

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 22-6886

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

MICHAEL ANTHONY MCDOWELL, a/k/a Red, a/k/a Ant,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Greenville. J. Michelle Childs, District Judge. (6:11-cr-00589-JMC-2)

Submitted: February 21, 2023

Decided: February 24, 2023

Before NIEMEYER and DIAZ, Circuit Judges, and MOTZ, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Michael Anthony McDowell, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

Appendix A

PER CURIAM:

Michael Anthony McDowell appeals the district court's order denying his motion to compel the Government to file a motion for reduction of McDowell's sentence. We have reviewed the record and find no reversible error. Accordingly, we affirm. *United States v. McDowell*, No. 6:11-cr-00589-JMC-2 (D.S.C. July 20, 2022). We also grant McDowell's motion to seal his informal brief. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

United States of America,)	Criminal No.: 6:11-cr-00589-JMC-2
)	
v.)	
)	
Michael Anthony McDowell,)	<u>ORDER</u>
)	
Defendant.)	
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Defendant Michael Anthony McDowell is a prisoner currently serving a sentence of 240 months in the Federal Bureau of Prisons at the Federal Correctional Institution, Lompoc in Lompoc, California. (*See* ECF No. 236.)

This matter is before the court by way of McDowell's pro se Motion to Compel Relief Sought pursuant to Rule 35(b) of the Federal Rules of Criminal Procedure. (ECF No. 386.) In his Motion, McDowell asserts that he provided unrewarded substantial assistance "in the investigation and prosecution of other persons." (*Id.* at 1.) McDowell further asserts that as a result of his efforts, "the Government has arrested and obtained criminal convictions with respect to local drug trafficking in the Greenville [SC] area." (*Id.*) Based on the foregoing, "McDowell argues that he is entitled to a motion to compel the Government to honor the bargain contained within his plea agreement surrounding its agreement to move for a downward departure under Fed. R. Crim. P. 35(b)." (ECF No. 386 at 2.)

Rule 35(b)(1) authorizes a court to reduce a sentence to reflect substantial assistance "[u]pon the government's motion" where "the defendant, after sentencing, provided substantial assistance in investigating or prosecuting another person. Fed. R. Crim. P. 35(b)(1).

Upon its review, the court observes that it previously considered a Rule 35(b) Motion filed by McDowell and denied the Motion on the basis that "[b]ecause the [Government's] downward

departure [motion] was granted, there was no basis for the Government to file a sentence reduction motion under Rule 35(b).” (ECF No. 310.) After reviewing the instant Motion, the court does not discern information that demonstrates McDowell has provided additional, unrewarded substantial assistance to the Government. Therefore, the court is not persuaded that McDowell’s arguments support a finding that the Government should be required to file a Rule 35(b) motion on his behalf. *E.g., United States v. Belle*, CR No.: 3:06-748-JFA, 2021 WL 4820665, at *2 (D.S.C. Oct. 15, 2021) (“[D]efendant has already received a 76-month reduction in his sentence as a result of the government’s agreement to reward him for his cooperation . . . the government notes that [] it cannot be compelled to file another Rule 35 motion for the defendant, . . .”). Accordingly, the court **DENIES WITHOUT PREJUDICE** Defendant Michael Anthony McDowell’s Motion to Compel Relief Sought. (ECF No. 386.)

IT IS SO ORDERED.



United States District Judge

July 20, 2022
Columbia, South Carolina

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA)
)
-versus-)
)
MICHAEL A. MCDOWELL) 6:11-589-2
)
Defendant) 01/12/2012
)
Anderson, SC
)
_____)

SENTENCING

BEFORE THE HONORABLE G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE, presiding

A P P E A R A N C E S:

For the Government: E. JEAN HOWARD, AUSA
U.S. Attorney's Office
55 Beattie Place, 7th Floor
Greenville, SC 29601

For the Defendant: C. CARLYLE STEELE, ESQ.
C. Carlyle Steele Law Office
16 Whitsett Street
Greenville, SC 29601

Court Reporter: Jean L. Cole, RMR
US District Court Reporter (Retired)
PO Box 10732
Greenville, SC 29603

The proceedings were taken by mechanical stenography and the transcript produced by computer.

