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AUG 11 2008

UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

FOR THE NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 3:08CR014

ROBERT L. MOULTRIE

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 plead guilty under oath to a one count Information charging him with knowingly and unlawfully rewarding an agent of the government of the State of Mississippi with a gratuity, in violation of Title 18, United States Code, Section 666(a)(2), which carries maximum possible penalties of ten (10) years imprisonment, a \$250,000 fine or both, supervised release of 3 years, and a mandatory \$100 special assessment.

2. **OTHER CHARGES.** The United States agrees not to charge the defendant with any offenses arising from or related to the charges in the information or superseding Indictment and agrees to dismiss Counts One through Sixteen of the pending superseding indictment against the defendant at the conclusion of sentencing of the information. The United States also agrees to dismiss Counts One through Sixteen of the superseding indictment against the corporate entities, pursuant to a separate settlement agreement.

3. **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 at any trial and grand jury 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 statement or perjury, and would constitute a violation of this plea agreement.

4. **SPECIAL ASSESSMENT.** Defendant will pay to the Clerk of this Court before sentencing the mandatory \$100 assessment fee. The United States Attorney will make known to the Court at the time of sentencing the payment or non-payment of assessment fees.

5. **SENTENCE DEPARTURES AND REDUCTIONS.** The United States Attorney, in his sole discretion, may before sentencing move the Court for a downward departure under Section 5K1.1 of the Sentencing Guidelines based upon substantial assistance or may file after sentencing a Rule 35 motion to reduce sentence based upon defendant's cooperation. The defendant understands that decisions whether to move the Court for downward departure or to reduce sentence are entirely in the discretion of the United States Attorney, not the defendant or his attorney, and that the Court can deny in whole or in part either or both of such motions.

6. **SENTENCING.** Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the United States Attorney and defendant, ROBERT L. MOULTRIE, agree as follows: that the sentence to be imposed on Count One shall not exceed thirty-four months imprisonment; that the application of the Sentencing Guidelines shall be by the November 1, 2002 edition of the United States Sentencing Guidelines Manual, Section 2C1.2 resulting in an Offense Level 13, Criminal History

Category I, resulting in an advisory range of 12 to 18 months imprisonment; and that the fine to be imposed shall be assessed in accordance with United States Sentencing Guideline Section 5E1.2, which calls for a minimum fine of \$3,000 and a maximum fine of \$30,000 on Count One. Otherwise, there is no agreement as to the sentence to be imposed, which will be in the sole discretion of the Court, subject to the Federal Sentencing Guidelines and the sentencing considerations in 18 U.S.C. § 3553(a), which have been explained to defendant by his attorney. 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. Both parties reserve their right to speak at sentencing.

7. **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.

8. **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.

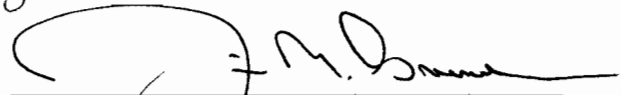
9. **WAIVER OF ALL APPEALS AND COLLATERAL ATTACKS.** Defendant, ROBERT L. MOULTRIE, hereby expressly waives all rights to appeal, contest or collaterally attack the conviction in this case on any ground whatsoever. Defendant, ROBERT L. MOULTRIE, also hereby expressly waives all rights to contest or collaterally attack the conviction, in any post-conviction proceeding, including but not limited to a motion brought pursuant to 28 U.S.C. § 2255. Defendant, ROBERT L. MOULTRIE, waives these rights in

exchange for the concessions made by the United States in this plea agreement.

10. ACKNOWLEDGMENTS: NO OTHER AGREEMENTS; DEFENDANT IS IN FACT GUILTY. Apart from being advised of the applicability of the U.S. Sentencing Guidelines and the sentencing agreement in paragraph 6, no promises or representations whatsoever have been made to the defendant as to what punishment the Court might impose if it accepts the plea of guilty. Defendant agrees that the Court may cancel the trial which is scheduled for August 25, 2008, and 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 charges.

The foregoing constitutes the only plea agreement between the parties.

This the 11th day of August, 2008.



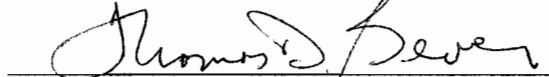
JIM M. GREENLEE
UNITED STATES ATTORNEY
Mississippi Bar No. 5001

AGREED AND CONSENTED TO:




ROBERT L. MOULTRIE
Defendant

APPROVED:



THOMAS D. BEVER
Attorney for Defendant
Georgia Bar No. 055874



T.H. FREELAND
Attorney for Defendant
Mississippi Bar No. 5527

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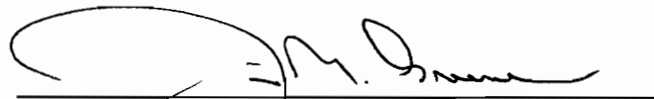
INFORMATION
(On Waiver of Indictment)

The United States Attorney alleges that:

COUNT ONE

1. At all times relevant to this information:
 - a. ROBERT L. MOULTRIE, defendant, was Chairman and Chief Executive Officer of The Facility Group.
 - b. The Facility Group was a company located in Smyrna, Georgia composed of and doing business through numerous corporate entities with similar names.
 - c. The State of Mississippi and the Mississippi Development Authority (“MDA”), received benefits in excess of \$10,000 pursuant to federal programs providing assistance to the State of Mississippi.
2. On or about September 30, 2003, in the Northern District of Mississippi and elsewhere, ROBERT L. MOULTRIE, defendant, did knowingly and with unlawful purpose give, offer and agree to give a thing of value to another person, that is a gratuity, with the intent to reward an agent of the government of the State of Mississippi for future acts, which State government received federal assistance in excess of \$10,000 in a one year period, that is, calendar year 2003, in connection with a business, transaction and series of transactions of such State government, things of value of \$5,000 or more, to wit: MOULTRIE gave and caused to be

given a gratuity in the form of a \$25,000 campaign contribution to the reelection campaign of a “public official,” who is not charged in this information, to obtain general good will and for the performance of his future official acts in connection with The Facility Group’s management of the design and construction of Mississippi Beef Processors, LLC beef processing plant located in Yalobusha County, Mississippi in violation of Section 666(a)(2) of Title 18 of the United States Code.


UNITED STATES ATTORNEY

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI

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ROBERT L. MOULTRIE

PENALTIES
18 U.S.C. 666(a)(2)

NM than 10 years imprisonment - 18 U.S.C. 666

NM than \$250,000 fine, or both; 18 U.S.C. §3571(b)(3)

NM than 3 years supervised release following imprisonment - 18 U.S.C. §3583(b)(2)

\$100 Special Assessment Fee - 18 U.S.C. §3013(a)(2)(A)