

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

UNITED STATES OF AMERICA )  
 )  
 v. ) No. 3:17-cr-00061  
 ) Judge Trauger  
 )  
 CHARLES SCOTT CRAVENS )

PLEA AGREEMENT

The United States of America, through Jack Smith, Acting United States Attorney for the Middle District of Tennessee, Assistant United States Attorney Kathryn Risinger, AnnaLou Tirol, Acting Chief for the Public Integrity Section of the Criminal Division of the United States Department of Justice, and Andrew Laing, Trial Attorney for the Public Integrity Section of the Criminal Division of the United States Department of Justice, and defendant, Charles Scott Cravens, through defendant's counsel, J. Alex Little, pursuant to Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure, have entered into an agreement, the terms and conditions of which are as follows:

Charges in This Case

1. Defendant acknowledges that he has been charged in the Information in this case with Honest Services Wire Fraud, in violation of Title 18, United States Code Sections 1343 and 1346, and Deprivation of Rights under Color of Law, in violation of Title 18, United States Code, Section 242.
2. Defendant has read the charges against him contained in the Information, and those charges have been fully explained to him by his attorney. Defendant fully understands the nature and elements of the crimes with which he has been charged.

Charges to Which Defendant is Pleading Guilty

3. By this Plea Agreement, defendant agrees to enter a voluntary plea of guilty to the Information.

Penalties

4. The parties understand and agree that a plea of guilty to the Information carries the following maximum penalties: as to Counts One, Two, and Three, a maximum term of imprisonment of twenty years; up to three years of supervised release, up to a \$250,000 fine, and a \$100 special monetary assessment. Further, the parties understand and agree that a plea of guilty to Count Four carries the following maximum penalties: a maximum term of imprisonment of one year; up to one year of supervised release, up to a \$100,000 fine, and a \$100 special monetary assessment.

Acknowledgements and Waivers Regarding Plea of Guilty

Nature of Plea Agreement

5. This Plea Agreement is entirely voluntary and represents the entire agreement between the United States Attorney and defendant regarding defendant's criminal liability in the above-numbered case.

6. Defendant understands that by pleading guilty he surrenders certain trial rights, including the following:

a. If defendant persisted in a plea of not guilty to the charges against him, he would have the right to a public and speedy trial. Defendant has a right to a jury trial, and the trial would be by a judge rather than a jury only if defendant, the government, and the Court all agreed to have no jury.

b. If the trial were a jury trial, the jury would be composed of twelve laypersons selected at random. Defendant and his attorney would have a say in who the jurors would be by removing prospective jurors for cause, or without cause by exercising so-called peremptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that defendant is presumed innocent; that the government bears the burden of proving defendant guilty of the charges beyond a reasonable doubt; and that it must consider each count of the indictment against defendant separately.

c. If the trial were held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, whether or not the judge was persuaded of defendant's guilt beyond a reasonable doubt.

d. At a trial, whether by a jury or a judge, the government would be required to present its witnesses and other evidence against defendant. Defendant would be able to confront those government witnesses and his attorney would be able to cross-examine them. In turn, defendant could present witnesses and other evidence on his own behalf. If the witnesses for defendant would not appear voluntarily, he could require their attendance through the subpoena power of the Court.

e. At a trial, defendant would have a privilege against self-incrimination so that he could testify or decline to testify, and no inference of guilt could be drawn from his refusal to testify.

7. Defendant understands that by pleading guilty he is waiving all of the trial rights set forth in the prior paragraph. Defendant's attorney has explained those rights to him, and the consequences of his waiver of those rights.

Factual Basis

8. Defendant will plead guilty because he is in fact guilty of charges contained in Counts One through Four of the Information. In pleading guilty, defendant admits the following facts and that those facts establish his guilt beyond a reasonable doubt:

Counts One through Three: Honest Services Fraud

As to Counts One through Three of the information, from at least in or about July 2016 and continuing through to on or about April 10, 2017, in the Middle District of Tennessee and elsewhere, the defendant, CHARLES SCOTT CRAVENS (“CRAVENS”), devised and intended to devise a scheme and artifice to defraud and deprive Fentress County and its citizens of their right to the honest services of CRAVENS, a sheriff, through bribery. For the purpose of executing the above-described scheme and artifice to defraud and deprive, and attempting to do so, CRAVENS transmitted and caused to be transmitted by means of wire communications in interstate commerce, the following communications from inmates using the Fentress County Jail telephone system:

Count	Interstate Wire Transmission
One	Inmate 1 used the Fentress County Jail telephone system to leave a recorded message for CRAVENS approximately 332 times.
Two	Inmate 2 used the Fentress County Jail telephone system to leave a recorded message for CRAVENS approximately 51 times.
Three	Inmate 3 used the Fentress County Jail telephone system to leave a recorded message for CRAVENS approximately 349 times.