~~Exhibit~~
Appendix C

1 MS. HOWARD: This is sentencing on Michael Anthony
2 McDowell. He's represented by Carlyle Steele --

3 THE COURT: Turn the mikes on.

4 MS. HOWARD: -- represented by Carlyle Steele in
5 Docket Number 6:11-589. He has been sworn by the clerk.

6 Your Honor, he previously entered a plea of guilty.
7 He entered a plea pursuant to a plea agreement and the maximum
8 sentence is life -- this is a statutory provision -- supervised
9 release of at least ten years, not eligible for probation, a
10 fine of eight million dollars and a special assessment fee of
11 \$100.

12 Your Honor, the guidelines were calculated in this
13 case. He had a total offense level of 34, Criminal History
14 Category of VI. He is a career offender. He's not eligible
15 for probation and his guideline range is life imprisonment with
16 ten years supervised release. A fine was not calculated.
17 Restitution is not an issue in this case and there is a \$100
18 special assessment fee.

19 Your Honor, the government has filed a motion for
20 downward departure pursuant to substantial assistance in this
21 case. At the appropriate time I'd be glad to address that if
22 your Honor would like for me to.

23 THE COURT: All right. What's the government
24 recommend?

25 MS. HOWARD: Your Honor, the government is

1 recommending a downward departure from life imprisonment to
2 20 years imprisonment. He has provided substantial assistance
3 by giving information about his co-defendants in this case. He
4 was -- cooperated very early on in the case, was willing to
5 cooperate immediately.

6 He has also cooperated in an ongoing investigation.
7 He continues to cooperate and the government is not foreclosing
8 the possibility that we would come back before your Honor at
9 some time for a further reduction pursuant to Rule 35.

10 THE COURT: All right. Did you hear that?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: What did she say?

13 THE DEFENDANT: Come back for a Rule 35?

14 MR. STEELE: He wants you to repeat the whole thing,
15 I believe, don't you, your Honor? Tell him everything.

16 THE COURT: I just wanted to see if he was listening.

17 MR. STEELE: Yes, sir.

18 THE COURT: And he was not.

19 MR. STEELE: No, sir. He -- I would submit I think
20 he was paying attention, your Honor.

21 THE COURT: All right. I'll hear what you've got to
22 say. Anything wrong with those guidelines?

23 MR. STEELE: No, sir.

24 THE COURT: They're made a part of the record.

25 All right. Now I'll hear from you.

1 MR. STEELE: Your Honor please, Mr. McDowell is
2 34 years old. He's been in Greenville all his life. He
3 attended Greenville High School. He didn't graduate, but he
4 did later on get a GED. His mother is disabled. He's had some
5 jobs along the way. He worked for a period of time at Popeye's
6 Detail Shop for about four years and worked at Brown's
7 Construction for about two years.

8 He's -- as the government has already told you, he
9 has cooperated fully very, very early. He has also told the
10 agents everything he knows about this case. And I don't know
11 if it's going -- if there are going to be any trials in this
12 particular conspiracy, but if there are, he has stood ready
13 consistently to testify if required by the government.

14 And I appreciate all the government has done in
15 making a motion for downward departure and I appreciate her
16 recommendation. I'm respectfully asking your Honor to exercise
17 your discretion and go as low as you can because if you
18 consider the fact that he has the charge --

19 THE COURT: Well, she says if he continues she will
20 bring him back.

21 MR. STEELE: Well, he is continuing to cooperate.
22 I --

23 THE COURT: Is that right?

24 MR. STEELE: Yes, sir.

25 THE DEFENDANT: Yes, sir.

1 MR. STEELE: Yes, sir.

2 THE COURT: All right.

3 MR. STEELE: He's absolutely continuing to cooperate.

4 THE COURT: Okay.

5 MR. STEELE: And I would ask the court to go as low
6 as you feel like you can and respectfully ask you to go easy on
7 him.

8 THE COURT: All right.

9 MR. STEELE: If I could just say one thing. He got
10 the charge. That's a given. We get them, they got the charge,
11 but since then I would submit that he's done everything that he
12 can do to minimize his sentence by cooperating.

