

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 ) No. 4:12CR46 JAR (FRB)  
 v. )  
 )  
 CHAZ ALEXANDER BAKER, )  
 )  
 Defendant. )

**PLEA AGREEMENT**

COME NOW the parties and hereby agree as follows:

**1. THE PARTIES:**

The parties to this agreement are defendant, Chaz Alexander Baker, represented by defense counsel, John Stobbs, and the Office of the United States Attorney for the Eastern District of Missouri (hereinafter "the Government"). This agreement does not, and is not intended to, bind any governmental office or agency other than the Office of 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:**

**A. The Guilty Plea:** Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A), in exchange for defendant's voluntary plea of guilty to Counts Four, Five, and Six of the indictment, the Government agrees to move for the dismissal as to defendant of Counts One, Two, and Three at the time of sentencing. The Government further agrees that no further federal prosecution will be brought in this District relative to defendant's following actions, of which the Government is aware at this time: conspiring to distribute more than 280 grams of cocaine base (crack), as

charged in the indictment; distributing heroin on August 18, 2010; distributing cocaine base (crack) on August 19, September 14, and October 5, 2010; and possessing with intent to distribute more than 28 grams of cocaine base (crack) on October 26, 2010.

**B. The Sentence:** The parties acknowledge that: the agreements herein regarding application of the Sentencing Guidelines are the result of negotiations and led, in part, to the guilty plea, and each party has a right to rely upon and hold the other party to such agreements at the time of sentencing. The parties further agree that neither party shall request a sentence above or below the applicable guideline range pursuant to any chapter of the Sentencing Guidelines, 18 U.S.C. § 3553(a), or any other provision or rule of law, unless that request or facts which support that request are addressed in this document or the request is made with the consent of both parties.

**C. Forfeiture:** Defendant agrees to forfeit all of defendant's interest in all items seized by law-enforcement officials during the course of their investigation and will not contest the forfeiture of such items. Defendant admits that all United States currency, weapons, property and assets seized by law enforcement officials during their investigation constitute the proceeds of defendant's illegal activity, were commingled with illegal proceeds, or were used to facilitate the illegal activity. 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 any claims of nominees and/or alleged third party owners. Defendant further agrees that said items may be disposed of by law enforcement officials in any manner.

**3. ELEMENTS:**

A. As to each of Counts Four and Five, defendant admits to knowingly violating 21 U.S.C. § 841(a)(1), and admits there is a factual basis for the plea. Defendant further fully understands that the elements of the crime to which defendant is pleading guilty are:

- (1) Defendant possessed a quantity of cocaine base (crack);
- (2) Defendant knew he possessed a quantity of cocaine base (crack); and
- (3) Defendant distributed the quantity of cocaine base (crack) to another person.

B. As to Count Six, defendant admits to knowingly violating 21 U.S.C. § 841(a)(1), and admits there is a factual basis for the plea. Defendant further fully understands that the elements of the crime to which defendant is pleading guilty are:

- (1) Defendant possessed in excess of 28 grams of a mixture or substance containing a detectible amount of cocaine base (crack);
- (2) Defendant knew he possessed cocaine base (crack); and
- (3) Defendant intended to distribute the cocaine base (crack) to another person.

#### **4. STIPULATION OF FACTS:**

The parties stipulate and 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 proceed to trial:

On September 14, 2010, and October 5, 2010, in St. Louis County, within the Eastern District of Missouri, defendant knowingly and intentionally distributed quantities of cocaine base (crack), a Schedule II narcotic controlled substance drug.

On October 26, 2010, in St. Louis City, within the Eastern District of Missouri, defendant knowingly and intentionally possessed with intent to distribute in excess of 28 grams of a

mixture or substance containing a detectible amount of cocaine base (crack), a Schedule II narcotic controlled substance drug.

Beginning in 2009, and continuing into 2011, the Kirkwood Police Department, the Drug Enforcement Administration (DEA), and other law enforcement agencies conducted an investigation into the drug trafficking activities of defendant and his co-defendants, Ervin J. Thompson, Martez D. Jones, Daryl L. Jones, Duan Drayton, Marlowe Parsons, and Kevin Ragland. The investigation confirmed, and defendant fully admits, that defendant and his co-defendants distributed cocaine base (crack) throughout St. Louis County, Missouri, within the Eastern District of Missouri.

