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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES OF AMERICA	.	Cause No. 3:07CR192
	.	
Plaintiff	.	Oxford, Mississippi
	.	March 14, 2008
v.	.	10:29 a.m.
	.	
SIDNEY A. BACKSTROM	.	
	.	
Defendants	.	
. . . . .	.	

CHANGE OF PLEA AS TO COUNT 1 OF THE INDICTMENT  
BEFORE THE HONORABLE NEAL B. BIGGERS  
U.S. SENIOR DISTRICT JUDGE

APPEARANCES:

For the Government: United States Attorney's Office  
Northern District of Mississippi  
BY: THOMAS W. DAWSON, ESQ.  
BY: ROBERT H. NORMAN, ESQ.  
BY: DAVID A. SANDERS, ESQ.  
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For the Defendant  
Sidney A. Backstrom:  
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Proceedings recorded by mechanical stenography, transcript produced by computer.

1           **THE COURT:** All right. Also on the schedule this  
2 morning is the same proceeding in the case of *U.S. v. Sidney*  
3 *Backstrom*.

4           **MR. TRAPP:** Yes, Your Honor.

5           **THE COURT:** Mr. Trapp and Mr. Tannehill.  
6 And Mr. Norman.

7           **MR. NORMAN:** Good morning, Your Honor.

8           **THE COURT:** All right. Mr. Backstrom, is your true  
9 name Sidney A. Backstrom?

10           **THE DEFENDANT:** Yes, Your Honor.

11           **THE COURT:** And the Court is informed that you also  
12 wish to change the plea that you have previously entered to a  
13 plea of guilty; is that correct?

14           **THE DEFENDANT:** Yes, Your Honor.

15           **THE COURT:** Before accepting your plea, there are  
16 also a number of questions I will ask you to assure that it is  
17 a valid plea. If you do not understand any of these questions  
18 or at any time you wish to consult with your attorneys, you may  
19 let me know, because it is essential to a valid plea that you  
20 understand these questions before you answer them.

21           The clerk will please swear the defendant.

22           **THE CLERK:** (Oath administered.)

23           **THE DEFENDANT:** I do.

24           **THE COURT:** Mr. Backstrom, do you understand, now,  
25 that you're under oath; and your answers to my questions will

1 be subject to the penalties of perjury if you do not answer  
2 them truthfully?

3 THE DEFENDANT: Yes, Your Honor.

4 THE COURT: What is your age?

5 THE DEFENDANT: Thirty-eight, sir.

6 THE COURT: And as far as your education, you have a  
7 college degree and a law degree; is that correct?

8 THE DEFENDANT: Yes, Your Honor.

9 THE COURT: Are you presently under the influence of  
10 any drugs, medicines, or alcohol that might cloud your  
11 thinking?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Do you think you fully understand what is  
14 happening here today?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Mr. Norman, Mr. Tannehill, Mr. Trapp, do  
17 either of you have any doubt as to this defendant's competence  
18 to enter a plea at this time?

19 MR. TRAPP: No, Your Honor.

20 MR. TANNEHILL: No, sir.

21 MR. NORMAN: No, Your Honor.

22 THE COURT: The Court finds that this defendant is  
23 competent to enter a plea. Mr. Backstrom, have you had an  
24 ample opportunity to discuss this case with your attorneys?

25 THE DEFENDANT: I have.

1           **THE COURT:** Are you satisfied with your attorneys'  
2 representation of you; that is, do you believe that your  
3 attorneys have competently represented your best interests in  
4 this case?

5           **THE DEFENDANT:** I absolutely do, yes, sir.

6           **THE COURT:** Do you understand that under the  
7 Constitution and laws of the United States that you are  
8 entitled to a trial by jury on the charges contained in this  
9 indictment?

10          **THE DEFENDANT:** Yes, Your Honor.

11          **THE COURT:** This is also a plea to Count 1; is that  
12 correct?

13          **MR. NORMAN:** It is, Your Honor.