13 THE COURT: Okay.

14 MS. HOWARD: (Nods head.)

15 THE COURT: She's saying he has.

16 MR. STEELE: Yes, he has.

17 THE COURT: Well, I'll give him 240 months at this
18 time and then, of course, you well know she's got to bring you
19 back on her motion, the government's motion, so then we'll get
20 down to the nitty gritty.

21 All right. Anything you want to say?

22 THE DEFENDANT: No, sir.

23 THE COURT: All right. Having calculated and
24 considered the advisory sentencing guidelines, the relevant
25 statutory sentencing factors contained in 18 USC 3553(a),

1 defendant's objection to the presentence report and the
2 Government's 5K1.1 motion, it is the judgment of this court
3 that the defendant is hereby committed to the custody of the
4 Bureau of Prisons for a term of 240 months. That's 20 years.
5 And with the right to come back again as soon as we, I guess,
6 get a handle on this pretty big ring, isn't it?

7 MS. HOWARD: Yes, sir.

8 THE COURT: The defendant shall pay \$100 special
9 assessment.

10 Pursuant to 3553(a) the court has considered the
11 following in arriving at this sentence:

12 One, the sentence reflects the seriousness of the
13 offense and provides just punishment for the offense of
14 conspiracy to possess with intent to distribute cocaine.

15 Two -- (someone sneezed or coughed) cover your
16 nose -- the defendant admitted to his conduct and entered a
17 timely guilty plea.

18 Three, the defendant has a Criminal History Category
19 of VI and is considered a career offender and has a total
20 offense level of 34.

21 The statutory maximum prison term is life and his
22 guideline range is life.

23 The sentence I impose adequately deters the defendant
24 from future criminal conduct and protects the public from such
25 conduct.

1 (Someone coughed). Come on. Lets cover our mouths.
2 You're annoying the devil out of the court. Now, get a
3 handkerchief. If you don't have one, I have a free box of
4 Kleenex.

5 Six, imposing this sentence should produce no
6 downward -- no unwarranted departures or disparities between
7 the defendant and -- with similar records who -- (someone
8 coughed) come on -- who have been found guilty of similar
9 conduct.

10 Anybody that's got to sneeze or cough with such
11 volume, would you kindly get up and step out. Thank you.

12 If the defendant is released from imprisonment -- and
13 he will be -- defendant shall be placed on supervised release
14 for a term of ten years.

15 While on supervised release the defendant shall
16 comply with mandatory and standard conditions of supervision
17 outlined in 18 USC 3553 -- no, 3583(d). The defendant shall
18 also comply with the following special conditions:

19 One, the defendant shall participate in a program of
20 testing and treatment for substance abuse as directed by the
21 probation officer until such time as the defendant is recommend
22 -- recommended for release from the program.

23 Two, the defendant shall participate in a DE -- GED
24 program as directed by his probation officer.

25 Three, the defendant shall participate in the

1 Employment Program as directed by the probation officer until
2 defendant is recommended to be released from the program.

3 Due to the length of the sentence you will not be
4 permitted to voluntarily be released, not on any amount of
5 bail. However, if he is needed for any of the things that you
6 have planned for him, just let me know and I'll release him.

7 All right. And you have an absolute right to --

8 MS. HOWARD: Your Honor, he waived his right to --

9 THE COURT: All right.

10 MS. HOWARD: -- direct appeal in the plea agreement.

11 THE COURT: All right. You have waived your
12 appellate rights, I think, and you know what that means?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: All right. You don't get an appeal. All
15 right. But the court will have jurisdiction of you for
16 after -- what we call it, how many we working on?

17 MS. HOWARD: Right now we have seven who are under
18 indictment who have not been disposed of. Yes, sir.

19 THE COURT: Seven cases, and probably bigger.

20 MS. HOWARD: And we are going to have a pretrial next
21 week in those seven cases, yes, your Honor.

22 THE COURT: All right. Okay. All right. I'll see
23 you back here -- up here later. All right.

24 MR. STEELE: Thank you, your Honor.

25 MS. HOWARD: Thank you, your Honor.

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THE COURT: Thank you.

