

MEMORANDUM OF GLOBAL PLEA AGREEMENT

The defendants and entities named below knowingly and voluntarily agree with the governmental authorities listed below to enter pleas of guilty to the specific offenses listed below. All defendants and governmental officials acknowledge this is a global agreement and is intended to bind the defendants named herein and all law enforcement officials and State, district and county attorneys from jurisdictions in the State of Texas that conducted, assisted with, filed charges based upon, or are considering filing charges based upon any investigation, whether independent or joint, into alleged activities taking place during the period from January 1, 2006 to August 17, 2009 (hereafter referred to as the "Investigation").

The named defendants entering pleas of guilty as described in this agreement are: Gordon Graves; Kenneth Griffith; Knowles Cornwell; and Jeremy Tyra. The indictments returned against these individual defendants are attached to this agreement. The governmental jurisdictions controlled by this agreement are: the State of Texas, specifically but not limited to the following counties: Dallas, Tarrant, Nueces, Bexar, Coryell, Denton, Cooke, and Taylor. The governmental entities controlled by this agreement are, specifically but not limited to: the Office of the Attorney General for the State of Texas; the Texas Department of Public Safety; and all local and State law enforcement agencies acting within the jurisdictions identified above (collectively referred to herein as the "Government").

The defendants and the Government knowingly and voluntarily agree to the following terms and conditions, and agree to request from the courts plea agreements and orders of dismissal that comport with the terms of this agreement:

1. **Terms of Plea Applicable to Corporate Entities:**

- (a) An entity known as Aces Wired Amusement Center #5, L.P., that conducted business in Nueces County, Texas, agrees to: enter a plea of guilty in judicial district court in Nueces County to one state jail felony count of Engaging in Organized Criminal Activity by promoting gambling and to one Class A misdemeanor count of possession of a gambling device, pay fines of \$10,000 on the felony count and \$4,000 on the misdemeanor count, and forfeit all property seized by the Government in Nueces County on or about May 21, 2008 in which Aces Wired Amusement Center #5, L.P., or any of its parent companies, had an ownership interest.
- (b) An entity known as Aces Wired Amusement Center #9, L.P. that conducted business in Bexar County, Texas, agrees to: enter a plea of guilty in judicial district court in Bexar County to one state jail felony count of Engaging in Organized Criminal Activity by promoting gambling and to one Class A misdemeanor count of possession of a

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RATSY PEREZ, CLERK
COUNTY & DISTRICT CLERK, NUECES COUNTY, TEXAS
BY: *[Signature]* DEPUTY

*Noted
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gambling device, pay a fine of \$4,000 on the misdemeanor count, and forfeit all property seized by the Government in Bexar County on or about May 21, 2008 in which Aces Wired Amusement Center #9, L.P., or any of its parent companies, had an ownership interest. In lieu of Aces Wired Amusement Center #9, L.P. paying a \$10,000 fine on the felony count, \$10,000 of funds seized in Bexar County on or about May 21, 2008 will be reclassified as a fine.

- (c) An entity known as Aces Wired Amusement Center #10, L.P., that conducted business in Tarrant County, Texas, agrees to: enter a plea of guilty in judicial district court in Tarrant County to one state jail felony count of Engaging in Organized Criminal Activity by promoting gambling and to one Class A misdemeanor count of possession of a gambling device, pay fines of \$10,000 on the felony count and \$4,000 on the misdemeanor count, and forfeit all property seized by the Government in Tarrant County on or about May 21, 2008 in which Aces Wired Amusement Center #10, L.P., or any of its parent companies, had an ownership interest.