14          **THE COURT:** All right. Do you understand,  
15 Mr. Backstrom, that if you wish to have a trial you would be  
16 presumed to be innocent of this charge, and the Government  
17 would be required to prove you guilty by competent evidence  
18 beyond a reasonable doubt before you could be found guilty?

19          **THE DEFENDANT:** Yes, Your Honor.

20          **THE COURT:** That is, do you also understand that you  
21 would not have to prove your innocence in this case; rather,  
22 the burden would be on the Government to prove you guilty  
23 beyond a reasonable doubt? Are you aware of that?

24          **THE DEFENDANT:** Yes, Your Honor.

25          **THE COURT:** Do you understand that in the course of a

1 trial the witnesses for the Government would have to come into  
2 Court in your presence to testify; your attorneys could  
3 cross-examine the witnesses for the Government; they could  
4 object to evidence offered by the Government; and they could  
5 call other witnesses to testify in your behalf? Are you aware  
6 of that?

7 THE DEFENDANT: Yes, Your Honor.

8 THE COURT: And are you further aware that if you  
9 wished to testify in your own defense, you have that right to  
10 do so; but if you chose not to testify, that no inference or  
11 suggestion of guilty could be drawn from the fact that you  
12 chose not to testify? Are you aware of that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Now, if you plead guilty to this charge  
15 and I accept your plea, do you understand that you're going to  
16 waive your right to a trial, these other rights I've just  
17 discussed with you; there's not going to be a trial; and I'm  
18 going to enter a judgment of guilty and sentence you on the  
19 basis of your guilty plea after considering the presentence  
20 report? Are you aware of that?

21 THE DEFENDANT: Yes, Your Honor.

22 THE COURT: And if you plead guilty here today, do  
23 you understand, also, that you're going to waive your right  
24 under the Fifth Amendment not to incriminate yourself --

25 (CELL PHONE INTERRUPTION)

1           **THE COURT:** Take that cell phone.

2           That you're going to waive your right not to incriminate  
3 yourself since I may ask you questions about what you did in  
4 order to satisfy myself that you are guilty as charged; and  
5 you'll have to acknowledge your guilt? Are you aware of that?

6           **THE DEFENDANT:** Yes, Your Honor.

7           **THE COURT:** All right. Having discussed these rights  
8 with you, Mr. Backstrom, and you knowing what you're waiving by  
9 entering a plea of guilty, do you still want to go forward with  
10 this guilty plea?

11          **THE DEFENDANT:** Yes, Your Honor.

12          **THE COURT:** All right. Was that Mr. Roberts' cell  
13 phone? All right. I'll see that -- see him later. If that  
14 was an attorney's cell phone, then there's going to be a  
15 problem.

16          All right. Have you received a copy of this indictment  
17 against you?

18          **THE DEFENDANT:** Yes, Your Honor.

19          **THE COURT:** Have you discussed with your attorneys  
20 the charges to this indictment and any possible defenses that  
21 you might have to this case?

22          **THE DEFENDANT:** Yes, Your Honor.

23          **THE COURT:** All right. In Count 1, you're charged  
24 with conspiracy to commit an offense against the United States,  
25 which carries a possible five years' imprisonment, \$250,000

1 fine. There are several elements to this charge, which you  
2 have heard me read to Mr. Scruggs; but for the record, I must  
3 also advise you of the same thing on the record.

4 Before you could be found guilty of this charge, the  
5 Government would have to prove three elements against you, all  
6 beyond a reasonable doubt. The first element is that you and  
7 at least one other person came to an agreement to commit the  
8 crimes of, one, corruptly offering a thing of value to a person  
9 with the intent to influence or reward an agent of a state in  
10 connection with the business of that Government and said  
11 corrupt offer involved something of value of more than \$5,000  
12 at a time when the local government or agency received benefits  
13 in excess of \$10,000 in a one-year period from federal funds;  
14 and, two, devising a scheme to defraud and to deprive the state  
15 of Mississippi of its intangible right to honest services, for  
16 the purpose of executing that scheme and artifice, to cause to  
17 be transmitted by means of wire, writings, and sounds in  
18 interstate commerce in violation of Title 18, Section 666 and  
19 others.

