plea and plea agreement are accurately stated above.



Attorney for Government

CERTIFICATE OF COUNSEL

The undersigned, as attorney and counselor for Roy Wilfred Wooten, hereby certifies as follows:

- (1) I have read and fully explained to Mr. Wooten all the accusations against him in this case;
- (2) To the best of my knowledge and belief each statement set forth in the foregoing petition is in all respects accurate and true;
- (3) In my opinion the plea of "GUILTY" as offered by Mr. Wooten in paragraph (9) of the foregoing petition, is voluntarily and understandingly made; and I recommend to the Court that the plea of "GUILTY" be accepted and entered as requested in paragraph (9) of the foregoing petition.

Signed by me in open court in the presence of Mr. Wooten this 2nd day of May, 2005.


Attorney for the Defendant

ORDER

Good cause appearing therefore from the foregoing petition of the foregoing named defendant and the certificate of his counsel and for all proceedings heretofore had in this case, it is ORDERED that the petition be granted and the defendant's plea of "GUILTY" be accepted and entered as prayed in the petition and as recommended in the certificate of counsel.

Done in open court this 8 day of Aug., 2005.


TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE