

RECEIVED  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

APR 10 2024

BY: DANIEL J. MCCOY, CLERK

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

UNITED STATES OF AMERICA	*	CRIMINAL NO. 23-CR-00210-01
	*	
VERSUS	*	DISTRICT JUDGE HICKS
	*	
JAVARREA POUNCY	*	MAGISTRATE JUDGE HORNSBY

**PLEA AGREEMENT**

**A. INTRODUCTION**

1. This document and any attached documents contain the complete plea agreement between the Government, represented by the United States Attorney's Office for the Western District of Louisiana and the Civil Rights Division of the Department of Justice, and the Defendant, JAVARREA POUNCY. No other agreement, understanding, promise, or condition exists, nor will any such agreement, understanding, promise, or condition exist unless it is committed to writing in an amendment attached to this document and signed by the Defendant, an attorney for the Defendant, and an attorney for the Government. The terms of this plea agreement are only binding on the Defendant and the Government if the Court accepts the Defendant's guilty plea.

**B. THE DEFENDANT'S OBLIGATIONS**

1. The Defendant, JAVARREA POUNCY, shall appear in open court and plead guilty to Count 1 of the Indictment pending in this case, which charges him

with Deprivation of Rights Under Color of Law, in violation of 18 U.S.C. § 242. The Defendant admits that he is, in fact, guilty of that offense and will so advise the Court.

**C. THE GOVERNMENT'S OBLIGATIONS**

1. If the defendant completely fulfills all obligations and agreements under this plea agreement, the government agrees to dismiss the remaining counts of the indictment after sentencing, and it will not prosecute the defendant for any other offense known to the United States Attorney's Office, based on the investigation which forms the basis of the indictment.

2. The Government will and hereby moves pursuant to U.S.S.G. § 3E1.1(b) for the Defendant to receive a one point reduction in his offense level should that offense level be 16 or greater, as the Defendant has assisted authorities in the investigation or prosecution of his own misconduct by timely notifying authorities of his intention to enter a plea of guilty, thereby permitting the Government to avoid preparing for trial and permitting the Government and the Court to allocate their resources efficiently.

**D. AGREEMENT PURSUANT TO FED. R. CRIM. P. 11(c)(1)(C)**

1. Pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C), the Government and the Defendant, JAVARREA POUNCY, agree and stipulate that the term of imprisonment in this matter shall be thirty (30) to thirty-seven (37) months. Both the Government and the Defendant, JAVARREA POUNCY, acknowledge and agree that they are bound by this stipulated sentencing range and said stipulation is binding upon the Court upon acceptance of the plea. Both parties

acknowledge that neither will have the right to withdraw from this plea agreement, nor to object to this term of imprisonment being imposed at sentencing.

**E. SENTENCING**

*Javarrea Pourcey J.P. CV# SR*

1. The Defendant, ~~DEMARKES GRANT~~, understands and agrees that:

a. The maximum punishment on Count 1 is a fine of not more than \$250,000 (pursuant to 18 U.S.C. §§ 242 and 3571) and, in the absence of the party's agreement under Fed. R. Crim. P. 11(c)(1)(C), a term of imprisonment of not more than ten (10) years (pursuant to 18 U.S.C. § 242), or both;

b. He shall be required to pay a special assessment of \$100 at the time of the guilty plea by means of a cashier's check, bank official check, or money order payable to "Clerk, U.S. District Court";

c. He may receive a term of Supervised Release of not more than three (3) years in addition to any term of imprisonment imposed by the Court (pursuant to 18 U.S.C. § 3583(b)(2));

d. As a part of the terms of Supervised Release, the Court is required to impose mandatory conditions and the Defendant understands and agrees that the Court will impose standard conditions and may also impose special conditions of Supervised Release;

e. A violation of any condition of Supervised Release at any time during the period of Supervised Release may result in the Defendant being incarcerated over and above any period of imprisonment initially ordered by the Court;

f. The period of incarceration for a violation of a condition of Supervised Release could be as much as the full term of Supervised Release initially ordered by the Court regardless of the amount of time of Supervised Release the Defendant had successfully completed;