20 Now, the Government would also have to prove -- the second  
21 element is that you knew of the unlawful purpose of this  
22 agreement and you joined it willfully, that is, with the intent  
23 to further its unlawful purpose. And thirdly, during the  
24 existence of this conspiracy, that you and at least one of your  
25 coconspirators committed at least one of the overt acts

1 described in the indictment in order to accomplish the  
2 conspiracy. The Government would have to prove all of those  
3 elements beyond a reasonable doubt. Are you aware of that?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Do you have any questions about this  
6 charge?

7 THE DEFENDANT: I do not, no, sir.

8 THE COURT: Has anyone threatened you or forced you  
9 to plead guilty to this charge?

10 THE DEFENDANT: No, Your Honor.

11 THE COURT: All right. There has been a plea  
12 agreement. Mr. Norman, would you state the substance of that  
13 plea agreement?

14 MR. NORMAN: Yes, Your Honor. By the terms of the  
15 agreement, Mr. Backstrom agreed to plead guilty, as he is doing  
16 here this morning, to Count 1 of the indictment. The  
17 Government has agreed to ask the Court to dismiss Counts 2  
18 through 6 at sentencing. And the Government and the defense  
19 have agreed, pursuant to Rule 11(c)(1)(C), that we will  
20 recommend to the Court a sentence of 2 1/2 years on  
21 Mr. Backstrom.

22 Both sides understand that the Court is not bound by that  
23 agreement. Both sides understand that sentencing remains,  
24 always, within the sound discretion of the Court. We ask only  
25 that if the Court decides not to accept that recommendation

1 that Mr. Backstrom be allowed to withdraw his plea and proceed  
2 to trial, sir. I believe Mr. Backstrom understands that, and  
3 both sides understand that that is solely within the discretion  
4 of the Court.

5 Your Honor, Mr. Backstrom knows that he must pay a \$100  
6 special assessment. He has agreed to cooperate with the  
7 Government in its ongoing and continuing investigation. And  
8 there is a provision that says this plea agreement binds no  
9 other prosecuting authority, that is, of course, because we  
10 have no authority to speak for any other jurisdiction. But I  
11 will say for the record I do not know of any other jurisdiction  
12 interested in prosecuting Mr. Backstrom.

13 Finally, the plea agreement provides that Mr. Backstrom is  
14 pleading guilty because he is in fact guilty. And that is, in  
15 brief summary, the agreement between the parties, sir.

16 **THE COURT:** Sidney Backstrom, you heard the  
17 prosecutor state his understanding of the agreement that you  
18 entered into with the Government on this plea. Did he  
19 accurately state it as you understand it to be?

20 **THE DEFENDANT:** He did, yes, Your Honor.

21 (OFF-THE-RECORD DISCUSSION BETWEEN COUNSEL)

22 **THE COURT:** All right. Is there some question about  
23 it in your mind, Mr. Tannehill?

24 **MR. TANNEHILL:** Yes, Your Honor. I want to bring to  
25 the Court's attention that Paragraph 3 of the plea agreement

1 does state that the Government will recommend at sentencing a  
2 sentence not to exceed one half of the sentence imposed on his  
3 co-defendant, Richard Scruggs, which will not, in any event,  
4 exceed 30 months' incarceration. I just felt like I needed to  
5 bring that to the Court's attention.

6 MR. NORMAN: We might be anticipating too much, Your  
7 Honor. That's -- we frankly anticipated that Mr. Scruggs would  
8 probably get five years. But the agreement is -- the  
9 11(c)(1)(C) agreement is that Mr. Backstrom, we hope, would get  
10 half of what Mr. Scruggs gets, sir.

11 THE COURT: Well -- all right. Mr. Trapp, was it  
12 accurately stated as you understand it to be, the plea  
13 agreement?

14 MR. TRAPP: Yes, Your Honor. And I think the  
15 agreement speaks for itself on that issue, and that's a fair  
16 paraphrasing of it.

17 THE COURT: All right. Mr. Backstrom, do you  
18 understand that the Court is not required to accept this plea  
19 agreement which you have entered into and may reject it; and if  
20 the Court does reject this plea agreement, you will be advised  
21 in open court; and you will have an opportunity to withdraw  
22 your guilty plea? And if you persist in your guilty plea after  
23 the plea agreement is rejected, that your sentence or the  
24 disposition of your case may be less favorable to you than  
25 proposed in the plea agreement? Do you understand that?

1           **THE DEFENDANT:** Yes, Your Honor.

2           **THE COURT:** Has anyone made any promise to you in  
3 addition to this plea agreement to cause you to plead guilty?

4           **THE DEFENDANT:** No, Your Honor.

5           **THE COURT:** All right. Did you, as charged in Count  
6 1 of this indictment, enter into a conspiracy to bribe a state  
7 circuit court judge?

8           **THE DEFENDANT:** Yes, Your Honor.

9           **THE COURT:** Mr. Norman, would you state what evidence  
10 the Government could present in this case were it to go to  
11 trial?

12           **MR. NORMAN:** Yes, Your Honor. Were the case to go to  
13 trial, the Government would expect to prove by judicial notice,  
14 the presentation of documentary evidence, and tape recordings  
15 and the factual testimony of lay witnesses that between  
16 March 2007 and November 2007, in the Northern District of  
17 Mississippi, Timothy R. Balducci, Sidney A. Backstrom, Richard  
18 F. "Dickie" Scruggs, Steven A. Patterson, and others conspired  
19 to bribe a state circuit court judge.

20           The evidence would show that in March 2007 a lawsuit was  
21 filed in the circuit court of Lafayette County, Mississippi,  
22 styled *Jones et al. v. Scruggs, et al.*, that being Civil Action  
23 No. L07-135. The case was assigned to State Circuit Judge  
24 Henry Lackey, and defendant Richard F. "Dickie" Scruggs and the  
25 Scruggs Law Firm were named as defendants in that \$26.5 million

1 lawsuit.

2           During the latter part of March, 2007, during a meeting at  
3 the Scruggs Law Firm, the *Jones v. Scruggs* case was being  
4 discussed. Knowing that Timothy R. Balducci and Judge Lackey  
5 had been friends for many years, the coconspirators asked  
6 Balducci to explore the possibility of corruptly influencing  
7 the judge.

8           On or about March 28th, 2007, Mr. Balducci met with Judge  
9 Lackey and explained to the judge that he would consider it a  
10 personal favor if the judge would resolve the lawsuit in favor  
11 of Dickie Scruggs and the Scruggs Law Firm. During that same  
12 conversation, Balducci expressed the desire to have Judge  
13 Lackey become *of counsel* with his law firm upon his retirement,  
14 a position which would result in Judge Lackey being paid by the  
15 firm simply to allow the use of his name on the firm's  
16 letterhead.

17           On May 4th, 2007, Sidney A. Backstrom sent a proposed  
18 order to Timothy R. Balducci. Balducci faxed an edited version  
19 of that order to Circuit Judge Henry Lackey. On or about  
20 May 9th, 2007, Timothy R. Balducci told Judge Lackey that his  
21 relationship with Dick Scruggs was such that they could talk  
22 very privately; and that if the judge was inclined to rule in  
23 Scruggs' favor, everything would be good. Balducci assured  
24 Judge Lackey that the only other person in the world who knew  
25 about their discussions was Dickie Scruggs.

1           Later, on September 21st, 2007, Balducci agreed to pay  
2 Judge Lackey \$40,000 cash on behalf of Richard F. "Dickie"  
3 Scruggs and the Scruggs Law Firm for an order favorable to  
4 them. Immediately after meeting with Judge Lackey and agreeing  
5 on the \$40,000 figure, Balducci placed a four-minute phone call  
6 to the Scruggs Law Firm and discussed the \$40,000 bribe with  
7 Sidney Backstrom.

8           On September 27th, 2007, Timothy Balducci delivered an  
9 initial installment of \$20,000 cash to Judge Henry Lackey at  
10 his chambers in Calhoun County, Mississippi. Balducci then  
11 traveled to Oxford to the Scruggs Law Firm.

12           On October 18th, 2007, Richard F. "Dickie" Scruggs had a  
13 telephone conversation with Steven Patterson wherein they  
14 discussed the order. Scruggs asked Patterson to have Balducci  
15 leave the order on his desk and pick up a package. And on that  
16 same date, Timothy R. Balducci delivered \$10,000 cash to Judge  
17 Lackey, picked up an order from Lackey, delivered it to the  
18 Scruggs Law Firm, and picked up a package containing a \$40,000  
19 check and false documentation designed to conceal the true  
20 purpose of the \$40,000.

21           That same day, Timothy R. Balducci called Sidney A.  
22 Backstrom and told him he had delivered a copy of, quote, Those  
23 papers we've been waiting on, end quote, referring to the order  
24 obtained by bribery.

25           On November 1st, 2007, Balducci delivered the final

1 \$10,000 cash to Judge Lackey and obtained an amended order  
2 favorable to the Scruggs Law Firm. Later that day, having been  
3 confronted and having agreed to cooperate with the Government,  
4 Balducci wore a body recorder and engaged Sidney A. Backstrom  
5 and David Zachary Scruggs in conversation regarding the order.

6 Both Zach Scruggs and Sidney Backstrom made comments  
7 regarding the order and expressed opinions about whether or not  
8 it accomplished what was needed. At one point, Balducci said,  
9 "We paid for this ruling; let's be sure it says what we want it  
10 to say," or words to that effect. Balducci thereafter engaged  
11 Richard F. "Dickie" Scruggs in a recorded conversation  
12 regarding the judge's exposure and the need to pay him an  
13 additional \$10,000.

14 Dickie Scruggs agreed to take care of it and asked  
15 Balducci for advice on how to handle that. Balducci agreed to  
16 prepare jury instructions for which he would be paid \$10,000 to  
17 reimburse him for an additional payment to the judge.

18 On November 5th, 2007, Richard F. "Dickie" Scruggs caused  
19 an e-mail to be sent to Timothy R. Balducci forwarding part of  
20 the false documentation to cover the additional \$10,000. That  
21 same day, Balducci traveled to Oxford and took delivery of a  
22 Scruggs Law Firm \$10,000 check.

23 On or about November 13, 2007, Timothy R. Balducci and  
24 Sidney A. Backstrom had a recorded telephone conversation  
25 wherein they discussed the bribery scheme and the benefit of an

1 order favorable to the Scruggs Law Firm.

2           Finally, the Government would put on evidence to show that  
3 Circuit Judge Henry Lackey was an agent of both Lafayette  
4 County, Mississippi, and the Administrative Office of the  
5 Courts; and that the bribe paid to Judge Lackey was in  
6 connection with a business transaction or series of  
7 transactions of both Lafayette County and the Administrative  
8 Office of the Courts.

9           Also, the Government would show that both agencies  
10 received, in a one-year period of the offense charged, benefits  
11 in excess of \$10,000 under a federal program involving a grant,  
12 subsidy, loan, guarantee, insurance, or other form of federal  
13 assistance. That, Your Honor, in brief summary, is what the  
14 Government believes it could prove if the case were to go to  
15 trial, sir.

16           **THE COURT:** Mr. Backstrom, you've heard the  
17 prosecutor state what evidence he could present if this case  
18 went to trial. Did you do the things that he just said you  
19 did?

20           **MR. TRAPP:** Your Honor, may I interject myself one  
21 moment?