All in violation of Title 18, United States Code, Sections 1343 and 1346.

CRAVENS was the elected Sheriff of Fentress County, Tennessee. CRAVENS was elected Sheriff in or about August 2014, having been previously elected to serve as Sheriff from in or about September 2006 through in or about August 2010. On or about April 14, 2017, CRAVENS resigned, effective April 28, 2017.

As Sheriff of Fentress County, CRAVENS was the chief law enforcement officer in charge of the Fentress County Sheriff's Department ("FCSD"), which employs deputies, correctional officers, and support staff. The FCSD is located in Jamestown, Tennessee, the county seat of Fentress County, in the Middle District of Tennessee. Among other things, the FCSD enforces law and order in the unincorporated areas of Fentress County, serves legal process and court orders, provides security at the county courthouse, and transports prisoners. Among his duties as Sheriff, CRAVENS was responsible for the operation of the Fentress County Jail, a correctional facility housing approximately 147 male and female inmates.

As the elected Sheriff of Fentress County, CRAVENS owed a fiduciary duty to Fentress County and its citizens to perform the duties and responsibilities of his office in their best interests.

Between in or about July 2016, and April 10, 2017, CRAVENS solicited sex from, and had sex with, Inmate 1, Inmate 2, and Inmate 3 on multiple occasions. In return for their agreement to have sex with him, CRAVENS agreed to and did take official action to provide Inmate 1, Inmate 2, and Inmate 3 with benefits that other inmates did not receive.

*Things of Value: CRAVENS' Sexual Relationships with Inmates*

In or about July 2016, CRAVENS summoned Inmate 1 to his office within the jail, where Inmate 1 and CRAVENS had oral and vaginal sex, without a condom.

While at the jail in or about August 2016, CRAVENS, Inmate 1, and Inmate 2 discussed having sex and agreed to have sex together and agreed to a cover story to give them an excuse to leave the jail together. Specifically, CRAVENS, Inmate 1, and Inmate 2 agreed that they would tell other FCSD officers that they needed to haul cornstalks away

from the jail, which required them to leave the jail grounds together. Under CRAVENS' authority and supervision, CRAVENS, Inmate 1, and Inmate 2 actually did move cornstalks away from the jail and disposed of them. CRAVENS then drove Inmate 1 and Inmate 2 to a nearby vacant trailer, where he had sex with them without a condom. After they had sex, CRAVENS reminded Inmate 1 and Inmate 2 that they should tell anyone who asked that they had hauled cornstalks away from the jail. CRAVENS also told Inmate 1 and Inmate 2 that they should say that a female correctional officer was with them.

CRAVENS continued to have sex with Inmate 1 and Inmate 2 periodically until they were released from the jail. CRAVENS had sex with Inmate 1 on at least five total occasions; he had sex with Inmate 2 on at least two total occasions, never using a condom. After they had sex, CRAVENS told Inmate 1 and Inmate 2 that they should not tell anyone about it.

In or about February 2017, CRAVENS, in his capacity as Sheriff, drove Inmate 3 to see a relative outside Fentress County. While returning to the jail, CRAVENS proposed having sex, and Inmate 3 agreed. After reentering Fentress County, CRAVENS and Inmate 3 had sex in CRAVENS' vehicle without a condom.

CRAVENS and Inmate 3 had sex on at least one other occasion in Fentress County, also without a condom. After having sex with Inmate 3, CRAVENS told her not to tell anyone about it.

Several of the above-described sexual acts took place in an official FCSD-issued vehicle CRAVENS was authorized to drive.

*Official Acts: CRAVENS' Favors for Inmate 1, Inmate 2, and Inmate 3*

In exchange for the three inmates agreeing to have sex with him and having sex with him, CRAVENS used his position as Sheriff to provide Inmate 1, Inmate 2, and Inmate 3 with benefits at the jail that other inmates did not receive or did not receive as often, including the following:

On multiple occasions, CRAVENS transported Inmate 1, Inmate 2, and Inmate 3 from the jail to visit their relatives in person.

On multiple occasions, CRAVENS allowed Inmate 1 and Inmate 2 to go outside the jail building and smoke cigarettes, which CRAVENS personally provided or directed FCSD correctional officers to provide.