2. Terms of Plea Applicable to the Individuals' Pleas:

- (a) Gordon Graves, individually, agrees to: enter a plea of guilty in judicial district court in Tarrant County to one third degree felony count of Tampering with Evidence; enter a plea of guilty in judicial district court in Nueces County to one third degree felony count of Tampering with Evidence; and to pay a \$10,000 fine on the felony count in each county. The Government agrees that Gordon Graves' adjudication will be deferred for a two-year period. Upon expiration of that term and successful completion of the terms and conditions imposed by this plea agreement, these two charges will be dismissed with prejudice. The Government agrees to not object to a request by Mr. Graves that the community supervision imposed in connection with the deferred adjudication be non-reporting and include no other terms beyond those contained in this plea agreement. All other charges filed by the Government against Mr. Graves in any jurisdiction will be dismissed without prejudice at the time the plea is entered. Additionally, the Government agrees to dismiss the appeal pending in Mr. Graves' Nueces County action. Upon the satisfaction of Section 3(b) of this agreement, the Government agrees to immediately dismiss such charges with prejudice. Upon successful completion of the terms and conditions imposed by this agreement, the Government will not oppose any motion for expunction or petition for nondisclosure filed by Mr. Graves.
- (b) Kenneth Griffith agrees to enter a plea of guilty to one Class A misdemeanor offense of Hindering Apprehension in judicial district court in Tarrant County, and to pay a

fine of \$4000, with adjudication to be deferred for a two-year period. Upon expiration of that term and successful completion of the terms and conditions imposed by this plea agreement, the charge will be dismissed with prejudice. The Government agrees to not object to a request by Mr. Griffith that the community supervision imposed in connection with the deferred adjudication be non-reporting and include no other terms beyond those contained in this plea agreement. All other charges filed by the Government against Mr. Griffith in any jurisdiction will be dismissed without prejudice at the time the plea is entered. Upon the satisfaction of Section 3(b) of this agreement, the Government agrees to immediately dismiss such charges with prejudice. Upon successful completion of the terms and conditions imposed by this agreement, the Government will not oppose any motion for expunction or petition for nondisclosure filed by Mr. Griffith.

- (c) Jeremy Tyra agrees to enter a plea of guilty to one Class A misdemeanor offense of Hindering Apprehension in judicial district court in Tarrant County, and to pay a fine of \$4000, with adjudication to be deferred for a two-year period. Upon expiration of that term and successful completion of the terms and conditions imposed by this plea agreement, the charge will be dismissed with prejudice. The Government agrees to not object to a request by Mr. Tyra that the community supervision imposed in connection with the deferred adjudication be non-reporting and include no other terms beyond those contained in this plea agreement. All other charges filed by the Government against Mr. Tyra in any jurisdiction will be dismissed without prejudice at the time the plea is entered. Upon the satisfaction of Section 3(b) of this agreement, the Government agrees to immediately dismiss such charges with prejudice. Upon successful completion of the terms and conditions imposed by this agreement, the Government will not oppose any motion for expunction or petition for nondisclosure filed by Mr. Tyra.
- (d) Knowles Cornwell agrees to enter a plea of guilty to one Class A misdemeanor offense of Hindering Apprehension in judicial district court in Tarrant County, and to pay a fine of \$4000, with adjudication to be deferred for a two-year period. Upon expiration of that term and successful completion of the terms and conditions imposed by this plea agreement, the charge will be dismissed with prejudice. The Government agrees to not object to a request by Mr. Cornwell that the community supervision imposed in connection with the deferred adjudication be non-reporting and include no other terms beyond those contained in this plea agreement. All other charges filed by the Government against Mr. Cornwell in any jurisdiction will be dismissed without prejudice at the time the plea is entered. Upon the satisfaction of Section 3(b) of this agreement, the Government agrees to

Immediately dismiss such charges with prejudice. Upon successful completion of the terms and conditions imposed by this agreement, the Government will not oppose any motion for expunction or petition for nondisclosure filed by Mr. Cornwell.