22           **THE COURT:** You can, but I want your client to be the  
23 one to say he did or didn't do it. What do you want to say  
24 about it?

25           **MR. TRAPP:** Your Honor, first, with respect to the --

1 there was discussions this morning, and we understood, that  
2 there would be deleted the word *corruptly* as it appeared in the  
3 factual basis in the assertion that, "Knowing Tim Balducci and  
4 Judge Lackey had been friends for many years, the  
5 coconspirators asked Balducci to explore the possibility of  
6 *influencing* the judge," not *corruptly influence*. So we  
7 disagree with that and thought we had an agreement with the  
8 U.S. Attorney's Office on that.

9 Secondly, Your Honor -- as Mr. Keker did -- we acknowledge  
10 that, as the evidence would be presented by testimony at trial,  
11 there would be proof with respect from testimony -- not  
12 physical proof -- of an order being e-mailed on May 4th, 2007,  
13 from Sidney Backstrom to Tim Balducci. We dispute that, Your  
14 Honor. There's no physical evidence, no e-mail exists.

15 And then, secondly, Your Honor, with respect to the  
16 allegation that -- or statement that there was a September 21,  
17 2007, conversation between Mr. Backstrom and Mr. Balducci in  
18 which Mr. Balducci discussed a \$40,000 payment to Judge Lackey,  
19 we dispute that that conversation took place.

20 And having said that, Your Honor, we would -- with that  
21 predicate, if you will, with respect to the factual basis --  
22 not disputing that would be Mr. Balducci's testimony; but to  
23 the extent I just stated, Your Honor, we disagree with the  
24 factual basis. And having said that as a predicate, I --

25 **THE COURT:** All right. Mr. Norman, you wish to

1 respond to his stated disagreement with you?

2 MR. NORMAN: Yes, Your Honor. I would like to say  
3 that the word *corruptly* was taken out of the first paragraph at  
4 the defense's request, not because we agree with that, but  
5 because we simply didn't think it was worth arguing about.

6 Now, it does appear later in the agreement. We still  
7 believe that there was a corrupt influence exerted here, but we  
8 don't feel like that's worth arguing about here this morning,  
9 sir. I did take out the particular provision that he's  
10 referring to.

11 THE COURT: In the first paragraph, you say?

12 MR. NORMAN: Yes, sir.

13 THE COURT: But it's later in the --

14 MR. NORMAN: It is, sir.

15 THE COURT: Okay. All right.

16 MR. NORMAN: And quite frankly, that second reference  
17 was an oversight. However, I, again, say I don't believe that  
18 affects the validity of the plea. We do have a disagreement  
19 between the Government and the defense about the nature of the  
20 influence. We believe that it was a corrupt influence. We  
21 still believe that. We just don't think it's necessary to  
22 argue about that this morning.

23 MR. TRAPP: Your Honor, we don't dispute that there's  
24 an adequate factual basis, even subject to those things that I  
25 just pointed out we do not agree to.

1           **THE COURT:** I understand. But what I want to hear is  
2 whether these elements that constitute this crime were  
3 committed by your client, yes or no.

4           Did you do what he said you did as far as entering into  
5 this conspiracy, entering into an agreement to corrupt Judge  
6 Lackey and furnish -- or help furnish money for him to -- to  
7 influence him to write an order favorable to the case in which  
8 he was presiding over in regard to your firm?

9           **THE DEFENDANT:** I did enter into a conspiracy. I did  
10 not assist in furnishing of the funds.

11           **THE COURT:** You did not assist in furnishing moneys?

12           **THE DEFENDANT:** No, Your Honor.

13           **THE COURT:** What did you furnish? What did you offer  
14 as far as this bribe was concerned?

15           **THE DEFENDANT:** I knew about the moneys being paid to  
16 Judge Lackey by Mr. Balducci.

17           **THE COURT:** All right. Where did the money come  
18 from?

19           **THE DEFENDANT:** It did come from our law firm, sir.

20           **THE COURT:** From your law firm?

21           **THE DEFENDANT:** Yes, sir.