On September 14, 2010, DEA conducted a controlled buy of cocaine base (crack) from defendant. Defendant sold a quantity of cocaine base (crack) to a confidential source, working with DEA agents, in exchange for \$600 of pre-recorded buy money. The DEA agents witnessed the transaction, and the controlled buy was audio recorded. The controlled buy took place in St. Louis County, within the Eastern District of Missouri. Shortly after the controlled buy, Kirkwood police officers arrested defendant and recovered some of the buy money from defendant's person. The apparent cocaine base (crack) was submitted to the DEA Laboratory for analysis. An expert chemist confirmed that the substance was 11.6 grams of cocaine base (crack), a Schedule II narcotic controlled substance.

Again, on October 5, 2010, DEA conducted a controlled buy of cocaine base (crack) from defendant. Defendant sold a quantity of cocaine base (crack) to a confidential source, working with DEA agents, in exchange for \$1400 of pre-recorded buy money. The DEA agents witnessed the meeting, and the controlled buy was audio recorded. The controlled buy took place in St.

Louis County, within the Eastern District of Missouri. Shortly after the controlled buy, Kirkwood police officers arrested defendant and recovered some of the buy money from defendant's person. The apparent cocaine base (crack) was submitted to the DEA Laboratory for analysis. An expert chemist confirmed that the substance was 28 grams of cocaine base (crack).

Finally, on October 26, 2010, DEA arranged a controlled buy of cocaine base (crack) from defendant at a predetermined location. When defendant arrived at the predetermined location, DEA arrested defendant. A search incident to arrest revealed a large quantity of cocaine base (crack) on defendant's person. Defendant intended to distribute the cocaine base (crack) to another person. Defendant's arrest took place in St. Louis City, within the Eastern District of Missouri. The apparent cocaine base (crack) was submitted to the DEA Laboratory for analysis. An expert chemist confirmed that the substance was 47.7 grams of cocaine base (crack).

DEA agents advised defendant of his Miranda rights, and defendant voluntarily, knowingly, and intelligently waived his rights. Defendant admitted, among other things, that: he intended to sell the cocaine base (crack) found on his person; he has been selling cocaine base (crack) since 1997; he and co-defendants Martez Jones and Daryl Jones, among others, are members of a cocaine base (crack) distribution ring in the Meacham Park neighborhood of Kirkwood; during the previous year defendant sold multiple ounces of cocaine base (crack) to Martez Jones and Daryl Jones, among others, for distribution in Meacham Park; and defendant also bought multiple ounces of cocaine base (crack) from Martez Jones and Daryl Jones, among others.

Defendant and the Government agree that the facts set forth above are true and may be considered "relevant conduct" pursuant to Sentencing Guidelines § 1B1.3.

**5. STATUTORY PENALTIES:**

**A. Maximum Possible Penalty:** Defendant fully understands that the maximum possible penalty provided by law as to each of Counts Four and Five is imprisonment of not more than 20 years, a fine of not more than \$1,000,000, or both. The Court shall also impose a period of supervised release of not less than three years.

Defendant fully understands that the maximum possible penalty provided by law as to Count Six is imprisonment of not less than five years and not more than 40 years, a fine of not more than \$2,000,000, or both. The Court shall also impose a period of supervised release of not less than four years.

## **6. SENTENCING GUIDELINES; 2011 MANUAL:**

Defendant understands that the offenses to which defendant is pleading guilty are affected by the Sentencing Guidelines and the actual sentencing range is determined by both the offense level and the criminal history category. The parties agree that the following are the Sentencing Guidelines offense level provisions that apply.

### **A. Chapter 2 Offense Conduct:**

(1) **Base Offense Level:** The parties agree that the base offense level is 28, as found in Sentencing Guidelines § 2D1.1(c)(6), the Drug Quantity Table. The parties agree that the quantity of cocaine base (crack) for which defendant is accountable, including relevant conduct, is more than 112 grams and less than 196 grams, resulting in the agreed upon base offense level.

