

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
LONDON

Eastern District of Kentucky
FILED
JUL 11 2022
AT LONDON
ROBERT R. CARR
CLERK U.S. DISTRICT COURT

CRIMINAL ACTION NO. 6:21-CR-59-CHB

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

MARK A. BAUER

DEFENDANT

* * * * *

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to Count One of the Indictment, which charges a violation of 21 U.S.C. § 846, conspiracy to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance. Pursuant to Rule 11(c)(1)(A), the United States will move at sentencing to dismiss Count Two of the Indictment.

2. The essential elements of Count One are:

- (a) Two or more persons conspired, or agreed, to distribute a mixture or substance containing a detectable amount of methamphetamine, a Schedule II controlled substance;
- (b) The Defendant knowingly and voluntarily joined that conspiracy; and
- (c) That the amount of a mixture or substance containing a detectable amount of methamphetamine that was attributable to the Defendant as a result of Defendant's own conduct and the conduct of other co-conspirators reasonably foreseeable to the Defendant was at least 500 grams.

3. As to Count One, the United States could prove the following facts that establish the essential elements of the offense beyond a reasonable doubt, and the Defendant admits these facts:

- (a) The Defendant developed a relationship with multiple suppliers of methamphetamine and he regularly obtained multi-ounce quantities of methamphetamine from them for the purpose of distribution to other users and distributors in the area of Pulaski County in the Eastern District of Kentucky. Between December 2019 and January 5, 2020, the Defendant obtained and distributed more than 500 grams of methamphetamine that he obtained from these suppliers.
- (b) On January 5, 2020, law enforcement served on the Defendant an active warrant for his arrest. Incident to arrest, law enforcement located multiple bags of methamphetamine on the Defendant's person and in his bag. In total, over 100 grams of methamphetamine was seized from the Defendant, who intended to distribute this methamphetamine.

4. The statutory punishment for Count One is imprisonment for not less than 10 years and not more than life, a fine of not more than \$10,000,000, and a term of supervised release of at least 5 years. A mandatory special assessment of \$100.00 applies, and the Defendant will pay this assessment to the U.S. District Court Clerk as directed by the Court.

5. Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B), the United States and the Defendant recommend the following sentencing guidelines calculations, and they may object to or argue in favor of other calculations. This recommendation does not bind the Court.

- (a) The United States Sentencing Guidelines (U.S.S.G.) manual in effect at the time of sentencing will determine the Defendant's guidelines range.
- (b) Pursuant to U.S.S.G. § 3E1.1 and unless the Defendant commits

another crime, obstructs justice, or violates a court order, decrease the offense level by 2 levels for the Defendant's acceptance of responsibility. If the offense level determined prior to this 2-level decrease is level 16 or greater, the United States will move at sentencing to decrease the offense level by 1 additional level based on the Defendant's timely notice of intent to plead guilty.

6. No agreement exists regarding the Defendant's criminal history category pursuant to U.S.S.G. Chapter 4.

7. The Defendant will not file a motion for a decrease in the offense level based on a mitigating role pursuant to U.S.S.G. § 3B1.2 or a departure motion pursuant to U.S.S.G. Chapter 5, Parts H or K.

8. The Defendant waives the right to appeal the guilty plea and conviction. The Defendant reserves the right to appeal the sentence. Except for claims of ineffective assistance of counsel, the Defendant also waives the right to attack collaterally the guilty plea, conviction, and sentence.

9. If the Defendant violates any part of this Agreement, the United States may void this Agreement and seek an Indictment for any violations of federal laws, and the Defendant waives any right to challenge the initiation of additional federal charges.

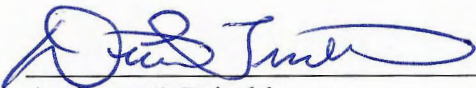
10. This document and the supplement contain the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.

11. This Agreement does not bind the United States Attorney's Offices in other districts, or any other federal, state, or local prosecuting authorities.

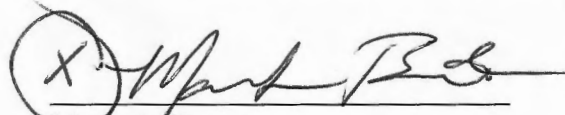
12. The Defendant and the Defendant's attorney acknowledge that the Defendant understands this Agreement, that the Defendant's attorney has fully explained this Agreement to the Defendant, and that the Defendant's entry into this Agreement is voluntary.

CARLTON S. SHIER, IV
UNITED STATES ATTORNEY

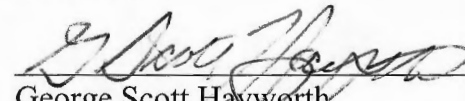
Date: 7/11/22

By: 
Andrew H. Trimble
Assistant United States Attorney

Date: 7/11/22


Mark A. Bauer
Defendant

Date: 7/11/22


George Scott Hayworth
Attorney for Defendant