



U.S. Department of Justice

Eastern District of Louisiana

U. S. Attorney's Office

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2010 MAY 26 PM 12:04

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LORETTA G. PHIPPS
CLERK

May 26, 2010

Honorable Daniel E. Knowles, III
United States Magistrate Judge
Eastern District of Louisiana
500 Poydras Street, Room B-335
New Orleans, Louisiana 70130

Re: United States v. Joseph Basel, et al.
Criminal No. 10-081 "K (3)"

Dear Judge Magistrate:

In compliance with the holding of Bryan v. United States, 492 F.2d 775 (5th Cir. 1974), and with Rule 11 of the Federal Rules of Criminal Procedure, the Government wishes to acknowledge the following agreement between the Government and James O'Keefe, the defendant, in the above-captioned proceeding. Defendant's undersigned counsel, Michael Madigan, has reviewed the terms of this agreement and has been advised by the defendant that the defendant fully understands the terms of this agreement.

The defendant, James O'Keefe, has agreed to plead guilty to a one-count bill of information charging him with entry by false pretenses onto real property of the United States, in violation of Title 18, United States Code, Sections 1036(a)(1) and 2. In exchange for the defendant's plea of guilty, the United States Attorney for the Eastern District of Louisiana agrees not to file any additional charges relating to the conduct that occurred in this District on or about January 25, 2010, including the planning of such conduct and subsequent statements made to law enforcement authorities.

The Government and the defendant agree that punishment for the violation to which he is pleading guilty is codified under Title 18, United States Code, Section 1036(b)(2). The defendant understands that the maximum penalty defendant may receive should his plea of guilty be accepted is six (6) months imprisonment and/or a fine of \$5,000, or the greater of twice the gross gain to the defendant or twice the gross loss to any person under Title 18, United States Code, Section 3571. The Government and the defendant agree that there is no monetary gain or loss to any identifiable person or entity.

The Government further notes that it has no objection to a probationary sentence for the defendant. Additionally, the Government agrees to bring to the attention of the Court any cooperation rendered by the defendant prior to sentencing.

Fee _____
 Process _____
 Dktd _____
 CtRmDep _____
 Doc. No. _____

Further, the defendant understands that a mandatory special assessment fee of \$10.00 shall be imposed under the provisions of Section 3013 of Title 18, United States Code. This special assessment must be paid on the date of sentencing. Failure to pay this special assessment may result in the plea agreement being void.

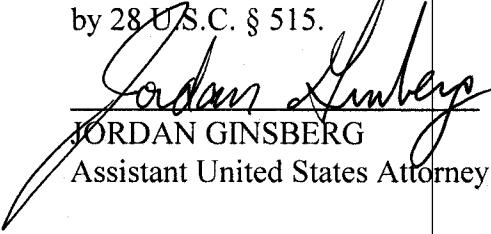
The defendant further waives any right to seek attorney's fees and/or other litigation expenses under the "Hyde Amendment," Title 18, United States Code, Section 3006A and the defendant acknowledges that the Government's position in the instant prosecution was not vexatious, frivolous or in bad faith.

This plea agreement is predicated upon the fact that the defendant agrees to submit to interviews concerning the specific crime to which he is pleading guilty whenever requested by law enforcement authorities. The defendant understands he must be completely truthful. The defendant also agrees to appear before any Grand Jury or trial jury and to testify truthfully concerning the specific crime to which he is pleading guilty. The defendant understands if he is not truthful, this agreement will be null and void and that he may be prosecuted for perjury or making false statements. The defendant agrees neither to implicate anyone falsely nor to exculpate or protect anyone falsely. The defendant further agrees to assist the Government with regard to the investigation and prosecution of criminal conduct concerning the specific crime to which he is pleading guilty.

The defendant understands that the statements set forth above represent defendant's entire agreement with the Government; there are not any other agreements, letters, or notations that will affect this agreement.

Very truly yours,

JAN MASELLI MANN
Attorney for the United States,
Acting Under Authority Conferred
by 28 U.S.C. § 515.


JORDAN GINSBERG
Assistant United States Attorney


MICHAEL J. MADIGAN, ESQ.

Attorney for the Defendant

Date: 3/24/2010


JAMES O'KEEFE

Defendant

Date: 3/24/2010

JG/bb