

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION
LEXINGTON**

CRIMINAL ACTION NO. 22-CR-0128-KKC

UNITED STATES OF AMERICA

PLAINTIFF

V.

PLEA AGREEMENT

BRITTANY PARKER

DEFENDANT

* * * * *

1. Pursuant to Federal Rule of Criminal Procedure 11(c), the Defendant will enter a guilty plea to Count 2 of the Indictment, charging a violation of 21 U.S.C. § 841(a)(1), Possession with Intent to Distribute 500 grams or more of a Mixture or Substance containing a detectable amount of cocaine, a Schedule II controlled substance. The United States will move at sentencing to dismiss Count 1 of the Indictment.

2. The essential elements of Count 2 are:

- (a) that the Defendant did knowingly and intentionally possess a mixture or substance containing a detectable amount of cocaine and
- (b) that the Defendant intended to distribute it to another person.

3. As to Count 2 and relevant conduct, the United States could prove the following facts that establish the essential elements of the offenses beyond a reasonable doubt, and the Defendant admits these facts:

- a) On November 18, 2021, law enforcement was conducting surveillance at a residence on Sandersville Road in Lexington, Fayette County Kentucky in the

Eastern District of Kentucky. Surveillance officers observed an apparent narcotics transaction occur at that address involving the Defendant, and another individual. Specifically, law enforcement observed the Defendant arrive at the residence in a vehicle. Approximately one minute later, DEA observed another subject arrive at the Sandersville address in a separate vehicle. The Defendant exited her vehicle carrying a pink bag, and followed the other subject into the residence. Approximately 20 minutes later, DEA observed the Defendant exit the residence, carrying the same pink bag, enter her vehicle, and depart the area. Shortly after, law enforcement observed the other subject exit the residence and depart the area.

(c) Law enforcement maintained constant physical surveillance on the Defendant's vehicle until law enforcement conducted a traffic stop on the vehicle approximately 10 minutes after the Defendant departed the Sandersville Road residence. A K-9 alerted to the odor of narcotics emanating from inside the vehicle and a probable cause search was initiated. During a search of the vehicle, members of KSP located approximately 500 grams of cocaine in the aforementioned pink bag that was on the passenger floorboard of the vehicle.

d) The item seized from the Defendant was sent to the Kentucky State Police for analysis and tested positive for 500.6 grams of cocaine, a Schedule II controlled Substance. This is an amount consistent with distribution as opposed to personal use..

4. The statutory punishment for Count 1 is imprisonment for not less than 5 years, not more than a \$5,000,000 fine, and not less than 4 years supervised release.

A mandatory special assessment of \$100 applies, and the Defendant will pay this assessment to the U.S. District Court Clerk at the time of the sentencing hearing.

5. Pursuant to Rule 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) (a) United States Sentencing Guidelines (U.S.S.G.), in effect at the time of sentencing will determine the Defendant's guideline range. The November 2021 Manual is utilized here.

(b) Pursuant to U.S.S.G. § 1B1.3, the Defendant's relevant conduct includes the conduct listed in paragraph 3 above as well as previously provided discovery. The parties agree that the amount of actual cocaine foreseeable to this

Defendant is approximately 500.6 grams. This is between 500 grams and 2 kilograms. The base offense level is therefore a level 24 pursuant to USSG § 2D1.1(c)(2).

(c) The Defendant reserves the right to argue for a “safety valve” reduction of 2 levels.

(d) 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 about the Defendant’s criminal history category pursuant to U.S.S.G. Chapter 4.

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

8. The Defendant abandons any interest in, and consents to the official use, destruction, or other disposition of, any item obtained by any law enforcement agency during the course of the investigation. The Defendant also waives any notice of a proceeding to implement the official use, destruction, or other disposition of any item abandoned under this paragraph.

9. The Defendant agrees to cooperate fully with the United States Attorney’s Office by making a full and complete financial disclosure. Within 30 days of pleading guilty, the Defendant agrees to complete and sign a financial disclosure statement or

affidavit disclosing all assets in which the Defendant has any interest or over which the Defendant exercises control, directly or indirectly, including those held by a spouse, nominee, or other third party, and disclosing any transfer of assets that has taken place within three years preceding the entry of this plea agreement. The Defendant will submit to an examination, which may be taken under oath and may include a polygraph examination. The Defendant will not encumber, transfer, or dispose of any monies, property, or assets under the Defendant's custody or control without written approval from the United States Attorney's Office. If the Defendant is ever incarcerated in connection with this case, the Defendant will participate in the Bureau of Prisons Inmate Financial Responsibility Program, regardless of whether the Court specifically directs participation or imposes a schedule of payments. If the Defendant fails to comply with any of the provisions of this paragraph, the United States, in its discretion, may refrain from moving the Court pursuant to U.S.S.G. § 3E1.1(b) to reduce the offense level by one additional level, and may argue that the Defendant should not receive a two-level reduction for acceptance of responsibility under U.S.S.G. § 3E1.1(a).

10. The Defendant understands and agrees that pursuant to 18 U.S.C. § 3613, whatever monetary penalties are imposed by the Court will be due and payable immediately and subject to immediate enforcement by the United States. If the Court imposes a schedule of payments, the Defendant agrees that it is merely a minimum schedule of payments and not the only method, nor a limitation on the methods, available to the United States to enforce the judgment. The Defendant waives any requirement for

demand of payment on any fine, restitution, or assessment imposed by the Court and agrees that any unpaid obligations will be submitted to the United States Treasury for offset. The Defendant authorizes the United States to obtain the Defendant's credit reports at any time. The Defendant authorizes the U.S. District Court to release funds posted as security for the Defendant's appearance bond in this case, if any, to be applied to satisfy the Defendant's financial obligations contained in the judgment of the Court.

11. 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.

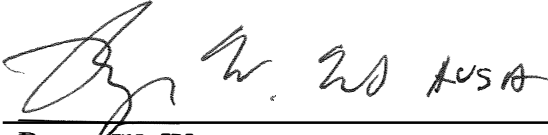
12. This document and the supplement contain the complete and only Plea Agreement between the United States Attorney for the Eastern District of Kentucky and the Defendant. The United States has not made any other promises to the Defendant.

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

14. 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
U.S. ATTORNEY

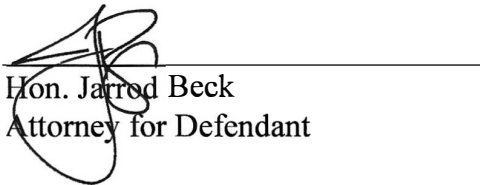
Date: 8/8/23

By: 
Roger W. West
Assistant United States Attorney

Date: 8/4/2023


Brittany Parker
Defendant

Date: 8/4/2023


Hon. Jarrod Beck
Attorney for Defendant