I certify the foregoing is a correct transcript from the record
of proceedings in the above entitled matter.

S/Jean L. Cole, RMR 08/15/2021

Jean L. Cole, RMR
U.S. District Court Reporter (Retired)

Date

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

UNITED STATES OF AMERICA) Criminal No: 6:11-589
)
 V.)
)
 MICHAEL ANTHONY MCDOWELL) PLEA AGREEMENT
)
)

General Provisions

This PLEA AGREEMENT is made this 19 day of August, 2011,
between the United States of America, as represented by United States Attorney WILLIAM N.
NETTLES, Assistant United States Attorney E. Jean Howard and Andrew B. Moorman; the
Defendant, **MICHAEL ANTHONY MCDOWELL**, and Defendant's Attorney, C. Carlyle
Steele, Esquire.

IN CONSIDERATION of the mutual promises made herein, the parties hereto agree as
follows:

1. The Defendant agrees to plead guilty to Count 1 of the Indictment now pending, which charges conspiracy to possess with intent to distribute and distribute 5 kilograms or more of cocaine, a violation of Title 21, United States Code, Section 846.
2. The Defendant agrees to provide detailed financial information to the United States Probation Office prior to sentencing. The Defendant understands and agrees that monetary penalties [i.e., special assessments, restitution, fines and other payments required under the sentence] imposed by the Court are due immediately and subject to enforcement by the United States as civil judgments, pursuant to 18 U.S.C. § 3613. The Defendant also understands that payments made in accordance with installment schedules

Appendix D

set by the Court are minimum payments only and do not preclude the government from seeking to enforce the judgment against other assets of the defendant at any time, as provided in 18 U.S.C. §§ 3612, 3613 and 3664(m).

The Defendant further agrees to enter into the Bureau of Prisons Inmate Financial Responsibility Program if sentenced to a term of incarceration with an unsatisfied monetary penalty. The Defendant further understands that any monetary penalty imposed is not dischargeable in bankruptcy.

- (A) Special Assessment: Pursuant to 18 U.S.C. § 3013, the Defendant must pay a special assessment of \$100.00 for each felony count for which he is convicted. This special assessment must be paid at or before the time of the guilty plea hearing.
- (B) Restitution: The Defendant agrees to make full restitution under 18 U.S.C. § 3556 in an amount to be determined by the court at the time of sentencing, which amount is not limited to the count(s) to which the Defendant pled guilty, but will include restitution to each and every identifiable victim who may have been harmed by his scheme or pattern of criminal activity, pursuant to 18 U.S.C. § 3663. The Defendant agrees to cooperate fully with the government in identifying all victims.
- © Fines: The Defendant understands that the Court may impose a fine pursuant to 18 U.S.C. §§ 3571 and 3572.

3. The Defendant understands that the matter of sentencing is within the sole discretion of the Court and that the sentence applicable to Defendant's case will be imposed after the

Court considers as advisory the United States Sentencing Commission Guidelines, Application Notes and Policy Statements, as well as the factors set forth in Title 18, United States Code, Section 3553(a). The Defendant also understands that Defendant's sentence has not yet been determined by the court, and that any estimate of a probable sentencing range Defendant may have received from Defendant's attorney, the Government or the United States Probation Office is only a prediction, not a promise, and is not binding on the Government, the Probation Office or the Court. The Defendant further understands that the Government retains the right to inform the Court of any relevant facts, to address the Court with respect to the nature of the offense, to respond to questions raised by the Court, to correct any inaccuracies or inadequacies in the presentence report, to respond to any statements made to the Court by or on behalf of the Defendant and to summarize all evidence which would have been presented at trial to establish a factual basis for the plea.

4. The Defendant agrees that all facts that determine his offense level under the Guidelines and pursuant to any mandatory minimum (including facts that support any specific offense characteristic or other enhancement or adjustment) can be found by the court at sentencing by a preponderance of the evidence standard and the court may consider any reliable evidence, including hearsay. By executing this Agreement, the Defendant understands that he waives any argument that facts that determine his offense level under the Guidelines and pursuant to any mandatory minimum should be alleged in an indictment and found by a jury beyond a reasonable doubt.
5. The Defendant understands that the obligations of the Government within the Plea

Agreement are expressly contingent upon the Defendant's abiding by federal and state laws and complying with the terms and conditions of any bond executed in this case.

