

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Criminal Action No. 08-cr-00306-REB

UNITED STATES OF AMERICA,

Plaintiff,

v.

1. JANINE SLIGAR,

Defendant.

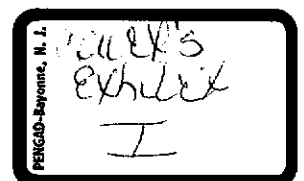
**PLEA AGREEMENT AND STATEMENT OF FACTS
RELEVANT TO SENTENCING**

The United States of America, by and through Robert Brown and Linda A. McMahan, Assistant United States Attorneys, and Defendant JANINE SLIGAR, personally and through counsel, Ms. LaFonda R. Jones, Assistant Federal Public Defender, submit the following Plea Agreement and Statement of Facts Relevant to Sentencing.

I. PLEA AGREEMENT

This plea is entered into pursuant to Fed. R. Crim. P. 11(c)(1)(A) and (B).

1. Defendant agrees to enter an unconditional plea of guilty to Count One of the Indictment, charging a violation of 18 U.S.C. § 2243 (b), Sexual Abuse of a Ward.
2. In exchange, if defendant engages in no conduct that otherwise implicates § 3C1.1 (Obstruction of Justice), the government agrees:
 - a. To recommend a two-point reduction in the offense level for defendant's acceptance of responsibility.



- b. To dismiss the remaining Counts in the Indictment following sentencing on Count One.

II. STATUTORY PENALTIES

The statutory penalty for a violation of 18 U.S.C. § 2243 (b) is: not more than 15 years imprisonment, not more than \$250,000 fine, or both; not more than 3 years supervised release; and \$100 special assessment fee.

The conviction may cause the loss of civil rights, including but not limited to the rights to possess firearms, vote, hold elected office, and sit on a jury. A violation of the conditions of probation or supervised release may result in a separate prison sentence.

III. STATUTORY ELEMENTS

The essential elements of the crime of sexual abuse of a ward, in violation of 18 U.S.C. § 2243 (b), are:

1. Defendant knowingly engaged in a sexual act;
2. The sexual act occurred in a facility in which persons are held in custody; and
3. Defendant engaged in the sexual act while the victim was under the custodial, supervisory, or disciplinary authority over the person so engaging.

**IV. STIPULATION OF FACTUAL BASIS AND FACTS
RELEVANT TO SENTENCING**

The parties agree there is no dispute as to the material elements which establish a factual basis of the offense of conviction. Pertinent facts are set out below in order to provide a factual basis of the plea and to provide facts which the parties believe are relevant, pursuant to § 1B1.3, for computing the appropriate guideline range. To the extent the parties disagree about the facts relevant to sentencing, the statement of facts identifies which facts are known to be in dispute at the time of the plea.

§ 6B1.4(b).

The statement of facts herein does not preclude either party from presenting and arguing, for sentencing purposes, additional facts or factors not included herein which are relevant to the guideline computation (§ 1B1.3) or to sentencing in general (USSG § 1B1.4; 18 U.S.C. § 3553(a)). In "determining the factual basis for the sentence, the Court will consider the stipulation of the parties, together with the results of the presentence investigation, and any other relevant information." §6B1.4 Comm.

The parties stipulate to the following facts:

In October of 2007, agents with the Department of Justice, Office of Inspector General (OIG), received information that Defendant Janine Sligar, who was employed with the Bureau of Prisons (BOP) as a unit secretary at the Federal Prison Camp, in Florence, Colorado, was involved in a sexual relationship with an inmate. Special Agent (SA) Craig Trautner began an investigation into this serious allegation which is a huge security threat that compromises the institution and other correctional officers.

SA Trautner learned from a family member that defendant received an insurance policy where the primary beneficiary was changed from her children to an individual named McClain. A check with a public website which has an inmate locator revealed this individual is an inmate in the federal system in Florence, Colorado. Additionally, a search of defendant's home revealed a cellular phone unknown to the family member, a journal with entries, and letters and photographs of a sexual nature.

SA Trautner determined that Defendant Janine Sligar was involved in a sexual relationship with Inmate Eric McClain. She was interviewed following *Miranda* advisement and waiver on October 9, 2007. Originally, defendant denied involvement with an inmate and then once confronted with the evidence against her, she did admit to a relationship with an inmate, her orderly, who cleaned the unit where she worked.

