

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.) No. 4:16-CR-00541 AGF
)
 JUSTIN WOODSON,)
)
 Defendant.)

GUILTY PLEA AGREEMENT

Come now the parties and hereby agree, as follows:

1. PARTIES:

The parties are the defendant JUSTIN WOODSON, represented by defense counsel Larry Hale, and the United States of America (hereinafter "United States" or "Government"), represented by the Office of the United States Attorney for the Eastern District of Missouri. This agreement does not, and is not intended to, bind any governmental office or agency other than the United States Attorney for the Eastern District of Missouri. The Court is neither a party to nor bound by this agreement.

2. GUILTY PLEA:

Pursuant to Rule 11(c)(1)(B), Federal Rules of Criminal Procedure, in exchange for the defendant's voluntary plea of guilty to Count 1 of the Indictment, the government agrees to move for the dismissal as to the defendant of Counts 13, 14, 15, and 29 at the time of sentencing. Moreover, the United States agrees that no further federal prosecution will be brought in this

District relative to the defendant's conspiracy to distribute and possession with the intent to distribute cocaine, cocaine base, heroin, and marijuana, that occurred in the Eastern District of Missouri between April 2004 and the date of this Indictment, of which the Government is aware at this time, subject to the following exceptions: The parties understand that the Government expressly reserves the right to file, by way of separate Indictment, charges related to any acts of violence, to include murder, which constitute violations of federal law committed in furtherance of this conspiracy, including, but not limited to, violations of Title 18, United States Code, Sections 924(c) and (j).

In addition, the government agrees to not seek statutory enhancement of defendant's sentence pursuant to Title 21, United States Code, Section 851(a).

In addition, the parties agree to jointly request a sentence of 10 years, or 120 months. The parties agree that this will be the jointly recommended sentence notwithstanding the application or non-application of any particular Sentencing Guidelines, including any Guidelines contemplated by this agreement. The parties recognize that this recommendation is not binding upon the Court, which has the full authority to sentence the defendant within the applicable statutory range.

3. ELEMENTS:

As to Count ONE, the defendant admits to knowingly violating Title 21, United States Code, Section 846, and Title 21, United States Code, Section 841(a)(1), and admits there is a factual basis for the plea and further fully understands that the elements of the crime are:

- (a) Beginning at an exact time unknown, but including April 2004 and through the date of this Indictment, in the Eastern District of Missouri and elsewhere, the defendant

- reached an agreement or came to an understanding, with persons known and unknown to the Government, to distribute and to possess with the intent to distribute cocaine; and
- (b) That the defendant voluntarily and intentionally joined in the agreement or understanding, either at the time it was first reached or at some time while it was still in effect; and
 - (c) That at the time the defendant joined in the agreement or understanding, he knew the purpose of the agreement; and
 - (d) That the amount of cocaine involved in the offense and attributable to defendant by virtue of his own conduct and the conduct of co-conspirators reasonably foreseeable to him was in excess of five (5) kilograms.

4. FACTS:

The parties agree that the facts in this case are as follows and that the government would prove these facts beyond a reasonable doubt if the case were to go to trial. These facts may be considered as relevant conduct pursuant to Section 1B1.3:

Around April of 2004, defendant Justin WOODSON and co-defendant Tyrone Williams were identified by the Quincy, Illinois Police Department and the West Central Illinois Drug Task Force as targets of a long-term investigation into the trafficking and sale of cocaine and cocaine base (also known as “crack cocaine”) in northeast Missouri and west central Illinois. Information derived from confidential sources revealed that as part of this drug trafficking conspiracy, WOODSON and Tyrone Williams, having acquired a source of supply through co-defendant Tyrone Robinson, would obtain quantities of cocaine in Austin, Texas, and then subsequently

transport that cocaine to the St. Louis, Missouri and Hannibal, Missouri areas, in the Eastern District of Missouri, where some of the cocaine supply would be cooked to create cocaine base or “crack cocaine.”

The primary distribution of WOODSON’s supply took place primarily in Hannibal, Missouri, particularly at various residences on Hope Street and on Gordon Street. As part of WOODSON’s drug trafficking operation, the street-level distributors of the narcotics would frequently change when they would get arrested for various offenses. During the course of the conspiracy, investigators identified co-defendants Eric Dilworth, Harold Williams, Corey Cobb, Terry Williams, Christopher Harris, Louetta Dorsey, and Donte Clausell.

