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JUN 30 2008

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Criminal No. 4:07-CR-008
)	
v.)	
)	STATEMENT BY DEFENDANT
RAMONA CUNNINGHAM,)	RAMONA CUNNINGHAM IN
)	ADVANCE OF PLEA OF GUILTY
Defendant.)	

PART A

I make the following representations to the Court:

1. I am 53 years of age. My education consists of G.E.D..
 - a. I can read and understand English.
 - b. I have the services of an interpreter to interpret this document.
2. No threats or promises of any sort have been made to me to induce me or to persuade me to enter this plea.
3. No one has told me that I would receive probation or any other form of leniency because of my plea.
4. I have discussed this case and this plea with my attorney as much as I wish to.
5. I am satisfied with the representation provided by my attorney. I have no complaint about the time or attention he/she has devoted to my case nor the advice he/she has given to me.
6. My decision to enter this plea was made after full and careful thought, with the advice of my attorney, and with a full understanding of my rights, the facts and circumstances of

the case and the consequences of the plea. I was not under the influence of any drugs, medication or intoxicants when the decision to enter the plea was made and I am not now under the influence of any drugs, medication or intoxicants.

7. I have no mental reservations concerning pleading guilty. Although my attorney has given me advice on this guilty plea, the decision to plead guilty is my own decision.

8. I understand that if I am on parole or probation for another offense, a guilty plea in this proceeding may result in the revocation of my parole or probation and as a result I may have to serve time in prison on the prior offense.

9. I understand that if I am not a citizen of the United States, a plea of guilty may affect my right to remain in the United States, and I may be deported.

PART B

My attorney and I have discussed the following facts and rights. I have had the assistance of my attorney in reviewing, explaining and completing this form:

1. The nature of the charges against me have been explained. I have had an opportunity to discuss the nature of the charges with my attorney, and I understand the charges and the elements which the government is required to prove.

2. I know that the possible penalty provided by law for the subject offenses to which I am pleading guilty are to be fined not more than \$250,000 or imprisoned not more than 10 years, or both. I know that I will be required to make restitution to the victims of my crime. I understand that if I am sent to prison, after release from prison, I will be required to serve a term of supervised release of up to 3 years. I understand that I am required to pay a special assessment

of \$100 to the Crime Victim Fund for each felony count of conviction and \$25 for each misdemeanor count of conviction. I understand that I may be required to pay all or some of the costs of my imprisonment or supervision.

3. I know that if I do not plead guilty I will still have the right to be represented by an attorney at every stage of the proceeding, including trial. I know that if I cannot afford an attorney, one will be appointed to represent me.

4. I know that I have a right to plead "not guilty", and I know that if I do plead "not guilty", I can persist in that plea.

5. I know that I have a right to a trial by jury, and I know that if I were to stand trial by a jury:

- a. I have a right to the assistance of an attorney at every stage of the proceeding.
- b. I have the right to see and observe the witnesses who testify against me.
- c. My attorney can cross-examine all witnesses who testify against me.
- d. I can call such witnesses as I desire, and I can obtain subpoenas to require the attendance and testimony of those witnesses. If I cannot afford to pay the witness and mileage fees of those witnesses, the government will pay them.
- e. I cannot be forced to testify at trial although I may do so if I so desire.
- f. If I do not want to testify, the jury will be told that they may draw no adverse conclusion against me from my failure to testify.

g. The government must prove each and every element or part of the offenses of Conspiracy to Defraud the United States, Fraud or Misapplication of Funds under the Workforce Investment Act, Misapplication of Funds Concerning Programs Receiving Federal Funds, and Obstruction of an Investigation or Inquiry regarding the Workforce Investment Act.

h. It requires a unanimous verdict of a jury to convict me.

i. If I were to be convicted, I can appeal, and if I cannot afford to appeal, the government will pay the costs of the appeal including the services of an appointed attorney.

6. Under a plea of guilty, there will not be a trial of any kind. If I plead guilty I am forever giving up my right to trial by jury.

7. No agreements have been reached, and no representations have been made to me as to what the sentence will be.

8. I know that under a plea of guilty, the Assistant United States Attorney and the judge may ask me questions under oath about the offense to which the plea is entered. The questions, if asked on the record and in the presence of my attorney, must be answered by me, and if I give false answers, I can be prosecuted for perjury.

9. I have a right to ask the Court any questions I wish to ask concerning my rights, or about these proceedings and the plea.

10. I understand that my sentence will be determined by referencing the advisory Federal Sentencing Guidelines. The method by which my sentence will be computed under the advisory Federal Sentencing Guidelines has been explained to me by my attorney. I understand that:

(a) Any representations by the government or my attorney concerning what my sentence may be are merely estimations or recommendations. The Court may reject the recommendations of my attorney, the government and the U. S. Probation Office and impose a sentence which is more severe.

(b) If the Court imposes a sentence which is more severe than recommended by my attorney, the government or the U. S. Probation Office, I will not be able to withdraw my plea of guilty. Once the Court has accepted my plea of guilty, I may not later withdraw it and demand a trial.

(c) The United States Court of Appeals for the Eighth Circuit has limited power to review sentences imposed under the Federal Sentencing Guidelines. My attorney has explained my right to appeal my sentence and the government's right to appeal my sentence under 18 U.S.C. § 3742.

(d) I have the right to require the United States to prove to a jury beyond a reasonable doubt certain sentencing factors, adjustments and departures under the United States Sentencing Guidelines and may also have a right to have those factors considered by a Grand Jury and included in an Indictment charging me with those factors. I expressly waive these rights in my Plea Agreement.

PART C

I know that I am free to change or delete anything contained in this statement which is incorrect. I do not wish to make any changes because all of the statements are correct. After reviewing all of the foregoing I still wish to plead guilty.

Date: 6/19/2008


RAMONA CUNNINGHAM
Defendant

I certify that I have discussed this statement with the defendant; that I have fully explained to **RAMONA CUNNINGHAM** her rights and have assisted her in completing this form. I believe she understands her rights and this statement. I believe she is knowingly and voluntarily entering the plea with full knowledge of her legal rights and that there is a factual basis for the plea.

Date: 6/19/2008


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