

**IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	CR. NO. 2:10cr186-MHT
Plaintiff,)	
)	
v.)	
)	
JARROD D. MASSEY)	
)	
Defendant.)	
)	

STATEMENT OF FACTS

The United States of America, by and through the undersigned attorneys for the Public Integrity Section, Criminal Division, United States Department of Justice, and JARROD D. MASSEY (hereinafter the “defendant” or “MASSEY”) agree to the following statement of facts:

1. Some time in or around April 2006 until some time in or around May 2010, the defendant was employed as a registered lobbyist and consultant with his own lobbying firm, Mantra Governmental, which was located in Montgomery, Alabama.

2. One of the defendant’s largest client was RONALD E. GILLEY (hereinafter “GILLEY”), who owned a controlling interest in an entertainment development project in Houston County, Alabama, called Country Crossing. Country Crossing was an entertainment and resort venue that offered top live country music performances, upscale hotel accommodations, and casino-style electronic bingo machines.

3. MILTON E. McGREGOR (hereinafter “McGREGOR”) has the controlling interest in Macon County Greyhound Park, Macon County, Alabama and Jefferson County

Racing Association in Jefferson County, Alabama. Victoryland is an upscale gaming facility that offers entertainment, dog racing, and casino-style electronic bingo. McGREGOR also shares an ownership interest in Country Crossing.

4. In 2009, gambling supporters in the State of Alabama formed a coalition to promote the passage of pro-gambling legislation favorable to the interests of businessmen – such as GILLEY and McGREGOR – who owned and operated facilities that offered electronic bingo. Although the pro-gambling legislation was drafted, it was not put to a vote by the Alabama legislature during its 2009 session. At the commencement of the Alabama legislature’s 2010 session, various members of the Alabama Senate and House of Representatives introduced legislation that, if enacted, would have promoted the business interests of electronic-bingo facility owner operators. Among that proposed legislation was Senate Bill 380.

5. GILLEY and McGREGOR sought to influence the passage of Senate Bill 380 by buying the votes of Alabama legislators. Specifically, some time in or around January 2009 until some time in or around April 2010, GILLEY employed the defendant and his firm Mantra Governmental to, among other things, bribe Alabama legislators with payments and campaign contributions, among other things of value in exchange for the legislators votes in favor of the passage of Senate Bill 380. The defendant and GILLEY acted in concert with McGREGOR, as well as with other lobbyists and other individuals working for them including defendants Robert B. Geddie, Jr. (hereinafter “GEDDIE”), Thomas E. Coker (hereinafter “COKER”), Jarrell W. Walker, Jr. (hereinafter “WALKER”), and JENNIFER PONCY, to disguise and make payments to legislators, Larry P. Means (hereinafter “MEANS”), James E. Preuitt (hereinafter “PREUITT”), Quinton T. Ross, Jr. (hereinafter “ROSS”), and Harri Anne H. Smith (hereinafter

“SMITH”).

Legislator 1

6. On or about February 18, 2009, MASSEY told Legislator 1, a member of the Alabama House of Representatives, whose district contains GILLEY's Country Crossing, that he (MASSEY) needed to know Legislator 1's position on the issue of electronic bingo, so that the defendant could decide whether to put pressure on Legislator 1 to support the issue.

7. On or about March 4, 2009, one day before a possible vote on the "Sweet Home Alabama" pro-gambling legislation, SMITH invited Legislator 1 and Legislator 2, a member of the Alabama Senate, to dinner that night with GILLEY, and others to discuss the bill.

8. On or about March 4, 2009, over dinner at a restaurant in Montgomery, Alabama, GILLEY sought to persuade Legislator 1 to support the "Sweet Home Alabama" legislation by offering to raise hundreds of thousands of dollars for Legislator 1's reelection campaign in return for his vote on the pro-gambling legislation. At the same dinner, SMITH attempted to persuade Legislator 1 that she and Legislator 1 would need GILLEY's campaign support to win reelection and that Legislator 1 should work with GILLEY to support pro-gambling legislation.

Legislator 2

9. On or about March 4, 2009, Legislator 2, a member of the Alabama Senate, attended the same dinner at a restaurant in Montgomery, Alabama, with Legislator 1, SMITH, GILLEY, and MASSEY, among others. During the dinner, SMITH discussed with Legislator 2 the campaign support GILLEY could provide if Legislator 2 committed to favoring pro-gambling legislation.

10. During the 2009 legislative session, MASSEY contacted Legislator 2 and inquired whether Legislator 2 had decided to support pro-gambling legislation.

11. On or about February 9, 2010, after SB380 had been introduced in the Alabama Senate, GILLEY had a telephone conversation with Legislator 2 about the pro-gambling legislation. During the conversation, Legislator 2 mentioned SMITH's earlier indication, during the dinner on or about March 4, 2009, of possible campaign support for Legislator 2 from GILLEY, as well as a discussion Legislator 2 had with MASSEY about the possibility of Legislator 2 working as a political consultant. In response, GILLEY promised to get all those bases covered to make Legislator 2 comfortable. As the call ended, GILLEY told Legislator 2 that the cellular phone GILLEY was using was a very, very safe line and that GILLEY regularly changed phones.

12. On or about February 16, 2010, MASSEY, during an unannounced visit to Legislator 2's legislative office, stated that McGREGOR and GILLEY "put money into races." MASSEY attempted to mask his corrupt intent, claiming that "there's no quid pro quos." However, during the same conversation, MASSEY went on to warn Legislator 2 that, if Legislator 2 did not commit to voting in favor of the pro-gambling legislation supported by McGREGOR and GILLEY, Legislator 2 "might miss an opportunity to really cut yourself a good deal," and noted that "there's some money at play that could be had that, you know, could only be made available to certain candidates." During the visit, MASSEY also instructed Legislator 2 not to discuss these issues over the telephone.

13. On or about February 18, 2010, Legislator 2 met with MASSEY, McGREGOR, and GILLEY at MASSEY's office in Montgomery, Alabama. During the meeting, McGREGOR and GILLEY expressed concern that, unless the pro-gambling legislation passed in Alabama, their commercial futures were in jeopardy. McGREGOR then went on to stress the need for Legislator 2's favorable vote on the pro-gambling legislation, stating, "Here's where we are. We need, we need your help. We need your vote and support on the people having the right to vote on this issue." In response to Legislator 2's suggestion that it could cost up to \$500,000 to run for state-wide office, McGREGOR stated that Legislator 2 "need[ed] some new friends" and that he and GILLEY "got

a bad habit of supporting our friends.” Later in the conversation, MASSEY focused the discussion on the type of support McGREGOR and GILLEY could provide Legislator 2:

You need resources. You need a commitment, um and obviously we’ve got a very important issue. I’m not going to tell you there’s a quid pro quo, but, that being said, um, these guys can talk about what we can do, what we can’t do. That’s for y’all to decide and determine.

When Legislator 2 suggested that “maybe they need to think about it,” McGREGOR stated, “I don’t need to think about it. We done talked. . . . We done thought about it.” GILLEY added, “I don’t need to think about anything.”

14. During the meeting at MASSEY’s office on or about February 18, 2010, the parties discussed the possibility of Legislator 2 receiving income through a professional arrangement. When Legislator 2 stated that “[MASSEY] and I talked about doing some PR [i.e., public relations] stuff, some consulting work that you’d mentioned before,” GILLEY responded, promising that “we can tie you into our, uh, uh, our entertainment and PR firm, which is the biggest in the country.” Agreeing with GILLEY’s offer, MASSEY told Legislator 2, “Let me visit with them [McGREGOR and GILLEY] and get a little bit deeper in the weeds. And you and I can come up with a kind of template of sorts.” As the conversation ended, McGREGOR assured Legislator 2: “Let me say it another way, it would be absolutely, to me, unthinkable for us not to work together. It is the perfect scenario.”

15. Prior to and after the February 18, 2010 meeting with Legislator 2, GILLEY and MASSEY discussed ways in which they could disguise bribe payments that they would provide to Legislator 2 in return for his vote on SB 380.

16. On or about February 19, 2010, MASSEY met with Legislator 2 to follow up and discuss the details of a plan to compensate Legislator 2 for his vote in favor of the pro-gambling legislation by funneling \$1 million per year—to be used at Legislator 2’s discretion—through a public relations job set up in connection with a public relations firm employed by GILLEY in order to conceal the fact that it was McGREGOR and GILLEY who

were going to pay Legislator 2. MASSEY summarized the offer, saying, “I would suggest that that look something like—and, again, it is up to you for what you would want to use it for—but basically there is a million dollars of business that is going to come through that PR entity, one way or the another, you know, annually.” Later in the meeting, MASSEY detailed the need to disguise the arrangement:

There are some oddities to how we would want to do it because, you, as you know on the ethics reporting, if there’s any tie to an organization that is lobbying a legislature, technically they have to announce that there is a business connection. And when they do then obviously everyone’s gonna look at it whether it’s totally legit or whatever.

So you got to find a backdoor way, which is basically you have, then, an entity that is not related per se to [GILLEY’s business] whatever that may be. Um, it’s some subsidiary that is disconnected and isn’t required to be registered as a lobbyist, and you meet all those thresholds. Um, we get all that worked out, that’s not a big deal. But, in effect, that PR entity does two things. One, it gives you ability to do some other things, um, have that structure. But then also you got that revenue that’s, I mean, use it for campaigns. You can use it individually or whatever.

At the end of the conversation, MASSEY told Legislator 2, “I’m telling ya, it’s a good deal . . . I mean, you in the catbird seat.”

17. On or about February 22, 2010, MASSEY called Legislator 2 to schedule an in person meeting to “fine tune” the corrupt deal, noting that “obviously we don’t need to talk about that on the phone.” MASSEY also noted that Legislator 2 would be “very, very pleased” with the proposal.

18. On or about February 23, 2010, MASSEY and GILLEY met with Legislator 2 at a retail store in Prattville, Alabama, to finalize the deal. During the meeting, GILLEY affirmed his commitment to Legislator 2: “I’m excited about the opportunities. I’m excited about the, uh, PR, my PR firm is excited. . . . It’ll be great for all of us.” GILLEY also confirmed that, even if the pro-gambling legislation did not pass in the House of Representatives, “I’m with ya,” as long as Legislator 2 supported the bill.

19. On or about March 2, 2010, MASSEY told GILLEY that Legislator 2 “ain’t with us” on the pro-gambling legislation.

20. On or about March 22, 2010, in a telephone call between GILLEY and MASSEY, MASSEY suggested that GILLEY direct SMITH to warn Legislator 2 that GILLEY and MASSEY were “going to make [Legislator 2’s] life a holy hell” unless Legislator 2 changed Legislator 2’s decision to oppose the pro-gambling legislation.

21. On or about March 24, 2010, MASSEY, recounting a conversation he had just had with Legislator 2 regarding Legislator 2’s decision to vote against the BIR on or about March 3, 2010, told GILLEY: “In case I was being recorded, I said, [Legislator 2] I don’t recall anything we talked about previously. . . you can tell me that you support [the legislation] or don’t and we can have another conversation at my office” MASSEY continued, “I just made sure I was covering my ass, but he basically knew, hey, that the deal’s off.”

22. Soon thereafter, GILLEY offered MASSEY and POUNCY a large sum of money and an equity interest in his business if MASSEY refused to cooperate with law enforcement authorities. GILLEY also tried several times to convince MASSEY to provide a false account of their interactions with Legislator 2 and PREUITT, in that GILLEY wanted MASSEY to deny any offers made to Legislator 2 or to PREUITT, and instead tell law enforcement that Legislator 2 solicited MASSEY and GILLEY for a bribe and that GILLEY’s response was, “No, and hell no.” Finally, GILLEY promised to pay legal fees incurred by MASSEY if MASSEY stuck to the false account.

LARRY P. MEANS

23. On or about March 24, 2010, MEANS told POUNCY to ask MASSEY and GILLEY if they would contribute \$100,000 to MEANS’s campaign, and JENNIFER POUNCY relayed MEANS’s request to MASSEY. In response, MASSEY told POUNCY that he had told GILLEY that MEANS was demanding \$100,000.

24. On or about March 24, 2010, MASSEY told GILLEY that “I need to get your okay on something

. . . we're getting a shakedown going on us up here to some degree . . . with regards to MEANS. . . He's asking for \$100,000 if he votes for this bill." In response, GILLEY stated, "Let me, let me call you from another phone, please."

25. One minute later, on or about March 24, 2010, when GILLEY called MASSEY from a different phone, MASSEY stated, "Hey, sorry, I forgot." Returning to the subject of MEANS's request for \$100,000, GILLEY told MASSEY that "he can one-hundred percent count on our support." GILLEY continued, "We're gonna support who supports democracy. And the motherfucker who doesn't support democracy get ready to get their fucking ass busted."

26. Later that same day, on or about March 24, 2010, POUNCY, on instructions from MASSEY, told MEANS that MASSEY and GILLEY would make the \$100,000 contribution. Referring to his earlier request, MEANS asked if they were talking about the same thing. POUNCY confirmed that they were.

27. That same day, on or about March 24, 2010, MASSEY told a public official from Houston County, Alabama: "I'm sitting up here right now cutting a deal with, cutting a deal with MEANS in just a minute."

28. In the morning of the day of the vote on SB380, on or about March 30, 2010, MASSEY told a fellow lobbyist: "COKER went to Talladega [PREUITT's hometown] and Gadsden [MEANS's hometown] yesterday and fine tuned all that, you know, make sure everything was committed . . . confirm everything we promised and everybody."

29. On or about March 30, 2010, MEANS voted for SB380, which MCGREGOR and GILLEY supported, having abstained in the BIR vote on an earlier version of SB380 just weeks earlier, on or about March 3, 2010, and having promised people that he would not vote for the bill without a local provision related to gambling in Etowah County, a county in MEANS's district. The final version of SB380 contained no such provision relating to Etowah County.

JAMES E. PREUITT

30. In or about early March 2010, PREUITT told POUNCY that if a vote were held the next day, he would vote no on the pro-gambling bill, SB380.

31. In or about early March 2010, MASSEY met with PREUITT in PREUITT's legislative office. During the meeting MASSEY informed PREUITT that GILLEY was willing to finance PREUITT's re-election efforts and that in MASSEY's estimation, PREUITT would need up to \$1 million dollars to run a successful campaign. MASSEY's offer was predicated on PREUITT voting in favor of SB 380.

32. Thereafter, in or about early March 2010, when POUNCY informed MASSEY that PREUITT would vote against the pro-gambling legislation, MASSEY told POUNCY to offer PREUITT substantial campaign contributions. MASSEY informed POUNCY that she could communicate to PREUITT that GILLEY had \$1 million to \$2 million dollars "to play with".

33. Shortly thereafter, in or about early March 2010, POUNCY met with PREUITT in PREUITT's legislative office and told PREUITT that MASSEY and GILLEY would totally fund PREUITT's 2010 reelection campaign if PREUITT voted in favor of SB380.

34. On or about March 2, 2010, GILLEY and MASSEY discussed whether PREUITT's vote was "squared away." During the conversation, in a reference to PREUITT's car dealership, MASSEY mentioned GILLEY's "transportation needs" at Country Crossing.

35. Later the same day, on or about March 2, 2010, MASSEY told GILLEY to call MASSEY back on the "other phone." When GILLEY called back, MASSEY and GILLEY discussed securing PREUITT's vote by purchasing a "good bit" of vehicles from PREUITT's dealership. During the call, MASSEY told GILLEY to meet with PREUITT in person and "assume that you are being recorded" when speaking to PREUITT over the

phone.

36. On or about March 3, 2010, MASSEY told WALKER that he was going to “feel around the edges” with PREUITT to determine what it would take to secure PREUITT’s support for SB380.

37. Around that same time, WALKER told MASSEY that WALKER would travel to Talladega to purchase a fleet of vehicles from PREUITT’s dealership for Country Crossing.

38. Later that same day, on or about March 3, 2010, PREUITT voted no on a BIR that would have permitted a substantive vote on SB380 to proceed.

39. Later that same day, on or about March 20, 2010, POUNCY told GILLEY that PREUITT had not yet agreed to vote for the gambling bill and that GILLEY needed to meet with PREUITT in person to let PREUITT know that GILLEY, MASSEY, WALKER, and POUNCY would assist PREUITT’s reelection efforts, in that WALKER would run PREUITT’s reelection campaign and GILLEY would provide country music celebrities as a means of support.

40. On or about March 22, 2010, PREUITT left GILLEY a message, returning an earlier call from GILLEY. When GILLEY heard PREUITT’s message, GILLEY said that currently PREUITT would not vote in favor of the pro-gambling legislation, but GILLEY intended to change that.

41. On or about March 23, 2010, WALKER told GILLEY that he offered to run a poll on PREUITT’s behalf.

42. On or about March 24, 2010, PREUITT approached POUNCY at the Alabama Senate and asked POUNCY if MASSEY and GILLEY would honor their commitments to PREUITT if SB380 did not pass in the House of Representatives. POUNCY, after checking with MASSEY, assured PREUITT that MASSEY and GILLEY would keep their promises.

43. On or about March 24, 2010, WALKER told MASSEY that he offered his support to PREUITT

in exchange for PREUITT's vote on the pro-gambling bill. During the conversation, WALKER also stated that he knew PREUITT had spoken to POUNCY about whether MASSEY would honor his commitments if the bill did not pass in the House of Representatives.

44. On that same day, on or about March 24, 2010, MASSEY, after discussing whether he should spend \$20,000 of GILLEY's money to pay for a poll for PREUITT, told POUNCY: "Course at this point the way we're spending money, I don't, I, I say just go ahead and do it, and if he damn don't vote for us, we'll kill his ass, we'll, we'll, or we'll fuck up the results in the poll and put him out to press."

45. Later that same day, on or about March 24, 2010, MASSEY told GILLEY that he did not think that PREUITT had "committed to anything," to which GILLEY replied, "whatever we have to do, do it."

46. Later that same day, on or about March 24, 2010, MASSEY recounted to GILLEY a conversation he had with PREUITT. According to MASSEY, he told PREUITT:

"I'm going tell you right now, the only way I know, the most definitive way—aside from what you already been talked to about as far as the support you'll have and the commitments we've got from Jay [WALKER] and our artists—is, you will financially be able to match anything they put in your race. 'Cause we want to get you re-elected"

We didn't talk any specifics, he [PREUITT] didn't want to talk any specifics. I just said, "Look, you, you ante up with us," I said, "We raised over a quarter of million dollars for Harri Anne SMITH in one night with what I would tell you is not necessarily the, you know, most current artistry. Uh, if I bring in a [contemporary country music star] or somebody like that in your area, no telling what I can raise. "But," I said, "Senator that was in one night." I said, "That gives you just a little example of the type of stuff we're committed to do for our friends"

When GILLEY asked how PREUITT responded to MASSEY's assurances, MASSEY continued:

He told me point blank, he said, "Well, as you know, I've gone, come a long way," and you gotta know PREUITT to understand all this code. "I've come a long way." And, he's winking at me. . . . I told him, I said, "Look, I know you rock solid with Larry [MEANS]." I said, "I know you're covering him." I said, "Y'all got, y'all got this thing locked up right now and it's whatever y'all want." And I said, "So, that's, you know, hey, that's great. That's the way this process works."

Later in the conversation, MASSEY told GILLEY, "I mean, he's, he's [PREUITT] there. He all but told me, 'Hey, when Larry [MEANS] is fine,' I mean, 'I'm not going to leave Larry [MEANS] hanging.'"

47. On or about March 26, 2010, MASSEY recounted for GILLEY a conversation MASSEY had with COKER:

You know, we're squared away on PREUITT, uh, basically, though, and PREUITT's funny, you know, he doesn't want to get in to certain things, but we talked in, in various detail the other day. But here's what we're doing. Tom [COKER] called me, he said, "Look, PREUITT's fine, but he's basically wanting to verify what 'significant way' means and all this," which I kinda told him the other day, you know. He [COKER] said campaign contributions, uh, you know, the artists. So we walked through it and . . . what Tom [COKER] said is "I'm trying to find you, that's what he's [PREUITT] asked me to do." And he [COKER] said, "I didn't want to just call Ronnie [GILLEY]."

GILLEY said he would call COKER and tell COKER "exactly" what he told PREUITT.

48. On or about March 26, 2010, in a telephone conversation with WALKER, GILLEY, referring to PREUITT and his campaign personnel, instructed WALKER to give them whatever they wanted because GILLEY needed PREUITT'S vote on Tuesday.

49. On or about March 26, 2010, COKER told MASSEY that PREUITT wanted to find out the precise details behind MASSEY and GILLEY's promises to be "heavily involved," above and beyond campaign contributions, in PREUITT's upcoming campaign for reelection. MASSEY recommended that COKER speak directly to GILLEY about the promises that GILLEY made to PREUITT.

50. Shortly thereafter, on or about March 26, 2010, MASSEY told WALKER that "we are fine tuning everything through COKER this morning for PREUITT. Everything is good to go, but, um, Ronnie's [GILLEY] gonna have a conversation with COKER just to verify all our commitments and make sure he's clear on 'em, so we can finalize everything."

51. In or about the end of March 2010, MASSEY told POUNCY that COKER had asked him what

commitments GILLEY had made to PREUITT.

52. On or about March 30, 2010, the day of the Senate vote on SB380, PREUITT told POUNCY that he was going to support the bill.

53. On or about the same day, March 30, 2010, MASSEY told a fellow lobbyist that “COKER went to Talladega [PREUITT’s hometown] and Gadsden [MEANS’s hometown] yesterday and fine tuned all that . . . make sure everything was committed . . . confirm everything we promised and everybody else.”

54. On or about March 30, 2010, twenty-seven days after he voted against a BIR on an earlier version of the bill, PREUITT voted in favor of SB380.

55. On or about May 25, 2010, after the criminal investigation became public, PREUITT refunded \$500 and \$1,500 contributions he received from MASSEY and a MASSEY-controlled PAC, respectively, in December 2009.

QUINTON T. ROSS JR.

56. In or about late December 2009 or early January 2010, ROSS called POUNCY. During the call, ROSS told POUNCY that he wanted a campaign contribution from MASSEY and GILLEY. ROSS demanded approximately \$5,000 or \$10,000. ROSS stated that he believed that he deserved the campaign contribution because he had sponsored the pro-gambling legislation in the 2009 legislative session, and that he was no longer “feeling the love.”

57. On or about December 27, 2009, MASSEY caused to be issued to ROSS a \$5,000 campaign contribution.

58. In or about the middle of March 2010, one or two weeks prior to the vote on SB380, ROSS called MASSEY to ask for an additional \$25,000 in campaign contributions.

59. In or about March 2010, COKER told POUNCY that ROSS had asked him for more money after COKER had already given ROSS \$15,000 in campaign contributions.

60. On or about March 14, 2010, MASSEY told GILLEY that ROSS was seeking \$20,000 in campaign contributions. MASSEY claimed that “we done gave his butt fifteen thousand dollars, you know, prior to the [legislative] session,” and “apparently [ROSS’s] doing the same thing to everybody ’cause COKER was bitching about it.” According to MASSEY, COKER said he had already given \$25,000 to ROSS.

61. On or about March 30, 2010, ROSS voted in favor of SB380.

62. At all relevant times, ROSS ran unopposed in his reelection bid.

HARRI ANNE H. SMITH

63. On or about April 3, 2008, SMITH introduced an anti-gambling bill, Senate Bill 572, that would have restricted the operation of bingo in Houston County, the location of Country Crossing, to charitable organizations, while prohibiting all previously authorized private bingo operations. SMITH’s bill, if enacted, effectively would have barred GILLEY and Country Crossing from conducting bingo-related business in Houston County.

64. On or about December 8, 2009, GILLEY caused to be issued thirty-nine corporate checks, totaling \$19,500, which were deposited in SMITH’s campaign account.

65. In or about late December 2009, SMITH accepted over \$160,000 in additional campaign contributions from GILLEY’s business associates.

66. In or about December 2009, GILLEY made an approximately \$217,000 in-kind contribution to SMITH’s campaign for a country music concert and fundraiser.

67. Between in or about December 2009 and in or about March 2010, SMITH accepted in excess of \$13,000 in contributions from PACs that received money from MASSEY’s business.

68. On or about March 22, 2010, GILLEY asked SMITH to convince as many legislators as she could to vote for the pro-gambling legislation. SMITH indicated that she would carry out GILLEY's request.

69. On or about March 29, 2010, GILLEY offered to do a fund raising event for SMITH's and another legislator's campaigns.

70. On or about March 30, 2010, SMITH voted in favor of the pro-gambling legislation, SB380, which was wholly contrary to the prior anti-gambling bill SMITH introduced two years earlier.

71. On or about March 31, 2010, MASSEY and WALKER discussed campaign funds going to SMITH. Before elaborating on plans to fund SMITH's campaign, MASSEY mentioned the possibility that law enforcement was monitoring the conversation:

Let me qualify this in case any of my friends are listening. Uh, bottom line is apparently Ronnie [GILLEY] had indicated he wanted to be, uh, more supportive of [SMITH's] campaign and, uh, had indicated some funds were gonna be moving to her campaign for her support for her various philosophies and whatnot. Uh, seems like to me there was some discussion about \$200,000 or something.

MASSEY cautioned, however, that "quite honestly, I don't want to be talking to her right now based on all this shit that's going on and having any discussion about that."

72. On or about April 3, 2010, WALKER told MASSEY that SMITH "needs to step up to the damn plate" and support additional general legislation beneficial to Country Crossing to reciprocate for all the support SMITH had received from them.

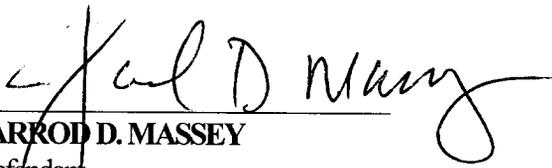
A MEMBER OF THE ALABAMA SENATE

73. On or about March 30, 2010, the day of the vote on SB380, GILLEY told MASSEY that GILLEY would offer an ailing member of the Alabama Senate substantial things of value in exchange for the member's presence on the Senate floor and his vote in favor of the pro-gambling legislation.

DEFENDANT'S ACCEPTANCE

I have read the Statement of Facts in its entirety and discussed it with my attorney. I hereby acknowledge that it is accurate and complete.

Date: 12/20/10

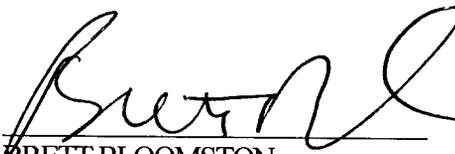


JARROD D. MASSEY
Defendant

ATTORNEY'S ACKNOWLEDGMENT

I have read each of the pages constituting the Statement of Facts with my client, and discussed the relation of the Statement of Facts to the attached Plea Agreement.

Date: 12/20/10



BRETT BLOOMSTON
Attorney for the Defendant

Date: 12/26/10



JOSEPH J. BASGIER, III
Attorney for the Defendant