g. In addition to the penalties set forth in the preceding paragraphs, the Court may order the Defendant to pay restitution;

h. Any fine and/or restitution imposed as part of the Defendant's sentence will be made due and payable immediately, and the Defendant will be held liable for all restitution, and any federal income tax refund received by the Defendant from the Internal Revenue Service while there is an outstanding fine and/or restitution shall be applied toward the fine and/or restitution award;

i. The Defendant expressly authorizes the U.S. Attorney's Office to immediately obtain a credit report on him to be used in consideration of his ability to pay any restitution or fine that may be imposed by the Court;

j. As part of the presentence investigation, the U.S. Attorney's Office will make available to the Court all evidence developed in the investigation of this case; and

k. This case is governed by the Sentencing Reform Act, as modified by United States v. Booker, 543 U.S. 220 (2005), and he has discussed the United States Sentencing Guideline ("U.S.S.G.") and their applicability with his counsel and understands and acknowledges that a final determination of the applicable offense level and guidelines range will be made by the Court.

2. The Court alone will decide what sentence to impose pursuant to Section D of the Plea Agreement and Federal Rule of Criminal Procedure 11(c)(1)(C).

**F. WAIVER OF APPEAL AND COLLATERAL REMEDIES**

1. Except as otherwise provided in this section, the Defendant, JAVARREA POUNCY, hereby expressly waives the right to appeal his conviction and sentence, including any appeal rights conferred by 28 U.S.C. § 1291 and 18 U.S.C. § 3742, and to challenge his conviction and sentence in any post-conviction proceeding, including a proceeding under 28 U.S.C. § 2241, 28 U.S.C. § 2255 or 18 U.S.C. § 3582(c)(2). This waiver applies to any challenge on appeal or in any post-conviction proceeding to any aspect of the Defendant's sentence, including imprisonment, fine, special assessment, restitution, forfeiture, or the length and condition of supervised release or probation. Notwithstanding this waiver of appeal and collateral remedies, the Defendant may bring any claim of ineffective assistance of counsel.

**G. ENTIRETY OF AGREEMENT**

1. This plea agreement consists of this document and any addendum required by Standing Order 1.86. The Defendant, the Defendant's attorney, and the Government acknowledge that this plea agreement is a complete statement of the parties' plea agreement in this case. It supersedes all other plea agreements and may not be modified unless the modification is in writing and signed by all parties. No other promises have been made or implied.

**H. SIGNATURE OF ATTORNEY FOR THE DEFENDANT, THE DEFENDANT, AND THE ATTORNEY FOR THE GOVERNMENT**

I have read this plea agreement and have discussed it fully with my client, JAVARREA POUNCY. It accurately and completely sets forth the entire plea agreement. I concur in JAVARREA POUNCY pleading guilty as set forth in this plea agreement.

Dated: 4/2/24

  
\_\_\_\_\_  
CAROLINE GREEN  
Attorney for the Defendant

I have read this plea agreement and have discussed it with my attorney. I fully understand the plea agreement and accept and agree to it without reservation. I do this voluntarily and of my own free will. No threats have been made to me, nor am I under the influence of anything that could impede my ability to fully understand this plea agreement.

I affirm that absolutely no promises, agreements, understandings, or conditions have been made or entered into in connection with my decision to plead guilty except those set forth in this plea agreement.

I am satisfied with the legal services provided by my attorney in connection with this plea agreement and the matters related to this case.

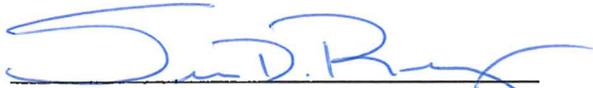
Dated: 4-2-24

  
\_\_\_\_\_  
JAVARREA POUNCY  
Defendant

We accept and agree to this plea agreement on behalf of the United States of America.

BRANDON B. BROWN  
United States Attorney

Dated: 4/3/24



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KRISTEN CLARKE  
United States Assistant Attorney General

Dated: 4/2/2024



ERIN MONJU, N.Y. Bar No. 5160908  
Trial Attorney