

(15 U.S.C. § 78ff)

- b. Minimum term of imprisonment: 0 years
(15 U.S.C. § 78ff)
- c. Maximum term of supervised release: 3 years, to follow any term of imprisonment; if a condition of release is violated, Defendant may be sentenced to up to two years without credit for pre-release imprisonment or time previously served on post-release supervision
(18 U.S.C. §§ 3583 (b) & (e))
- d. Maximum fine: \$1,000,000
(15 U.S.C. § 78ff)
- e. Special Assessment: \$100
(18 U.S.C. § 3013)

Sentencing Guidelines

2. The parties agree that Defendant's sentence is governed by the November 2000 Sentencing Guidelines Manual; USSG §2F1.2 governs the determination of the applicable offense level; and the calculation of the applicable offense level should be determined based on Defendant's insider trading, *to wit* the July 5, 2001, sale of Enron stock as alleged in the Information. The Department agrees, based on information known to it on the date of this Agreement, (a) USSG §3B1.3 does not apply in this case and (b) the Department will not oppose a downward adjustment of two levels for acceptance of responsibility pursuant to USSG §3E1.1.

3. The Department will advise the Court and the Probation Office of information relevant to sentencing, including criminal activity engaged in by Defendant, and all such information may be used by the Court in determining Defendant's sentence. Defendant understands that the parties' positions regarding the Sentencing Guidelines do not bind the Court and that the sentence imposed is within the discretion of the sentencing judge. Defendant may only move to withdraw her guilty plea if the Court imposes a sentence greater than the statutory maximum.

Waiver of Rights

4. Defendant waives all defenses based on venue (but reserves the right to move for change of venue pursuant to Rule 21 of the Federal Rules of Criminal Procedure), speedy trial under the Constitution and Speedy Trial Act, and the statute of limitations with respect to any prosecution that is not time-barred on the date that this Agreement is signed, in the event that (a) Defendant's conviction is later vacated for any reason, (b) Defendant violates any provision of this Agreement, or (c) Defendant's plea is later withdrawn. Defendant also waives her right to be charged by indictment returned by a duly constituted grand jury in the Southern District of Texas and consents to be charged by Information filed by the Acting United States Attorney.

