

PLEA AGREEMENT ROUTING SLIP

USAO NO:

Date:

From: Robert W. Wiechering
AUSA/SAUSA

Defendant: Darleen A. Druyun

Case No: _

Date Plea Scheduled:

Pre-Indictment Plea Post-Indictment Plea

1. Optional Sentences or Paragraphs Deleted:

- Detention Forfeiture
- Substantial Assistance Cooperation
- Immigration Tax Language
- No Other Conditions

2. Modifications or Additions

Page No. Paragraph No.

3. Is Restitution Applicable:

Yes No If yes, are victims fully and correctly identified and the amount due each stated within plea agreement: Yes No

4. Defendant has agreed to plead guilty to the most serious, readily provable offense.

YES NO

5. Defendant has agreed to plead guilty to a readily provable gun count.

Not Applicable, the defendant did not use, carry or possess a firearm
 YES NO

6. Stipulation(s) have been reached regarding the following guideline factors.

(Check those that apply):

- Drug quantity Gun
- Role Acceptance
- Safety Valve Loss
- Other (list): _____

7. Stipulated guideline factors are the most serious, readily provable guideline factors applicable to the defendant's conduct.

YES NO

8. An agreement not to file an information regarding prior convictions has been reached.

Not Applicable YES NO

9. Victim Financial Information Memo completed.

YES NO

10. Defendant Financial Information Memo completed.

YES NO

(Reminder: E-mail your final statement of facts to Sam Dibbley once the plea has been taken before the Judge)

PLEA AGREEMENT APPROVAL

To: _____
Unit Supervisor

Approved: _____

Date: _____

To: **Robert A. Spencer**
Chief, Criminal Division
or Kevin V. Di Gregory
Deputy Chief, Criminal Division

[For Acts of Terrorism, National Security, RICO, Corporate Fraud, Public Corruption, Homicide, or Special Public or Agency Interest]

Approved: _____

Date: _____

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)
)
 v.) CRIMINAL NO. 04-150-A
)
DARLEEN A. DRUYUN,)
Defendant.)

SUPPLEMENTAL PLEA AGREEMENT

Paul J. McNulty, United States Attorney for the Eastern District of Virginia, Robert W. Wiechering, Assistant United States Attorney, the defendant, Darleen A. Druyun, and the defendant’s counsel have entered into a Supplemental Plea Agreement pursuant to paragraph 14 of the original plea agreement (hereinafter plea agreement) in criminal case 04-150-A. The terms of the Supplemental Agreement are as follows:

1. The defendant agrees and stipulates that she breached the plea agreement by not providing full, complete and truthful cooperation as required by paragraph 11 of the plea agreement. The Supplemental Statement of Facts filed with this Supplemental Plea Agreement outlines the nature of that breach and constitutes a stipulation of facts for purposes of Section 1B1.2(a) of the Sentencing Guidelines.

2. The defendant agrees that the United States is entitled to exercise it’s remedies for the defendant’s breach under the provisions of paragraph 13 of the plea agreement and as set forth in the Supplemental Plea Agreement.

3. Notwithstanding paragraph 10 of the plea agreement, the defendant agrees that the government may use information provided by her under the provisions of the plea agreement to enhance the defendant's guidelines range. Further, the defendant agrees to waive the provisions of the proffer agreement with the government dated November 25, 2003 and agrees to permit the government to use the information and statements provided by her to the government in this criminal case.

4. The parties agree to the preparation of a revised Presentence Report in this case and further agree to the following guideline calculation in this case:

- a. A base level of 6 under the provisions of § 2C1.3(a) and a 4-level increase for actual or planned harm to the government under the provisions of § 2C1.3(b).
- b. An increase of 2 levels in the offense level pursuant to the provisions of § 3C1.1 Obstructing or Impeding the Administration of Justice.
- c. No reduction for acceptance of responsibility under the provisions of § 3E.1.
- d. This results in an offense level total of 12, Criminal History Category I, and a sentencing range of 10-16 months. The defendant agrees that there exists no mitigating circumstances of a kind, or to a degree, not adequately taken into consideration by the Sentencing Commission in formulating the Guidelines that should result in a sentence different from the range determined by the court. Accordingly the defendant agrees not to seek or support any downward departure from the applicable guideline range.

5. Waiver of Right to Jury Trial on Sentencing Factors.

The defendant also waives the right to have facts that determine the offense level under the Sentencing Guidelines (including facts that support any specific offense characteristic or other enhancement or adjustment) (1) charged in the indictment, (2) proven to a jury, or (3) proven beyond a reasonable doubt. The defendant explicitly consents to be sentenced pursuant to the applicable Sentencing Guidelines, to have the sentence based on facts to be established by a preponderance of the evidence before the sentencing judge, and to allow the court to consider any reliable evidence without regard to its admissibility at trial. The defendant explicitly acknowledges that her plea to the charged offense authorizes the Court to impose any sentence that is authorized by the Sentencing Guidelines up to and including the maximum sentence set forth in the United States Code. The defendant also waives all challenges to the constitutionality of the Sentencing Guidelines.

6. In all other respects the plea agreement between the defendant and the United States remains in full force and effect.

Paul J. McNulty
United States Attorney

By: _____
[Robert W. Wiechering](#)
Assistant United States Attorney

APPROVED:

[John Klein](#)
Assistant United States Attorney
Supervisor Fraud Unit

Date of Approval:

_____ Defendant's Signature: I have read this Supplemental Plea Agreement and carefully reviewed every part of it with my attorney. I understand this agreement and voluntarily agree to it.

Date: _____
_____ Darleen A. Druyun
_____ Defendant

_____ Defense Counsel Signature: I am counsel for the defendant in this case. I have carefully reviewed every part of this plea agreement with the defendant. To my knowledge, the defendant's decision to enter into this agreement is an informed and voluntary one.

Date: _____
_____ John M. Dowd
_____ Counsel for the Defendant

U. S. DEPARTMENT OF JUSTICE
Statement of Special Assessment Account

This statement reflects your special assessment only. There may be other penalties imposed at sentencing.

ACCOUNT INFORMATION	
CRIM. ACTION NO.:	
DEFENDANT'S NAME:	
PAY THIS AMOUNT:	

INSTRUCTIONS:

1. **MAKE CHECK OR MONEY ORDER PAYABLE TO:**
 CLERK, U.S. DISTRICT COURT

2. **PAYMENT MUST REACH THE CLERK'S OFFICE BEFORE YOUR SENTENCING DATE**

3. **PAYMENT SHOULD BE SENT TO:**

	In person (9 AM to 4 PM)	By mail:
Alexandria cases:	Clerk, U.S. District Court 401 Courthouse Square Alexandria, VA 22314	
Richmond cases:	Clerk, U.S. District Court 1000 E. Main Street, #307 Richmond, VA 23219	
Newport News cases:	Clerk, U.S. District Court 101 - 25th Street, 2nd Floor Newport News, VA 23607	Clerk, U.S. District Court P. O. Box 494 Newport News, VA 23607
Norfolk cases:	Clerk, U.S. District Court 600 Granby Street Norfolk, VA 23510	

4. **INCLUDE DEFENDANT'S NAME ON CHECK OR MONEY ORDER**

5. **ENCLOSE THIS COUPON TO INSURE PROPER and PROMPT APPLICATION OF PAYMENT**