6. In the event that the Defendant fails to comply with any of the provisions of this Agreement, either expressed or implied, it is understood that the Government will have the right, at its sole election, to void all of its obligations under this Agreement and the Defendant will not have any right to withdraw his plea of guilty to the offense(s) enumerated herein.

Cooperation and Forfeiture

7. The Defendant agrees to be fully truthful and forthright with federal, state and local law enforcement agencies by providing full, complete and truthful information about all criminal activities about which he has knowledge. The Defendant must provide full, complete and truthful debriefings about these unlawful activities and must fully disclose and provide truthful information to the Government including any books, papers, or documents or any other items of evidentiary value to the investigation. The Defendant must also testify fully and truthfully before any grand juries and at any trials or other proceedings if called upon to do so by the Government, subject to prosecution for perjury for not testifying truthfully. The failure of the Defendant to be fully truthful and forthright at any stage will, at the sole election of the Government, cause the obligations of the Government within this Agreement to become null and void. Further, it is expressly agreed that if the obligations of the Government within this Agreement become null and void due to the lack of truthfulness on the part of the Defendant, the Defendant

understands that:

(A) the Defendant will not be permitted to withdraw his plea of guilty to the offenses described above;

(B) all additional charges known to the Government may be filed in the appropriate district;

(C) the Government will argue for a maximum sentence for the offense to which the Defendant has pleaded guilty; and

(D) the Government will use any and all information and testimony provided by the Defendant in the prosecution of the Defendant of all charges.

8. The Defendant agrees to submit to such polygraph examinations as may be requested by the Government and agrees that any such examinations shall be performed by a polygraph examiner selected by the Government. Defendant further agrees that his refusal to take or his failure to pass any such polygraph examination to the Government's satisfaction will result, at the Government's sole discretion, in the obligations of the Government within the Agreement becoming null and void.
9. The Government agrees that any self-incriminating information provided by the Defendant as a result of the cooperation required by the terms of this Agreement, although available to the Court, will not be used against the Defendant in determining the Defendant's applicable guideline range for sentencing pursuant to the U.S. Sentencing Commission Guidelines. The provisions of this paragraph shall not be applied to restrict any such information:

- (A) known to the Government prior to the date of this Agreement;
- (B) concerning the existence of prior convictions and sentences;
- (C) in a prosecution for perjury or giving a false statement; or
- (D) in the event the Defendant breaches any of the terms of the Plea Agreement.

10. Provided the Defendant cooperates pursuant to the provisions of this Plea Agreement, and that cooperation is deemed by the Government as providing substantial assistance in the investigation or prosecution of another person who has committed an offense, the Government agrees to move the Court for a downward departure or reduction of sentence pursuant to United States Sentencing Guidelines §5K1.1, Title 18, United States Code, § 3553(e) or Federal Rule of Criminal Procedure 35(b). The Defendant further understands that any such motion by the Government is not binding upon the Court, and should the Court sentence the Defendant within the Guidelines, to the maximum penalty prescribed by law or refuse to reduce the sentence imposed, the Defendant will have no right to withdraw his plea.
11. The Defendant stipulates and agrees that he has 3 prior felony drug conviction(s) that has/have become final and that the Attorneys for the Government have filed an Information pursuant to 21 U.S.C. § 851 which subjects him to a mandatory minimum term of imprisonment of life on Count 1. The Defendant further stipulates and agrees that this paragraph and the Information that has been filed pursuant thereto fulfills the requirements of § 851, including service, and constitutes adequate and sufficient notice of a prior felony drug conviction for purposes of that statute. The Defendant agrees to not

contest the Information that has been filed pursuant to 21 U.S.C. § 851 in accordance with this paragraph.