In order to transport the supply of cocaine back to St. Louis and Hannibal, Missouri, WOODSON would often hire female couriers to drive cars containing kilograms of cocaine while WOODSON either flew back via commercial airliner or drove in a separate vehicle to monitor the transport. These female couriers included co-defendants Sierra Parrish and Ashley Shaw. Once the product was ready for sale in the Hannibal area, WOODSON maintained control of a well-known open-air drug market in the 2000 block of Gordon Street.

On or about February 1, 2013, members of the Troy, Missouri police department conducted a traffic stop of Ashley Shaw in Lincoln County Missouri. Investigators had surveilled Shaw departing from a house/apartment known to be frequented by WOODSON prior to conducting the stop. Officers seized 371.1 grams of cocaine during that traffic stop of Shaw. Investigators monitored jail calls after the arrest and overheard Shaw and WOODSON discussing the nature of her traffic stop and WOODSON inquiring about who was watching and whether it was local law enforcement or federal law enforcement that had stopped her.

On or about October 11, 2013, investigators had been conducting physical surveillance in conjunction with electronic monitoring of Justin WOODSON cellular telephone. After numerous intercepts, it was learned that WOODSON was preparing to meet his source, Tyrone Robinson, in St. Louis. Based on the calls, they planned to conduct a traffic stop in Lincoln County, Missouri. WOODSON was stopped, then fled in the vehicle briefly, then on foot. During his flight, he discarded a red bag containing what lab analysis confirmed to be 490 grams of cocaine. Investigators only issued him traffic citations. WOODSON was later heard on wire intercepts discussing how law enforcement failed to locate the cocaine and how he needed to go back and find it.

While the amount of cocaine for which defendant WOODSON is accountable is not subject to precise calculation, the parties agree that the readily provable amount of cocaine attributable to WOODSON as a result of his conduct and the reasonably foreseeable conduct of his co-conspirators is more than five (5) kilograms but less than 15 kilograms.

5. STATUTORY PENALTIES:

COUNT ONE (1)

The defendant fully understands that the maximum possible penalty provided by law for the crime to which the defendant is pleading guilty in Count One is imprisonment of not more than life, a fine of not more than \$10,000,000.00, or both such imprisonment and fine. The Court shall also impose a period of supervised release of not less than five (5) years. **The defendant also fully understands that the crime to which a guilty plea is being entered requires a mandatory minimum term of imprisonment of at least ten (10) years.**

6. U.S. SENTENCING GUIDELINES: 2016 MANUAL:

The defendant understands that this offense is affected by the U.S. Sentencing Guidelines and the actual sentencing range is determined by both the Total Offense Level and the Criminal History Category. The parties agree that the following are the U.S. Sentencing Guidelines Total Offense Level provisions that apply.

a. Chapter 2 Offense Conduct:

(1) Base Offense Level: The parties agree that the base offense level is 30, as found in Section 2D1.1(5). The parties agree that the quantity of cocaine for which the defendant is accountable, including relevant conduct, is more than five (5) kilograms and less than 15 kilograms, resulting in the agreed Base Offense Level.

(2) Specific Offense Characteristics: The parties agree that the following Specific Offense Characteristics apply: None.

b. Chapter 3 Adjustments:

(1) Acceptance of Responsibility: The parties agree that two (2) levels should be deducted pursuant to Section 3E1.1(a) and (b), because the defendant has clearly demonstrated acceptance of responsibility and timely notified the government of the defendant's intention to plead guilty. The parties agree that the defendant's eligibility for this deduction is based upon information presently known. If subsequent to the taking of the guilty plea the government receives new evidence of statements or conduct by the defendant which it believes are inconsistent with defendant's eligibility for this deduction, the government may present said evidence to the court, and argue that the defendant should not receive all or part of the deduction pursuant to Section 3E1.1, without violating the plea agreement.