22           **THE COURT:** All right. And was furnished to  
23 Mr. Balducci to give to Judge Lackey?

24           **THE DEFENDANT:** That's correct, sir.

25           **THE COURT:** But, you know, a law firm is a -- is an

1 entity -- abstract entity in some respects. Who in your law  
2 firm furnished that?

3 THE DEFENDANT: Mr. Richard F. Scruggs, sir.

4 THE COURT: Richard Scruggs?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And you are aware that -- when you join a  
7 conspiracy, that the acts of your coconspirators are  
8 attributable to you?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. Well, with that  
11 understanding, that statement, then, by the defense, the Court  
12 finds that there is a factual basis for this defendant to plead  
13 guilty to this charge. Sidney Backstrom, do you plead guilty  
14 or not guilty to Count 1 of this indictment?

15 THE DEFENDANT: Guilty, Your Honor.

16 THE COURT: Since you acknowledge your guilt; you  
17 know what your right is to a trial; you know what the maximum  
18 possible punishment is; and in the Court's finding you're  
19 voluntarily pleading guilty; the Court will accept your guilty  
20 plea and enter a judgment of guilty on your plea.

21 Is there any reason, in the opinion of counsel, why  
22 this -- or the defendant -- why the Court should not obtain the  
23 customary presentence report prior to sentencing?

24 MR. NORMAN: No, Your Honor.

25 MR. TRAPP: No, Your Honor.

1           **THE COURT:** All right. Then that will be done. And  
2 I'm not going to set an exact date of sentencing at this time,  
3 but it will be in approximately 30 to 45 days; and counsel for  
4 the defendant will be notified of the exact date in advance.

5           And before you leave today, Mr. Trapp, and Mr. Tannehill,  
6 put your client in touch with the probation officer; and they  
7 will start the information necessary to compile the presentence  
8 report.

9           **MR. NORMAN:** Your Honor, may I ask the Court's  
10 permission to file the factual basis with the clerk of the  
11 court?

12           **THE COURT:** You may.

13           **THE DEFENDANT:** Your Honor, may I say one additional  
14 thing?

15           **THE COURT:** You may. Hold on just a minute.

16           (PASSING DOCUMENT)

17           **THE COURT:** All right. What is it you wish to state?

18           **THE DEFENDANT:** Your Honor, I wish to apologize to  
19 the Court, to the lawyers involved, my family, and others.  
20 I've made some of the worse decisions in my life in this case,  
21 and I thoroughly accept responsibility. Thank you.

22           **THE COURT:** All right. Well, you certainly have.  
23 Your apology is on the record. There's no doubt you've made  
24 some awful decisions in the case. And you're accepting  
25 responsibility for them at this time. All right. You

1 gentlemen may be excused and --

2 MR. TRAPP: May he remain on his same bond, Your  
3 Honor?

4 THE COURT: Yes. He will remain on the same bond and  
5 be back before the Court -- if you're allowed to do that, do  
6 you agree to be back before the Court for sentencing?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: All right. Put him in touch with the  
9 probation officer before you leave. And we've got some motions  
10 that were scheduled for hearing, also, this morning. We'll be  
11 in recess for ten minutes and talk about the motions with the  
12 other cases.

13 (THE PLEA ENDED AT 10:56 A.M.)

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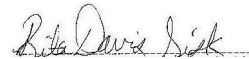
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C E R T I F I C A T E

I, Rita Davis Sisk, RPR, BCR, CSR #1626, Official Court Reporter for the United States District Court, Northern District of Mississippi, was present in court during the foregoing matter and reported said proceedings stenographically.

I further certify that thereafter, I, Rita Davis Sisk, RPR, BCR, CSR #1626, have caused said stenographic notes to be transcribed via computer, and that the foregoing pages are a true and accurate transcription to the best of my ability.

Witness my hand, this 14th day of March, 2008.



RITA DAVIS SISK, RPR, BCR, CSR #1626  
Official Court Reporter