12. The Defendant agrees to voluntarily surrender to, and not to contest the forfeiture by, the United States of America of any and all assets and property, or portions thereof, owned or purchased by the Defendant which are subject to the forfeiture pursuant to any provision of law and which are in the possession or control of the Defendant or Defendant's nominees. The Defendant further agrees to prevent the disbursement, relocation or encumbrance of any such assets and agrees to fully assist the government in the recovery and return to the United States of any assets, or portions thereof, as described above, wherever located. The Defendant further agrees to make a full and complete disclosure of all assets over which Defendant exercises control and those which are held or controlled by nominees. The Defendant further agrees to submit to a polygraph examination on the issue of assets if it is deemed necessary by the United States.

The Defendant agrees to forfeit all interests in the properties as described above and to take whatever steps are necessary to pass clear title to the United States. These steps include, but are not limited to, the surrender of title and the signing of any other documents necessary to effectuate such transfers. The Defendant agrees not to object to any civil forfeiture proceedings brought against these properties pursuant to any provision of law and the Defendant further understands that any such civil proceedings may properly be brought at any time before or after acceptance of Defendant's guilty plea in this matter and agrees to waive any double jeopardy claims he may have as a result of the forfeiture of these properties as provided for by this

Agreement.

Merger and Other Provisions

13. The parties agree that if the Court determines the Defendant has readily demonstrated acceptance of responsibility for his offenses, that USSG § 3E1.1(a) applies, thereby providing for a decrease of two (2) levels. In addition, if the Defendant qualifies for a decrease under § 3E1.1(a), the Government will move that he receive the one level decrease set forth in § 3E1.1(b), and requests that this provision be considered as that request.
14. The Defendant represents to the court that he has met with his attorney on a sufficient number of occasions and for a sufficient period of time to discuss the Defendant's case and receive advice; that the Defendant has been truthful with his attorney and related all information of which the Defendant is aware pertaining to the case; that the Defendant and his attorney have discussed possible defenses, if any, to the charges in the Indictment including the existence of any exculpatory or favorable evidence or witness, discussed the Defendant's right to a public trial by jury or by the Court, the right to the assistance of counsel throughout the proceedings, the right to confront and cross-examine the government's witnesses, the Defendant's right to testify in his own behalf, or to remain silent and have no adverse inferences drawn from his silence; and that the Defendant, with the advice of counsel, has weighed the relative benefits of a trial by jury or by the Court versus a plea of guilty pursuant to his Agreement, and has entered this Agreement as a matter of the Defendant's free and voluntary choice, and not as a result of pressure or intimidation by any person.

15. The Defendant is aware that 18 U.S.C. § 3742 and 28 U.S.C. § 2255 afford every defendant certain rights to contest a conviction and/or sentence. Acknowledging those rights, the Defendant, in exchange for the concessions made by the Government in this Plea Agreement, waives the right to contest either the conviction or the sentence in any direct appeal or other post-conviction action, including any proceedings under 28 U.S.C. § 2255. This waiver does not apply to claims of ineffective assistance of counsel or prosecutorial misconduct. This Agreement does not affect the rights or obligations of the Government as set forth in 18 U.S.C. § 3742(b). Nor does it limit the Government in its comments in or responses to any post-sentencing matters.
16. The Defendant waives all rights, whether asserted directly or by a representative, to request or receive from any department or agency of the United States any records pertaining to the investigation or prosecution of this case, including without limitation any records that may be sought under the Freedom of Information Act, 5 U.S.C. § 552, or the Privacy Act of 1974, 5 U.S.C. § 552a.
17. The parties hereby agree that this Plea Agreement contains the entire agreement of the parties; that this Agreement supersedes all prior promises, representations and statements of the parties; that this Agreement shall not be binding on any party until the Defendant tenders a plea of guilty to the court having jurisdiction over this matter; that this Agreement may be modified only in writing signed by all parties; and that any and all other promises, representations and statements, whether made prior to, contemporaneous with or after this Agreement, are null and void.

Aug. 19, 2011
DATE
Defendant

August 19, 2011
DATE

Anthony McDowell
MICHAEL ANTHONY MCDOWELL,

C. Carlyle Steele
Attorney for the Defendant

WILLIAM N. NETTLES
UNITED STATES ATTORNEY

Aug 23, 2011
DATE

BY:

E. Jean Howard
E. Jean Howard and Andrew B. Moorman
Assistant U. S. Attorneys