(2) Other Adjustments: The parties agree that the following additional adjustments apply: None.

c. Other Adjustment(s) and Disputed Adjustments:

d. Estimated Total Offense Level: The parties estimate that the Total Offense Level is 28, unless defendant is a Career Offender. Depending on the underlying offense and defendant's criminal history, defendant could be a Career Offender pursuant to Section 4B1.1. If the Court finds defendant is a Career Offender, the Total Offense Level may be higher and the Criminal History Category may be as high as Category VI. Defendant has discussed these possibilities with defense counsel. Both parties reserve the right to argue that the defendant is or is not a Career Offender. **However, the parties agree that regardless of these Guideline calculations, both parties will request a sentence of 10 years (120 months).**

e. Criminal History: The determination of the defendant's Criminal History Category shall be left to the Court. Either party may challenge, before and at sentencing, the finding of the Presentence Report as to the defendant's criminal history and the applicable category. The defendant's criminal history is known to the defendant and is substantially available in the Pretrial Services Report.

f. Effect of Parties' U.S. Sentencing Guidelines Analysis: The parties agree that the Court is not bound by the Guidelines analysis agreed to herein. The parties may not have foreseen all applicable Guidelines. The Court may, in its discretion, apply or not apply any Guideline despite the agreement herein and the parties shall not be permitted to withdraw from the plea agreement.

7. WAIVER OF APPEAL AND POST-CONVICTION RIGHTS:

a. Appeal: The defendant has been fully apprised by defense counsel of the defendant's rights concerning appeal and fully understands the right to appeal the sentence under Title 18, United States Code, Section 3742.

(1) Non-Sentencing Issues: The parties waive all rights to appeal all non-jurisdictional, non-sentencing issues, including, but not limited to, any issues relating to pretrial motions, discovery and the guilty plea.

(2) Sentencing Issues: In the event the Court accepts the plea, accepts the U.S. Sentencing Guidelines Total Offense Level agreed to herein, and, after determining a Sentencing Guidelines range, sentences the defendant within or below that range, then, as part of this agreement, the defendant hereby waives all rights to appeal all sentencing issues other than Criminal History. Similarly, the Government hereby waives all rights to appeal all sentencing issues other than Criminal History, provided the Court accepts the plea, the agreed Total Offense Level and sentences the defendant within or above that range.

b. Habeas Corpus: The defendant agrees to waive all rights to contest the conviction or sentence in any post-conviction proceeding, including one pursuant to Title 28, United States Code, Section 2255, except for claims of prosecutorial misconduct or ineffective assistance of counsel.

c. Right to Records: The defendant waives all rights, whether asserted directly or by a representative, to request from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including any records that may be sought

under the Freedom of Information Act, Title 5, United States Code, Section 522, or the Privacy Act, Title 5, United States Code, Section 552(a).

8. OTHER:

a. Disclosures Required by the United States Probation Office: The defendant agrees to truthfully complete and sign forms as required by the United States Probation Office prior to sentencing and consents to the release of these forms and any supporting documentation by the United States Probation Office to the government.

b. Civil or Administrative Actions not Barred; Effect on Other Governmental Agencies:

Nothing contained herein limits the rights and authority of the United States to take any civil, tax, immigration/deportation or administrative action against the defendant.

c. Supervised Release: Pursuant to any supervised release term, the Court will impose standard conditions upon the defendant and may impose special conditions related to the crime defendant committed. These conditions will be restrictions on the defendant to which the defendant will be required to adhere. Violation of the conditions of supervised release resulting in revocation may require the defendant to serve a term of imprisonment equal to the length of the term of supervised release, but not greater than the term set forth in Title 18, United States Code, Section 3583(e)(3), without credit for the time served after release. The defendant understands that parole has been abolished.

d. Mandatory Special Assessment: Pursuant to Title 18, United States Code, Section 3013, the Court is required to impose a mandatory special assessment of \$100 per count for a total of \$100, which the defendant agrees to pay at the time of sentencing. Money paid by

the defendant toward any restitution or fine imposed by the Court shall be first used to pay any unpaid mandatory special assessment.

e. Possibility of Detention: The defendant may be subject to immediate detention pursuant to the provisions of Title 18, United States Code, Section 3143.

f. Fines, Restitution and Costs of Incarceration and Supervision: The Court may impose a fine, costs of incarceration and costs of supervision. The defendant agrees that any fine imposed by the Court will be due and payable immediately.