The parties agree, however, that if defendant is determined, based on the underlying offense and defendant's criminal history, to be a career offender under Sentencing Guidelines § 4B1.1, then the Guideline sentence shall be determined under Sentencing Guidelines § 4B1.1, which would result in a higher offense level and a criminal history category as high as VI. Defendant

has discussed this possibility with defense counsel and understands this possibility. Defendant understands that, in such a circumstance, the Government will advocate for a career offender sentence under Sentencing Guidelines § 4B1.1.

(2) **Specific Offense Characteristics:** The parties agree that the following Specific Offense Characteristics may apply: (a) two levels may be deducted pursuant to Sentencing Guidelines § 2D1.1(b)(16), if defendant meets the criteria set forth in Sentencing Guidelines § 5C1.2(a), the "Safety Valve."

**B. Chapter 3 Adjustments:**

(1) **Acceptance of Responsibility:** The parties agree that three levels should be deducted pursuant to Sentencing Guidelines § 3E1.1, because defendant has clearly demonstrated acceptance of responsibility and timely notified authorities of the intention to enter a plea of guilty, thereby permitting the Government to avoid preparing for trial and permitting the Court to allocate its resources efficiently. The parties agree that defendant's eligibility for this deduction is based upon information presently known to the Government. If, subsequent to the taking of the guilty plea, the Government receives new evidence of statements or conduct by defendant that the Government believes are inconsistent with defendant's eligibility for this deduction, the Government may present said evidence to the Court, and argue that defendant should not receive all or part of the deduction pursuant to Section 3E1.1, without violating the plea agreement. In such event, the Government will not move, and defendant will not be eligible, for a deduction of one additional level pursuant to Sentencing Guidelines § 3E1.1(b).

**C. Criminal History:** The determination of defendant's criminal history category shall be left to the Court. Both parties retain their right to challenge, before and at sentencing, the finding

in the Presentence Report as to defendant's criminal history and the applicable criminal history category. Defendant's criminal history is known to defendant and is substantially available in the Pretrial Services Report.

**D. Effect of Sentencing Guidelines Agreements:** The parties agree that the Court is not bound by the Sentencing Guidelines agreements herein. The parties may not have foreseen all applicable Sentencing Guidelines. The Court, in its discretion, may apply any Sentencing Guideline despite the agreements herein, and the parties shall not be permitted to withdraw from the plea agreement.

#### **7. WAIVER OF APPEAL AND POST-CONVICTION RIGHTS:**

**A. Appeal:** Defense counsel has fully informed defendant of defendant's rights concerning appeal, and defendant fully understands the right to appeal the sentence under 18 U.S.C. § 3742.

(1) **Non-Sentencing Issues:** Both defendant and the Government waive all rights to appeal all non-jurisdictional, non-sentencing issues, including, but not limited to, any issues relating to pre-trial motions, hearings, and discovery; and any issues relating to the negotiation, taking, or acceptance of the guilty plea or the factual basis for the plea.

(2) **Sentencing Issues:** In the event the Court accepts the plea and, in sentencing defendant: (a) applies the agreements of the parties herein, and (b) after determining a Sentencing Guideline range, sentences defendant within or below that range, then, as part of this agreement, defendant waives all rights to appeal all sentencing issues. In the event the Court accepts the plea and, in sentencing defendant: (a) applies the agreements of the parties herein, and (b) after determining a Sentencing Guideline range, sentences defendant within or above that range, then, as part of this agreement, the Government waives all rights to appeal all sentencing issues.



**B. Habeas Corpus:** Defendant acknowledges being guilty of the crime(s) to which a plea is being entered, and further states that neither defense counsel nor the Government has made representations which are not included in this document as to the sentence to be imposed. Defendant further agrees to waive all rights to contest the conviction or sentence in any post-conviction proceeding, including one pursuant to 28 U.S.C. § 2255, except for claims of prosecutorial misconduct or ineffective assistance of counsel.

**C. Right to Records:** 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 without any limitation, records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552(a).

