

FILED

MAR 14 2008

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

DAVID CHEWS, CLERK  
By V. Adams  
Deputy

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:07CR192-NBB

SIDNEY A. BACKSTROM

PLEA AGREEMENT

The United States Attorney hereby proposes to the Court a plea agreement to be filed in this cause under Rule 11(c) of the Federal Rules of Criminal Procedure. Defendant has read and fully understands this plea agreement and approves same, realizing that the plea agreement is subject to acceptance or rejection by the Court. The plea agreement is as follows:

1. **GUILTY PLEA.** The defendant agrees to plead guilty under oath to Count One of the Indictment, which charges conspiracy to commit an offense against the United States, and which carries maximum possible penalties of not more than 5 years imprisonment, \$250,000 fine, not more than 3 years supervised release, and a mandatory special assessment of \$100; all in violation of Title 18, United States Code § 371.

2. **OTHER CHARGES.** The United States agrees not to charge the defendant with any other offenses arising from or related to the above charges. The government further agrees to move the court at sentencing to dismiss Counts Two through Six of the Indictment as to this defendant.

3. **SENTENCING** The parties agree under Rule 11(c)(1)(C) that the government will recommend at sentencing a sentence not to exceed one-half (1/2) of the sentence imposed on his co-defendant, Richard Scruggs, which will not, in any event exceed 30 months incarceration. Should the Court not accept the plea agreement, the parties hereby agree that the defendant will not be bound by the plea agreement and may withdraw his plea. The parties reserve their right to

speaking at sentencing.

4. **SPECIAL ASSESSMENT.** The defendant agrees pursuant to 18 U.S.C. § 3013 to pay to the Clerk of the U. S. District Court prior to sentencing in this case the mandatory \$100 assessment fee for each count to which he pleads guilty, which is by law in addition to any other penalty imposed.

5. **COOPERATION.** (a) The defendant agrees to cooperate with the United States Attorney by giving full and truthful statements to such agents as are assigned by the United States Attorney to interview defendant as to all knowledge defendant may have of other persons involved in any way in the offenses charged and all other criminal offenses in any way and to give full and truthful testimony about same before any federal grand juries and trial juries before which defendant is subpoenaed. The defendant understands that a false statement to a federal agent or a failure to testify truthfully would subject him to prosecution for false statements or perjury.

(b) As part of his cooperation, defendant will pay to the Clerk of this Court before sentencing the mandatory \$100.00 assessment fee for Count One. The United States Attorney will make known to the Court at the time of sentencing the nature and extent of all testimony and other cooperation of the defendant, including payment or non-payment of assessment fees.

6. **OTHER AUTHORITIES.** This agreement does not bind any prosecuting authority of any state or any other federal district, nor does it bind the Attorney General of the United States with regard to any matter, criminal or civil, involving federal tax laws.

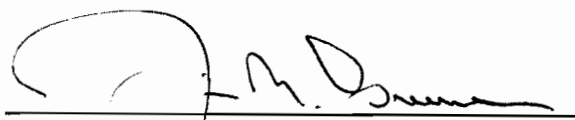
7. **VIOLATIONS OF THIS AGREEMENT.** If defendant violates this agreement, all statements made pursuant hereto will all be admissible against defendant who hereby waives the provisions of Rule 11(f) of the Federal Rules of Criminal Procedure and Rule 410 of the Federal Rules of Evidence. Defendant may also, in that event, be prosecuted for all federal offenses, including perjury and false statements relating to this plea agreement.

8. **ACKNOWLEDGMENTS: NO OTHER AGREEMENTS; DEFENDANT IS IN**

**FACT GUILTY.** Apart from being advised of the applicability of the U.S. Sentencing Guidelines and except as set out in paragraph 3 of this plea agreement concerning sentence, no promise or representation whatsoever has been made to defendant as to what punishment the Court might impose if it accepts the plea(s) of guilty. Defendant agrees that the Court may continue all proceedings in the case until such date as the Court may set for consideration of the plea agreement, the plea of guilty and imposition of sentence. This agreement fully reflects all promises, agreements and understandings between the defendant and the United States Attorney. The defendant's agreement is knowing, free and voluntary, and not the product of force, threat, or coercion. The defendant is pleading guilty because defendant is in fact guilty of the charge.

The foregoing constitutes the only plea agreement between the parties.

This the 14<sup>th</sup> day of MARCH, 2008.

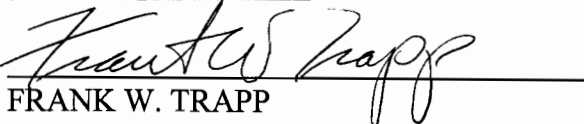
  
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JIM M. GREENLEE  
UNITED STATES ATTORNEY  
Mississippi Bar No. 7018

AGREED AND CONSENTED TO:

  
\_\_\_\_\_  
SIDNEY A. BACKSTROM, Defendant

APPROVED:

  
\_\_\_\_\_  
J. RHEA TANNEHILL

  
\_\_\_\_\_  
FRANK W. TRAPP  
Attorneys for Defendant