g. Forfeiture: The defendant agrees to forfeit all of the defendant's interest in all items seized by law-enforcement officials during the course of their investigation. The defendant admits that all United States currency, weapons, property and assets seized by law enforcement officials during their investigation constitute the proceeds of the defendant's illegal activity, were commingled with illegal proceeds or were used to facilitate the illegal activity. The defendant agrees to execute any documents and take all steps needed to transfer title or ownership of said items to the government and to rebut the claims of nominees and/or alleged third party owners. The defendant further agrees that said items may be disposed of by law enforcement officials in any manner.

9. ACKNOWLEDGMENT AND WAIVER OF THE DEFENDANT'S RIGHTS:

In pleading guilty, the defendant acknowledges, fully understands and hereby waives his rights, including but not limited to: the right to plead not guilty to the charges; the right to be tried by a jury in a public and speedy trial; the right to file pretrial motions, including motions to suppress or exclude evidence; the right at such trial to a presumption of innocence; the right to require the government to prove the elements of the offenses charged against the defendant beyond

a reasonable doubt; the right not to testify; the right not to present any evidence; the right to be protected from compelled self-incrimination; the right at trial to confront and cross-examine adverse witnesses; the right to testify and present evidence and the right to compel the attendance of witnesses. The defendant further understands that by this guilty plea, the defendant expressly waives all the rights set forth in this paragraph.

The defendant fully understands that the defendant has the right to be represented by counsel, and if necessary, to have the Court appoint counsel at trial and at every other stage of the proceeding. The defendant's counsel has explained these rights and the consequences of the waiver of these rights. The defendant fully understands that, as a result of the guilty plea, no trial will, in fact, occur and that the only action remaining to be taken in this case is the imposition of the sentence.

The defendant is fully satisfied with the representation received from defense counsel. The defendant has reviewed the government's evidence and discussed the government's case and all possible defenses and defense witnesses with defense counsel. Defense counsel has completely and satisfactorily explored all areas which the defendant has requested relative to the government's case and any defenses.

The guilty plea could impact defendant's immigration status or result in deportation. In particular, if any crime to which defendant is pleading guilty is an "aggravated felony" as defined by Title 8, United States Code, Section 1101(a)(43), removal or deportation is presumed mandatory. Defense counsel has advised the defendant of the possible immigration consequences, including deportation, resulting from the plea.

10. VOLUNTARY NATURE OF THE GUILTY PLEA AND PLEA AGREEMENT:

This document constitutes the entire agreement between the defendant and the government, and no other promises or inducements have been made, directly or indirectly, by any agent of the government, including any Department of Justice attorney, concerning any plea to be entered in this case. In addition, the defendant states that no person has, directly or indirectly, threatened or coerced the defendant to do or refrain from doing anything in connection with any aspect of this case, including entering a plea of guilty.

The defendant acknowledges having voluntarily entered into both the plea agreement and the guilty plea. The defendant further acknowledges that this guilty plea is made of the defendant's own free will and that the defendant is, in fact, guilty.

11. CONSEQUENCES OF POST-PLEA MISCONDUCT:

After pleading guilty and before sentencing, if defendant commits any crime, other than minor traffic offenses, violates any conditions of release that results in revocation, violates any term of this guilty-plea agreement, intentionally provides misleading, incomplete or untruthful information to the U.S. Probation Office or fails to appear for sentencing, the United States, at its option, may be released from its obligations under this agreement. The Government may also, in its discretion, proceed with this agreement and may advocate for any sentencing position supported by the facts, including but not limited to obstruction of justice and denial of acceptance of responsibility.

12. NO RIGHT TO WITHDRAW GUILTY PLEA:

Pursuant to Rule 11(c) and (d), Federal Rules of Criminal Procedure, the defendant understands that there will be no right to withdraw the plea entered under this agreement, except

where the Court rejects those portions of the plea agreement which deal with charges the government agrees to dismiss or not to bring.

Date

ANGIE E. DANIS, #64805MO
Assistant United States Attorney

Date

JUSTIN WOODSON
Defendant

Date

LARRY HALE
Attorney for Defendant