**8. OTHER:**

**A. Disclosures Required by the United States Probation Office:**

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 defendant.

**C. Supervised Release:** Pursuant to any supervised release term, the Court will impose standard conditions upon defendant and may impose special conditions upon defendant which relate to the crime defendant committed. These conditions will be restrictions on defendant to

which defendant will be required to adhere. Defendant further understands that violation of the conditions of the term of supervised release resulting in revocation may require 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 18 U.S.C. § 3583(e)(3), without credit for the time served after release. Defendant understands that parole has been abolished.

**D. Mandatory Special Assessment:** Pursuant to 18 U.S.C. § 3013, the Court is required to impose a mandatory special assessment of \$100 per count, for a total of \$300, which defendant agrees to pay at the time of sentencing. Money paid by defendant toward any restitution or fine imposed by the Court first shall be used to pay any unpaid mandatory special assessment.

**E. Possibility of Detention:** Defendant may be subject to immediate detention pursuant to the provisions of 18 U.S.C. § 3143.

**F. Fines, Restitution and Costs:** The Court may impose a fine, costs of incarceration and costs of supervision. Defendant agrees that any fine or restitution imposed by the Court will be due and payable immediately.

#### **9. ACKNOWLEDGMENT AND WAIVER OF DEFENDANT'S RIGHTS:**

In pleading guilty, 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 pre-trial motions, including motions to suppress evidence; the right at such trial to a presumption of innocence; the right to require the Government to prove the entire case against 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.

Defendant fully understands there may be a right to indictment, jury trial, and proof beyond a reasonable doubt on sentencing facts. Defendant further understands that, by this guilty plea, defendant expressly waives any rights to be indicted by a grand jury on any fact that establishes the sentence in this case, to have a jury determine any fact that establishes the sentence in this case, and to have any fact that establishes the sentence in this case proven beyond a reasonable doubt.

Defendant fully understands that 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. Defendant's counsel has explained these rights and the consequences of the waiver of these rights to defendant. 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.

Defendant is fully satisfied with the representation received from defense counsel. 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 defendant has requested relative to the Government's case and any defenses.

**10. VOLUNTARINESS OF THE GUILTY PLEA AND PLEA AGREEMENT:**

This document constitutes the entire agreement between 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 or the agreements herein. In addition, defendant states that no person has, directly or indirectly, threatened or coerced defendant to do or refrain from doing anything in connection with any aspect of this case, including entering a plea of guilty.

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

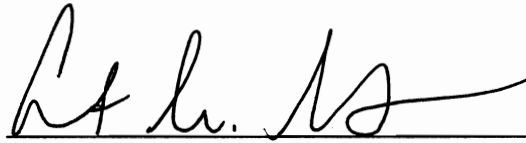
**11. CONSEQUENCES OF POST-GUILTY PLEA CONDUCT:**

If, after pleading guilty and before sentencing, defendant commits any crime, violates any condition of release that results in revocation, violates any term of this agreement, intentionally provides misleading, incomplete or untruthful information to the U.S. Probation Office, or fails to appear for sentencing, the Government, at its option, may be released from its obligations under this agreement. The Government also, in its discretion, may proceed with this agreement and advocate for any sentence 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:**

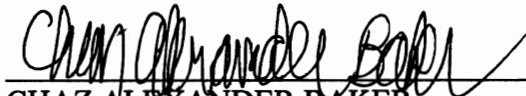
Pursuant to Federal Rule of Criminal Procedure 11(c) and (d), defendant understands there will be no right to withdraw the plea entered under this agreement, except where the Court rejects those portions of the plea agreement that deal with charges the Government agrees to dismiss or not to bring.

5/3/12  
Date



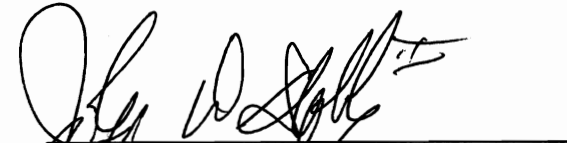
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5/3/12  
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CHAZ ALEXANDER BAKER  
Defendant

5/3/12  
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