

STATE OF LOUISIANA

CRIMINAL DOCKET # 08-0682

VERSUS

24TH JUDICIAL DISTRICT COURT

NIPUN DESAI

PARISH OF JEFFERSON

6082
SEP 13 2008
DEPUTY CLERK
PARISH OF JEFFERSON, LA
FILE FOR RECORD

**MEMORANDUM OF UNDERSTANDING
REGARDING TERMS AND CONDITIONS OF PLEA**

The State of Louisiana agrees to:

1. Reduce the charge from Possession With Intent to Distribute to Simple Possession
2. No prosecution of Desai for any events relating to or arising from the events of July 22 and 23, 2008.
3. Take no position on the length of probation of a sentence to be imposed by the judge, except it must be "legal" – not less than one year.
4. Take no position on the applicability of Article 893
5. Express no opposition on whether Desai's probation should be transferred to Tangipahoa Parish, the district in which he resides.

Nick Desai agrees to:

1. Enter a plea of guilty to simple possession subject to an agreement by the Court to impose and defer execution of a sentence of one year subject to one year of probation pursuant to Article 893.
2. Cooperate with the law enforcement agency designated by the District Attorney's Office by providing truthful information regarding his knowledge of drug activity. The State, in their discretion, will determine whether to seek cooperation from Desai and, if they do request cooperation, that he debrief accompanied by counsel.


The Court agrees to:

1. The deferred imposition of a one (1) year sentence, pursuant to Article 893, and that one (1) year probation will be imposed, and recommend that Desai's probation be transferred to Tangipahoa Parish, the district in which he resides; and to impose no travel restrictions other than notice of out of state travel must be given to the probation officer.

All parties agree that:

1. In addition to other pleadings and documents submitted by the prosecution in support of a Factual Basis for the plea, that Nick Desai agrees that on July 22 and 23, 2008, he was in possession of less than 28 grams of powder cocaine.
2. This plea renders moot all pending motions including a Motion to Quash the Search Warrant and a Motion to Suppress previously filed in this matter. The State of Louisiana does not agree that any of the searches were improper or that any of the evidence should be suppressed, and Desai does not agree that any of the searches were proper. Further that due to the plea, these matters will not be litigated.

RESPECTFULLY SUBMITTED:



JAMES E. BOREN
La. Bar Roll No. 3252
830 Main Street
Baton Rouge, Louisiana 70802
Telephone: (225) 387-5786
Fax: (225) 336-4667
Email: jim@jamesboren.com



RACHEL I. CONNER
La. Bar Roll No. 29726
3015 Magazine Street
New Orleans, Louisiana 70115
Telephone: (504) 581-9083
Fax: (504) 527-6156
Email: Rachel@connersothern.com



NIPUN DESAI



BRANDON KINNETT
Assistant District Attorney
24th Judicial District
200 Derbigny Street
Gretna, Louisiana 70053



DOUGLAS FREESE
Assistant District Attorney
24th Judicial District
200 Derbigny Street
Gretna, Louisiana 70053