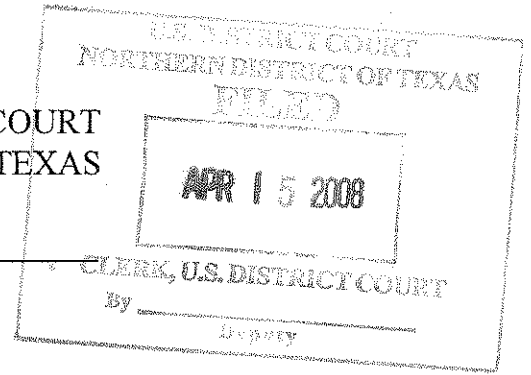


IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



UNITED STATES OF AMERICA

§  
§  
§  
§

v.

No. 3:07-CR-289-M  
ECF

ALLEN J. MCGILL (08)

**PLEA AGREEMENT**

Allen J. McGill (McGill), the defendant's attorney Derek D. Brown, and the United States of America agree as follows:

1. **Rights of the defendant:** McGill understands that he has the right:
  - a. to plead not guilty;
  - b. to have a trial by jury;
  - c. to have his guilt proven beyond a reasonable doubt;
  - d. to confront and cross-examine witnesses and to call witnesses in his defense;
  - e. to have the case against him presented to a federal grand jury; and
  - f. against compelled self-incrimination.
  
2. **Waiver of rights and plea of guilty:** McGill waives these rights and pleads guilty to the offense alleged in Count 1 of the superseding information, charging a violation of 18 U.S.C. § 371 (18 U.S.C. § 1951), that is, conspiracy to commit extortion. McGill understands the nature and elements of the crime to which he is pleading guilty, and agrees that the factual resume he has signed is true and will be submitted as evidence.
  
3. **Sentence:** The maximum penalties the Court can impose includes:

- a. imprisonment for a period not to exceed five (5) years;
- b. a fine not to exceed two hundred and fifty thousand dollars (\$250,000.00) or twice the pecuniary gain by the defendant or loss to the victim;
- c. a term of supervised release of not more than three (3) years, may follow any term of imprisonment. If McGill violates the conditions of supervised release, he could be imprisoned for the entire term of supervised release;
- d. a mandatory special assessment of one hundred dollars (\$100.00);
- e. restitution to the victim or to the community, which may be mandatory under the law, and which McGill agrees may include restitution arising from all relevant conduct, not limited to that arising from the offense of conviction alone; and
- f. costs of incarceration and supervision.

4. **Court's sentencing discretion and role of the Guidelines:** McGill

understands that the sentence in this case will be imposed by the Court after consideration of the United States Sentencing Guidelines. The guidelines are not binding on the Court, but are advisory only. McGill has reviewed the guidelines with his attorney, but understands no one can predict with certainty the outcome of the Court's consideration of the guidelines in this case. McGill will not be allowed to withdraw his guilty plea if his sentence is higher than expected. McGill fully understands that the actual sentence imposed (so long as it is within the statutory maximum) is solely within the Court's discretion.

5. **Mandatory special assessment:** Prior to sentencing, McGill agrees to pay to the U.S. District Clerk the amount of \$100.00, in satisfaction of the mandatory special assessment in this case.

6. **Defendant's cooperation:** McGill shall cooperate with the government by giving truthful and complete information and testimony concerning his participation in the offense of conviction and his knowledge of any other person's participation in criminal activities, not limited to the offense of conviction, but also as to other criminal activities of which he may be aware. Upon demand, McGill shall submit a personal financial statement under oath and submit to interviews by the government and the U.S. Probation Office regarding his capacity to satisfy any fines or restitution. The government will advise the Court of the extent of the defendant's cooperation.

7. **Government's agreement:** The government will not bring any additional charges against McGill based upon the conduct underlying and related to McGill's guilty plea. The government will dismiss, after sentencing, the pending charges in the indictment against McGill. If, in its sole discretion, the government determines that McGill has provided substantial assistance in the investigation or prosecution of others, it will file a motion setting forth the basis for its request for consideration of his assistance. Whether and to what extent to grant the motion is solely within the Court's discretion. This agreement is limited to the United States Attorney's Office for the Northern District of Texas and does not bind any other federal, state, or local prosecuting authorities, nor does it prohibit any civil or administrative proceeding against McGill or any property.

8. **Violation of agreement:** McGill understands that if he violates any provision of this agreement, or if his guilty plea is vacated or withdrawn, the government will be free from any obligations of the agreement and free to prosecute him for all offenses of which it has knowledge. In such event, McGill waives any objections based upon delay in prosecution. If the plea is vacated or withdrawn for any reason other than a finding that it was involuntary, McGill also waives objection to the use against him of any information or statements he has provided to the government, and any resulting leads.

9. **Voluntary plea:** This plea of guilty is freely and voluntarily made and is not the result of force or threats, or of promises apart from those set forth in this plea agreement. There have been no guarantees or promises from anyone as to what sentence the Court will impose.

10. **Waiver of right to appeal or otherwise challenge sentence:** McGill waives his rights, conferred by 28 U.S.C. § 1291 and 18 U.S.C. § 3742, to appeal from his conviction and sentence. He further waives his right to contest his conviction and sentence in any collateral proceeding, including proceedings under 28 U.S.C. § 2241 and 28 U.S.C. § 2255. McGill, however, reserves the right to bring (a) a direct appeal of (i) a sentence exceeding the statutory maximum punishment, (ii) an arithmetic error at sentencing, and (b) to challenge the voluntariness of his guilty plea or this waiver, and (c) a claim of ineffective assistance of counsel.


11. **Representation of counsel:** McGill has thoroughly reviewed all legal and factual aspects of this case with his lawyer and is fully satisfied with that lawyer's legal representation. McGill has received from his lawyer explanations satisfactory to him


concerning each paragraph of this plea agreement, each of his rights affected by this agreement, and the alternatives available to him other than entering into this agreement McGill concedes that he is guilty, and after conferring with his lawyer, McGill has concluded that it is in his best interest to enter into this plea agreement and all its terms, rather than to proceed to trial in this case.


12. **Entirety of agreement:** This document is a complete statement of the parties' agreement and may not be modified unless the modification is in writing and signed by all parties.

AGREED TO AND SIGNED this 15<sup>th</sup> day of April, 2008.

RICHARD B. ROPER  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
Allen J. McGILL  
Defendant

  
\_\_\_\_\_  
Marcus Busch  
Assistant United States Attorney  
Texas State Bar No. 03493300  
1100 Commerce, Third Floor  
Dallas, Texas 75242  
Telephone: 214.659.8600  
Facsimile: 214.767.4104

  
\_\_\_\_\_  
Derek D. Brown  
Attorney for Defendant


*Texas Bar Number 24003268*

I have read this Plea Agreement and have carefully reviewed every part of it with my attorney. I fully understand it and voluntarily agree to it.

  
\_\_\_\_\_  
Allen J. McGill  
Defendant

04.06.08  
\_\_\_\_\_  
Date

I am the defendant's counsel. I have carefully reviewed every part of this Plea Agreement with the defendant. To my knowledge and belief, my client's decision to enter into this Plea Agreement is an informed and voluntary one.

  
\_\_\_\_\_  
Derek D. Brown  
Attorney for Defendant

4-1-08  
\_\_\_\_\_  
Date