3. General Terms:

- (a) **All other defendants dismissed with prejudice:** In return for the above-referenced pleas of guilty, all other charges and indictments related to or arising from the investigation against all other persons and entities named as defendants in any indictment or information filed in any of the jurisdictions listed above by the Government in connection with the investigation shall have the indictment or information as to him, her, or it dismissed with prejudice. These individuals and entities, the judicial districts in which they are charged, and the offenses with which they are charged are:

<u>Last Name</u>	<u>First Name</u>	<u>County Indicted</u>	<u>Cause No.</u>	<u>Charges Indicted*</u>
Aces Wired, Inc.		Bexar	2008-CR-10206A	EOC, ML
Keane	Martin	Tarrant		EOC, TAMP
Graves	Gordon	Bexar	2008-CR-10206D	EOC, ML
Graves	Gordon	Tarrant	No. 1136248D	EOC, TAMP, ML
Graves	Gordon	Nueces		EOC, TAMP
Griffith	Kenneth	Bexar	2008-CR-10206E	EOC, ML
Griffith	Kenneth	Tarrant	No. 1136249D	EOC, TAMP, ML
Griffith	Kenneth	Nueces		EOC, TAMP
Griffith	Kenneth	Nueces	09CR0591-B	ML
Tyra	Jeremy	Bexar	2008-CR-10206I	EOC, ML
Tyra	Jeremy	Tarrant	No. 1136251D	EOC, TAMP, ML
Tyra	Jeremy	Nueces		EOC, TAMP
Cornwell	Knowles	Tarrant	No. 1136250D	EOC, TAMP, ML
Cornwell	Knowles	Nueces		EOC, TAMP
Domijan	Christopher	Bexar	2008-CR-10206B	EOC, ML
Domijan	Christopher	Tarrant	1139688-D	EOC, TAMP, ML
Domijan	Christopher	Nueces	No.09000591-B	ML
Holt	Nicholas	Bexar	2008-CR-10206F	EOC, ML
Holt	Nicholas	Tarrant	1139687-D	EOC, TAMP, ML
Holt	Nicholas	Nueces	09000591-B	ML
Tarter	Elizabeth	Bexar	2008-CR-10206H	EOC, ML

Tarter	Elizabeth	Tarrant	No. 1136255D	EOC, TAMP, ML
Tarter	Elizabeth	Nueces		EOC, TAMP
Wideman	Deborah	Bexar	2008-CR-10206J	EOC, ML
Raser	Donna	Bexar	2008-CR-10206G	EOC, ML
Raser	Donna	Nueces		EOC, TAMP
Garcia	Lydia	Bexar	2008-CR-10206C	EOC, ML
Hiser	Jeffrey	Tarrant	No. 1136246D	EOC, TAMP
Hiser	Jeffrey	Nueces		EOC, TAMP
Hiser	Jeffery	Nuecus	09000591-B	ML
Griffith	Otis "Buddy"	Tarrant	No. 1136252D	EOC, TAMP
Griffith	Otis "Buddy"	Nueces		EOC, TAMP
Griffith	Otis "Buddy"	Nueces	09000591-B	ML
Roerick	Michael	Tarrant	No. 1136253D	EOC, TAMP
Roerick	Michael	Nueces		EOC, TAMP
Wells	Jeremy	Tarrant	No. 1136254D	EOC, TAMP, ML
Wells	Jeremy	Nueces		EOC, TAMP
Graves	Kristen	Tarrant	No. 1136256D	EOC, TAMP, ML
Graves	Kristen	Nueces		EOC, TAMP
Adair	Clayton	Tarrant	No. 1136247D	EOC, TAMP, ML
Adair	Clayton	Nueces		EOC, TAMP
Griffith	Russell "Rusty"	Nueces		EOC, TAMP
Koelliker	Jeremy "Jay"	Nueces		EOC, TAMP
Ashcraft	Wendy	Tarrant	No. 1136019D	EOC, TAMP
Denison	Linda	Tarrant	No. 1136026D	EOC, TAMP
Hayes	Christina	Tarrant	No. 1136028D	EOC, TAMP
Castroreno	Cristina	Tarrant	No. 1136029D	EOC, TAMP
Scarborough	John	Tarrant	No. 1136056D	EOC, TAMP
Mellor	John	Tarrant	No. 1136057D	EOC, TAMP
Malone	Russell	Tarrant	No. 1136050D	EOC, TAMP
Pierce	Stella	Tarrant	No. 1136049D	EOC, TAMP
Greene	Carol	Tarrant	No. 1136052D	EOC, TAMP
Colmenares	Maria	Tarrant	No. 1136054D	EOC, TAMP
Vasquez	Rudolph	Tarrant	No. 1136030D	EOC, TAMP

