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| STATE OF MICHIGAN THIRD JUDICIAL CIRCUIT COURT CRIMINAL DIVISION | SETTLEMENT OFFER AND NOTICE OF ACCEPTANCE | CASE NO. <u>08-10496-01</u> CTN _____ |
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THE PEOPLE OF THE STATE
OF MICHIGAN

V.

Defendant's Name

Kwame M. Kilpatrick

No charge reduction

Charge reduction

-Copy for Court-

| COUNT: SPECIFY CHARGE(S) | | PACC | ATTEMPT 750.52 | STATUTORY MAXIMUM PENALTY |
|--------------------------|------------------------|-----------|-------------------|------------------------------|
| 2 | Obstruction of Justice | 750.505-A | | 5 years |
| 5 | Obstruction of Justice | 750.505-A | | 5 years |
| | | | | |
| | | | | |
| | | | | |

Sentence Agreement

Agree to Guideline Sentence

Sentence Recommendation

-See attached Plea Exhibit One.

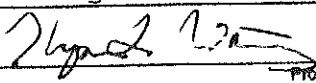
-In addition, the People and the defendant agree to amend Count 5
to Obstruction of Justice (750.505-A).

People agree to withdraw notice to enhance sentence.

Dismiss Remaining Counts regarding Defendant Kilpatrick in exchange for plea in this case.

at Sentencing.

9/4/08
Date



Prosecuting Attorney Kym L. Worthy P-38875

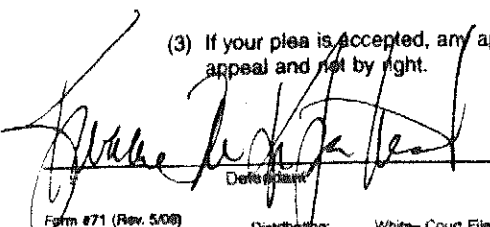
NOTICE OF ACCEPTANCE

(1) If the plea is accepted, the defendant will not have a trial of any kind, and so gives up the rights the defendant would have at a trial, including the right:

- (a) to be tried by a jury
- (b) to be presumed innocent until proven guilty
- (c) to have the prosecutor prove beyond a reasonable doubt that the defendant is guilty
- (d) to have the witnesses against the defendant appear at the trial
- (e) to question the witnesses against the defendant
- (f) to have the court order any witnesses the defendant has for the defense to appear at the trial
- (g) to remain silent during the trial
- (h) to not have that silence used against the defendant and
- (i) to testify at the trial if the defendant wants to testify.

(2) If the plea is accepted, the defendant will be giving up any claim that the plea was the result of promises or threats that were not disclosed to the court at the plea proceeding, or that it was not the defendant's own choice to enter the plea.

(3) If your plea is accepted, any appeal from your conviction and sentence pursuant to this plea will be by application for leave to appeal and not by right.


Defendant

Date


Defense Attorney

9/4/08
Date

People v Kwame M. Kilpatrick Case 08-10496-01
Plea Exhibit One

The Defendant shall be placed on 5 years reporting probation, with the first 120 days to be served in the Wayne County Jail.

The Defendant shall announce his resignation immediately upon entry of this plea agreement which shall become effective no later than 14 days of the date of this plea.

The Defendant shall pay restitution to the City of Detroit in the amount of \$1,000,000.00. The first \$20,000.00 to be paid on the date of sentencing. The remaining amount to be paid during the 5 year probationary period based upon the Defendant's ability to be pay which is to be assessed by the sentencing judge and probation department.

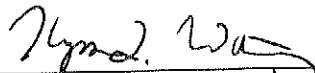
The Defendant shall surrender assign and/or transfer all present and future cash payments due to him from his State of Michigan pension to the Treasury of the City of Detroit at the time of sentencing. As a condition of his probation the Defendant shall execute any and all documents required to effectuate the transfer. The Defendant shall receive credit for the present value of the State of Michigan pension, against the \$1,000,000.00 restitution owed to the City of Detroit.

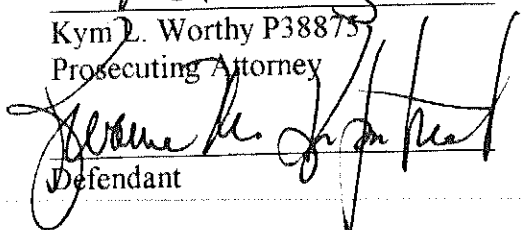
There will be no further prosecution of defendant Kilpatrick arising out of the underlying facts and circumstances of this prosecution.

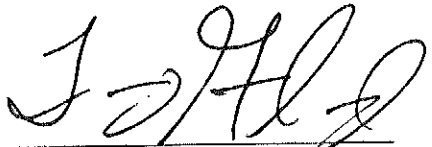
The Defendant shall not seek or hold elective office during the years of his probationary period.

The Defendant shall surrender his law license upon conviction of the two felonies.

The remaining terms and conditions of Defendant's probation to be determined by the court.


Kym L. Worthy P38875
Prosecuting Attorney


Defendant

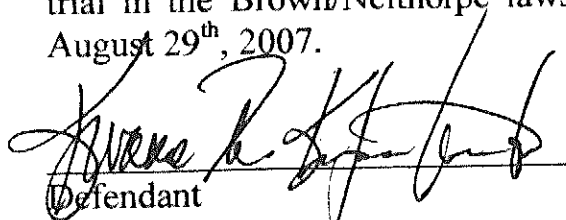

Defense Attorney

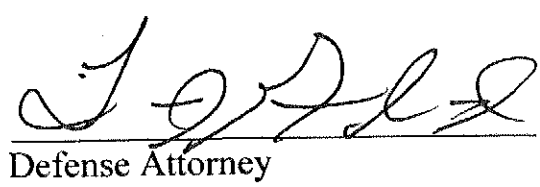
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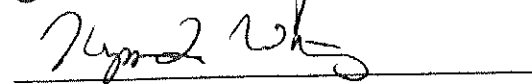
Defendant Kwame Kilpatrick's Factual Basis for Guilty Plea

I lied under oath in the case of Gary Brown and Harold Nelthorpe vs. City of Detroit, et al case number #03-317557-NZ regarding information that was relevant to claims made by Gary Brown and Harold Nelthorpe. I did so with the intent to mislead the Court and jury and to impede and obstruct the fair administration of justice.

I lied under oath at a civil deposition for the Brown/Nelthorpe lawsuit on October 11, 2004, in the City of Detroit. I also lied under oath in the civil jury trial in the Brown/Nelthorpe lawsuit in the Wayne County Circuit Court on August 29th, 2007.


Defendant


Defense Attorney


Kym L. Worthy P38875
Prosecuting Attorney

Date: 9/4/08