

MAR 21 2008  
DAVID CREWS, CLERK  
By *[Signature]*  
Deputy

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

3:07CR192  
CRIMINAL NO. ~~3:08CR~~

DAVID ZACHARY SCRUGGS

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 waive indictment and to plead guilty under oath to a one-count Information, which charges misprision of a felony and which carries maximum possible penalties of 3 years imprisonment, \$250,000 fine and 1 year supervised release.

2. **OTHER CHARGES** The United States agrees not to charge the defendant with any other offenses arising from or related to the above charges and agrees to dismiss the original indictment as to 3:07cr192-NBB, upon conclusion of sentencing.

3. **ASSESSMENT FEE** The defendant will pay to the Clerk of this Court before sentencing the mandatory \$100 assessment fee for each count.

4. **SENTENCING** After being fully advised of all the facts and circumstances of the defendant's involvement, the government recommends a probated sentence. However, there is

no agreement as to the sentence to be imposed, which will be in the sole discretion of the Court subject to the applicable Federal Sentencing Guidelines, which have been explained to defendant by his attorney. Both parties reserve their right to speak at sentencing.

5. **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.

6. **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.

7. **ACKNOWLEDGMENTS: NO OTHER AGREEMENTS; DEFENDANT IS IN FACT GUILTY** Apart from being advised of the advisory nature of the U.S. Sentencing Guidelines, no promise or representation whatsoever has been made to defendant as to what punishment the Court might impose if it accepts the plea of guilty. 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 charges.

The foregoing constitutes the only plea agreement between the parties.

This the 21<sup>st</sup> day of March, 2008.



JIM M. GREENLEE  
UNITED STATES ATTORNEY  
Mississippi Bar No. 5001

AGREED AND CONSENTED TO:



\_\_\_\_\_, Defendant  
DAVID ZACHARY SCRUGGS

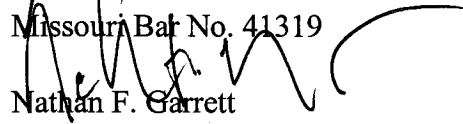
APPROVED:



Michael Moore  
Mississippi Bar No. 3452



Todd P. Graves  
Missouri Bar No. 41319



Nathan F. Garrett  
Missouri Bar No. 46500

Attorneys for Defendant