In addition to taking official acts to benefit Inmate 1, Inmate 2, and Inmate 3 in exchange for their sexual relationships with him, CRAVENS provided other favors and benefits. On at least three occasions, CRAVENS provided approximately \$30 to relatives of Inmate 1 and Inmate 2 for deposit into Inmate 1 and Inmate 2's commissary accounts at the jail. CRAVENS also purchased food and beverages for Inmate 1 and Inmate 2 from convenience stores near the jail on multiple occasions.

*Use of Interstate Wires to Execute the Scheme*

Inmates at Fentress County Jail, including Inmate 1, Inmate 2, and Inmate 3, had access to a telephone system that permitted them to make outgoing calls and make recordings that could be delivered to voicemail boxes. All calls placed through this system, including recorded messages, were transmitted to their recipients by wire, which traveled from Tennessee through Texas and/or Georgia.

CRAVENS gave Inmate 1, Inmate 2, and Inmate 3 his personal cellular telephone number so that they could contact him and instructed them to leave him a recorded message when they needed or wanted things. As a result, Inmate 1, Inmate 2, and Inmate 3 used the Fentress County Jail telephone system to contact CRAVENS and leave him recorded messages to request the benefits he agreed to provide them in return for their having sex with him.

#### Count Four: Deprivation of Rights under Color of Law

As to Count Four of the information, or about November 13, 2016, the defendant, CHARLES SCOTT CRAVENS, while acting under color of law, kicked Inmate 4 in his backside and then, after Inmate 4 was handcuffed, struck Inmate 4 twice in the back of the head with his fist, willfully depriving him of the right, secured and protected by the Constitution and laws of the United States, to be free from the use of unreasonable force by a law enforcement officer. All in violation of Title 18, United States Code, Section 242.

This statement of facts is provided to assist the Court in determining whether a factual basis exists for defendant's plea of guilty. The statement of facts does not contain each and every fact known to defendant and to the United States concerning defendant's and/or others' involvement in the offense conduct and other matters.

#### Sentencing Guidelines Calculations

9. The parties understand that the Court will take account of the United States Sentencing Guidelines (hereinafter "U.S.S.G."), together with the other sentencing factors set forth at 18 U.S.C. § 3553(a), and will consider the U.S.S.G. advisory sentencing range in imposing defendant's sentence. The parties agree that the U.S.S.G. to be considered in this case are those effective November 1, 2016.

10. For purposes of determining the U.S.S.G. advisory sentencing range, the United States and defendant recommend to the Court, pursuant to Rule 11(c)(1)(B), the following:

a. Offense Level Calculations.

i. The base offense level for Counts One through Three of the Information, which are grouped together pursuant to U.S.S.G. § 3D1.2, is 14. *See* U.S.S.G. § 2C1.1(a)(1). Two levels are added because the offense involved more than one bribe, pursuant to U.S.S.G. § 2C1.1(b)(1); four levels are added because the offense involved an elected public official or any public official in a high-level decision-making or sensitive position, pursuant to U.S.S.G. § 2C1.1(b)(3); and two levels are added because the defendant knew or should have known that the victims of the offense were vulnerable victims, pursuant to U.S.S.G. § 3A1.1(b)(1). This results in a Total Offense Level of 22.

ii. The base offense level for Count Four of the Information is 10, pursuant to U.S.S.G. § 2H1.1(a)(3)(A). Six levels are added because the defendant was a public official at the time of the offense or because the offense was committed under color of law, pursuant to U.S.S.G. § 2H1.1(b). This results in a Total Offense Level of 16, which is 6 levels less than the Total Offense Level for Counts One through Three.

iii. In order to account for the conduct underlying Count Four of the Information, one level is added to the Total Offense Level for Counts One through Three of the Information, pursuant to U.S.S.G. § 3D1.4.

iv. Assuming defendant clearly demonstrates acceptance of responsibility, to the satisfaction of the government, through his allocution and subsequent conduct

prior to the imposition of sentence, a 2-level reduction will be warranted, pursuant to U.S.S.G. § 3E1.1(a). Furthermore, assuming defendant accepts responsibility as described in the previous sentence, the United States will move for an additional one-level reduction pursuant to U.S.S.G § 3E1.1(b), because defendant will have given timely notice of his intention to enter a plea of guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently.

b. Criminal History Category. There is no agreement as to the defendant's criminal history.

c. Recommended Offense Level. Therefore, the parties agree to recommend to the Court a final offense level of 20 (the "Recommended Offense Level"). Defendant understands that the offense level as ultimately determined by the Court (the "court-determined offense level") may be different from the Recommended Offense Level. Defendant likewise understands that the guidelines range as ultimately determined by the Court (the "court-determined guidelines range") may be based on an offense level different from the Recommended Offense Level.

