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Filed

JAN 22 2003

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,) No. CR 01-20030-JF
)
Plaintiff,) PLEA AGREEMENT
)
v.)
)
FALLON WOODLAND,)
)
Defendant.)

I, Fallon Woodland, and the United States Attorney's Office for the Northern District of California (hereafter "the government") enter into this written plea agreement (the "Agreement") pursuant to Rules 11(c)(1)(A) and 11(c)(1)(B) of the Federal Rules of Criminal Procedure:

The Defendant's Promises

1. I agree to plead guilty to count One of the captioned indictment charging me with travel with intent to engage in a sexual act with a juvenile, in violation of 18 U.S.C. § 2423(b). I agree that the elements of the offense and the maximum penalties for each count are as follows:

ELEMENTS

1. I traveled in interstate commerce
2. For the purpose of engaging in a sexual act in violation of federal law
3. With a person under the age of 18

PLEA AGREEMENT

DOCUMENT NO. CSA'S INITIALS
DISTRICT COURT
CRIMINAL CASE PROCESSING

PENALTIES

- a. Maximum prison sentence 15 years
- b. Maximum fine \$250,000 fine
- c. Maximum supervised release term Five years
- d. Mandatory special assessment \$100
- e. Restitution None

2. I agree that I am guilty of the offense to which I will plead guilty, and I agree that the following facts are true:

Between March 1998 and approximately April 19, 1998 I traveled from Kansas to California with the intent, and the for the purpose, of having sexual contact with a juvenile female whom I had met in a chatroom on the Internet. I had met the victim on the Internet in March 1998. During a telephone conversation, I learned the victim was a minor. I suggested to her that we continue to talk on the telephone, and spoke daily with the victim. In addition, we communicated regularly via e-mail. The conversations and electronic communications were occasionally sexually explicit.

During April 1998, I told the victim that I planned to take a few days off from work to drive out to California and visit her. I drove out to California from Kansas in April 1998 with the intention of having sexual contact with the victim. I understand that the contact which I intended to have with the victim in California constituted conduct which, as a matter of law, violates federal criminal statutes. When I arrived in California, I established contact with the victim and in fact had sexual contact with her before returning to Kansas.

3. I agree to give up all rights that I would have if I chose to proceed to trial, including the rights to a jury trial with the assistance of an attorney; to confront and cross-examine government witnesses; to remain silent or testify; to move to suppress evidence or raise any other Fourth or Fifth Amendment claims; to any further discovery from the government; and to pursue any affirmative defenses and present evidence.

4. I agree to give up my right to appeal my conviction, the judgment, and orders of the Court. I also agree to waive any right I may have to appeal my sentence.

1 5. I agree not to file any collateral attack on my conviction or sentence, including a
2 petition under 28 U.S.C. §2255, at any time in the future after I am sentenced, except for a claim
3 that my constitutional right to the effective assistance of counsel was violated.

4 6. I agree not to ask the Court to withdraw my guilty plea at any time after it is
5 entered.

6 7. I agree that the Sentencing Guidelines should be calculated as follows, and that I
7 will not ask for any other adjustments to or reductions of the offense level:

8	a.	Base Offense Level: U.S.S.G. § 2A3.2:	15
9	f.	Acceptance of responsibility:	<u>-2</u>
10		(If I meet the requirements of	
11		U.S.S.G. § 3E1.1)	-
12	g.	Final adjusted offense level	13

13 I understand that I have the right to request a downward departure from this guideline
14 range, and the government has the right to oppose my request for a downward departure.

15 I agree that, regardless of any other provision in this agreement, the government may and
16 will provide to the Court and the Probation Office all information relevant to the charged offense
17 or the sentencing decision. I also agree that the Court is not bound by the Sentencing Guidelines
18 calculations above, the Court may conclude that a higher guideline range applies to me, and, if it
19 does, I will not be entitled, nor will I ask, to withdraw my guilty plea.

20 8. I agree that I will make a good faith effort to pay any fine, forfeiture or restitution I
21 am ordered to pay. Before or after sentencing, I will, upon request of the Court, the government,
22 or the U.S. Probation Office, provide accurate and complete financial information, submit sworn
23 statements and give depositions under oath concerning my assets and my ability to pay, surrender
24 assets I obtained as a result of my crimes, and release funds and property under my control in
25 order to pay any fine, forfeiture, or restitution. I agree to pay the special assessment at the time
26 of sentencing.

27 9. I agree not to commit or attempt to commit any crimes before sentence is imposed
28 or before I surrender to serve my sentence. I also agree not to violate the terms of my pretrial
release (if any); intentionally provide false information to the Court, the Probation Office,

1 Pretrial Services, or the government; or fail to comply with any of the other promises I have
2 made in this Agreement. I agree that, if I fail to comply with any promises I have made in this
3 Agreement, then the government will be released from all of its promises below, but I will not be
4 released from my guilty plea.

5 10. I agree that this Agreement contains all of the promises and agreements between
6 the government and me, and I will not claim otherwise in the future.

7 11. I agree that this Agreement binds the U.S. Attorney's Office for the Northern
8 District of California only, and does not bind any other federal, state, or local agency.

9 The Government's Promises

10 12. The government agrees to move to dismiss any open charges pending against the
11 defendant in the captioned indictment at the time of sentencing.

12 13. The government agrees not to file or seek any additional charges against the
13 defendant that could be filed as a result of the investigation that led to the captioned indictment.

14 14. The government agrees to recommend the guideline calculations set out above.

15 The Defendant's Affirmations

16 15. I confirm that I have had adequate time to discuss this case, the evidence, and this
17 Agreement with my attorney, and that he has provided me with all the legal advice that I
18 requested.

19 16. I confirm that while I considered signing this Agreement, and at the time I signed
20 it, I was not under the influence of any alcohol, drug, or medicine.

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1 17. I confirm that my decision to enter a guilty plea is made knowing the charges that
2 have been brought against me, any possible defenses, and the benefits and possible detriments of
3 proceeding to trial. I also confirm that my decision to plead guilty is made voluntarily, and no
4 one coerced or threatened me to enter into this agreement.

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8 Dated: 1-22-03


FALLON WOODLAND
Defendant

10
11 KEVIN V. RYAN
United States Attorney -

12
13 Dated: 1/22/03


JEFFREY D. NEDROW
Assistant United States Attorney

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16 I have fully explained to my client all the rights that a criminal defendant has and all the
17 terms of this Agreement. In my opinion, my client understands all the terms of this Agreement
18 and all the rights he is giving up by pleading guilty, and, based on the information now known to
19 me, his decision to plead guilty is knowing and voluntary.

20
21 Dated: 1/22/03


RICHARD P. POINTER
Attorney for Defendant