Defendant stated she had been employed for 14 years at the Federal Correctional Complex in various positions, primarily secretarial or administrative. At the time of the interview, she was the Teller Housing Unit secretary at the Federal Prison Camp, located in the State and District of Colorado. She met Inmate Eric McClain in February of 2007 when he was assigned to clean her office. They began to have conversations and realized they had similar interests. In the summer of 2007, they initiated a sexual relationship. When asked how many times she participated in sexual activities with this inmate, defendant indicated at least ten times but not more than twenty. Defendant stated she and Inmate McClain had both sexual intercourse and oral sex primarily in the staff restroom in the housing unit of the correctional facility. She also admitted to having a journal with entries of a sexual nature corresponding to her activities with this inmate. She also

admitted to obtaining an additional cell phone with a non-local phone number so the inmate could call her without raising suspicion. Defendant also admitted using the camera on her primary cell phone to take graphic pictures of a sexual nature which depict defendant and this inmate. During these encounters, Inmate McClain was in official detention and defendant was a correctional employee and the inmate was under her custodial, supervisory and disciplinary authority. These sexual acts with a ward occurred during July through October of 2007.

During the interview, defendant also admitted to providing contraband to the inmate in furtherance of her inappropriate relationship. These items include a book, photographs with explicit sexual poses, cards, letters and creatine.

IV. SENTENCING COMPUTATION

The parties stipulate that sentencing in this case will be determined by application of the advisory sentencing guidelines, issued pursuant to Title 28, United States Code, Section 994(1), and Title 18, United States Code, Section 3553. The parties acknowledge that the sentencing guidelines are advisory and one of the factors the Court must consider in imposing sentence. Defendant agrees and consents that facts that determine the offense level will be found by the Court, by a preponderance of the evidence, and that the Court may consider and use any reliable evidence, including hearsay and the facts outlined in the Presentence Report. The parties further agree that the stipulation of facts in this plea agreement will also be used by the Court in determining the sentencing guideline range.

The parties provide the following estimated guideline range for the Court's consideration pursuant to 18 U.S.C. § 3553(a)(4); the range provided is an estimate only, and neither party is bound by the estimated calculation.

The parties understand that the Court may impose any sentence, up to the statutory maximum, regardless of any advisory guideline range computed, and that the Court is not bound by any position of the parties. § 6B1.4(d). The Court is free, pursuant to §§ 6A1.3 and 6B1.4, to reach its own findings of facts and sentencing factors considering the parties' stipulations, the presentence investigation, and any other relevant information. § 6B1.4 Comm.; § 1B1.4.

To the extent the parties disagree about the estimated guideline sentencing factors, the computations below identify the factors which are in dispute. § 6B1.4(b).

Offense Level: The base guideline is § 2A3.3.

- A. The base offense level for this offense is **14**. § 2A3.3(a).
- B. There are no specific offense characteristics that apply.
- C. No victim-related, role-in-offense, obstruction adjustments apply.
- D. Defendant should receive a decrease in the offense level by **-2** based upon her acceptance of responsibility. § 3E1.1(a).
- E. The adjusted offense level is **12**.

Criminal History Category

- F. The parties acknowledge and agree the estimation regarding defendant's criminal history is tentative. Defendant acknowledges her criminal history will be further investigated by the United States Probation Department and ultimately determined

by the Court. Defendant further acknowledges that any additional facts regarding the criminal history can greatly affect the final guideline range and result in a longer term of imprisonment. Based upon the facts known at this time regarding defendant's criminal history, the parties believe defendant falls within Criminal History Category ("CHC") I. § 4A1.1.

Advisory Guideline Ranges

- G. The advisory guideline range resulting from the estimated offense level of **12** and the criminal history category of **I** is **10 to 16** months.
- H. Pursuant to § 5E1.2, assuming the offense level of **12**, the fine range for this offense would be \$3,000 to \$30,000, plus applicable interest and penalties.
- I. Pursuant to § 5D1.2(a)(2), if the Court imposes the term of supervised release, that term shall be at least 2 years but not more than 3 years.

V. WHY THE PROPOSED PLEA DISPOSITION IS APPROPRIATE

The parties believe the advisory sentencing range resulting from the proposed plea agreement is appropriately calculated because all relevant conduct is disclosed, the sentencing guidelines take into account all pertinent guidelines sentencing factors with respect to this defendant, and the charge to which defendant has agreed to plead guilty adequately reflects the seriousness of the actual offense behavior.

This document states the parties' entire agreement. There are no other promises, agreements, side agreements, terms, conditions, understandings or assurances, express or implied. In entering this agreement, neither the government nor defendant have relied, or


are relying, on any terms, promises, conditions or assurances not expressly stated in this agreement.

Date: 9/24/08




ROBERT BROWN & LINDA MCMAHAN
Assistant U.S. Attorneys

Date: 9/24/08



JANINE SLIGAR,
Defendant

Date: 24 Sept 08



LAFONDA JONES,
Attorney for Defendant