*Charges Indicted	ML = Money Laundering	TAMP = Tampering w Evidence	EOC = Engaging in Organized Criminal Activity
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- (b) **Testimony:** The defendants Gordon Graves, Kenneth Griffith, Jeremy Tyra, and Knowles Cornwell agree to continue to provide truthful information and testimony in connection with an ongoing investigation being conducted by State and Federal law enforcement agencies. The Government acknowledges that it has received acceptable and truthful proffers from these individuals and that the determination regarding whether these individuals have provided truthful information and testimony is not dependent to any degree on whether the Government ultimately uses the information and testimony in connection with the ongoing investigation or any resulting judicial proceedings.
- (c) **Immunity:** Conditioned on the courts' approval of this agreement pursuant to the requirements of the Code of Criminal Procedure, Art. 32.02, and, further conditioned on the fact that the defendant(s) have given truthful statements as described in Section 3(b), above, and will, when requested and if necessary, provide truthful testimony to a grand jury or in court, the Government agrees to a grant of full and unlimited testimonial, transactional and use immunity to each defendant who is the subject of this agreement and bound by its terms. This grant of immunity extends to protection from prosecution for violations of any local or State statute about which any defendant(s) testifies or debriefs, and further applies to all facts that the defendant gives in the form of a statement or testimony, and also includes the specific immunity provided by Texas Penal Code Section 47.08. Immunity from prosecution by federal authorities in connection with the provision of truthful statements and/or testimony is separately addressed by proffer letters signed by the Assistant United States Attorney for the Northern District of Texas. The Government and defendants acknowledge that each ^{individual, non-corporate} defendant is giving up his right against self-incrimination and is waiving the attorney-client privilege as to the activities under investigation in return for this immunity. Each defendant acknowledges that there is no immunity for perjury; that is, there is no immunity from prosecution for giving false testimony. A defendant may be prosecuted if he/she refuses to testify, makes only a partial disclosure in order to conceal facts, or testifies corruptly or falsely.
- (d) **Targets of the Ongoing Investigations:** The Government agrees that none of the defendants or entities identified or referenced herein, nor any related entities will be targets of the ongoing or any future State investigations related to or arising from

the Investigation, and that no additional charges related to the Investigation will be filed against any of them. Agreement by federal authorities regarding the lack of further prosecution of defendants or entities identified or referenced herein is separately addressed by proffer letters signed by the Assistant United States Attorney for the Northern District of Texas.

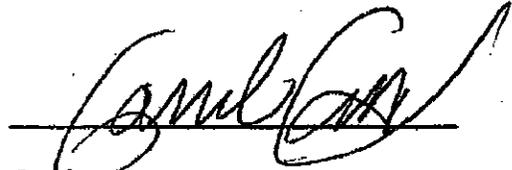
(e) **Engaging in 8-Liner Business:** During the period of the deferred adjudication described in Section 2 above, or until the Legislature of the State of Texas changes the law to legalize such activity, whichever occurs first, the defendants agree not to engage in 8-liner business in Texas.

Dated August 17, 2009

APPROVED AND AGREED TO:



**David Glickler, Assistant Attorney General
Office of the Attorney General, State of Texas**

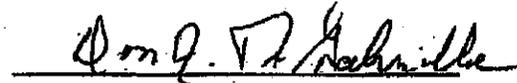


Gordon Graves

Kenneth Griffith

Jeremy Tyra

Knowles Cornwell



**Aces Wired Amusement Center #5,
L.P.**

Aces Wired Amusement Center #9, L.P.

**Aces Wired Amusement Center #10,
L.P.**