d. Defendant is aware that the Recommended Offense Level is a prediction, not a promise, and is not binding on the Probation Office or the Court. Defendant understands that the Probation Office will conduct its own investigation and make its own recommendations, that the Court ultimately determines the facts and law relevant to sentencing, that the Court's determinations govern the final guidelines calculations, and that the Court determines both the final offense level and the final guidelines range. Accordingly, the validity of this agreement is not contingent upon the Probation Officer's or the Court's concurrence with the above

calculations. In the event that the Probation Office or the Court contemplates any U.S.S.G. adjustments, departures, or calculations different from those recommended above, the parties reserve the right to answer any inquiries and to make all appropriate arguments concerning the same. Defendant further acknowledges that if the Court does not accept the U.S.S.G. recommendations of the parties, defendant will have no right to withdraw his guilty plea.

Agreements Relating to Sentencing

11. Each party is free to recommend whatever sentence it deems appropriate.

12. It is understood by the parties that the Court is neither a party to nor bound by this Plea Agreement and, after consideration of the U.S.S.G., may impose the maximum penalties as set forth above. Defendant further acknowledges that if the Court does not accept the sentencing recommendation of the parties, defendant will have no right to withdraw his guilty plea. Similarly, defendant understands that any recommendation by the Court related to location of imprisonment is not binding on the Bureau of Prisons.

13. Defendant agrees to pay the special assessment of \$400 at the time of sentencing to the Clerk of the U.S. District Court.

Presentence Investigation Report/Post-Sentence Supervision

14. Defendant understands that the United States Attorney's Office, in its submission to the Probation Office as part of the Pre-Sentence Report and at sentencing, shall fully apprise the District Court and the United States Probation Office of the nature, scope, and extent of defendant's conduct regarding the charges against him, as well as any related matters. The government will make known all matters in aggravation and mitigation relevant to the issue of sentencing.

15. Defendant agrees to execute truthfully and completely a Financial Statement (with supporting documentation) prior to sentencing, to be provided to and shared among the Court, the

United States Probation Office, and the United States Attorney's Office regarding all details of his financial circumstances, including his recent income tax returns as specified by the Probation Officer. Defendant understands that providing false or incomplete information, or refusing to provide this information, may be used as a basis for denial of a reduction for acceptance of responsibility pursuant to U.S.S.G. § 3E1.1 and enhancement of his sentence for obstruction of justice under U.S.S.G. § 3C1.1, and may be prosecuted as a violation of Title 18, United States Code, Section 1001, or as a contempt of the Court.

16. This Plea Agreement concerns criminal liability only. Except as expressly set forth in this Plea Agreement, nothing herein shall constitute a limitation, waiver, or release by the United States or any of its agencies of any administrative or judicial civil claim, demand, or cause of action it may have against defendant or any other person or entity. The obligations of this Plea Agreement are limited to the United States Attorney's Office for the Middle District of Tennessee and cannot bind any other federal, state, or local prosecuting, administrative, or regulatory authorities, except as expressly set forth in this Plea Agreement.

#### Entry of Guilty Plea

17. The parties jointly request that the Court accept the defendant's plea of guilty as set forth in this agreement and enter an order reflecting the acceptance of the plea while reserving acceptance of this plea agreement until receipt of the pre-sentence report and sentencing.

#### Waiver of Appellate Rights

18. Regarding the issue of guilt, defendant hereby waives all (i) rights to appeal any issue bearing on the determination of whether he is guilty of the crimes to which he is agreeing to plead guilty; and (ii) trial rights that might have been available if he exercised his right to go to trial. Regarding sentencing, Defendant is aware that 18 U.S.C. § 3742 generally affords a defendant the right to

appeal the sentence imposed. Acknowledging this, defendant knowingly waives the right to appeal any sentence within or below the guideline range associated with the Recommended Offense Level when combined with defendant's criminal history category as determined by the Court. Defendant also knowingly waives the right to challenge the sentence imposed in any motion pursuant to 18 U.S.C. § 3582(c) and in any collateral attack, including, but not limited to, a motion brought pursuant to 28 U.S.C. § 2255 and/or § 2241. However, no waiver of the right to appeal, or to challenge the adjudication of guilt or the sentence imposed in any collateral attack, shall apply to a claim of involuntariness, prosecutorial misconduct, or ineffective assistance of counsel. Likewise, the government waives the right to appeal any sentence within or above the guideline range associated with the Recommended Offense Level when combined with defendant's criminal history category.

#### Other Terms

19. Defendant agrees to cooperate with the United States Attorney's Office in collecting any unpaid fine and restitution for which defendant is liable, including providing financial statements and supporting records as requested by the United States Attorney's Office. Defendant further agrees that any monetary penalties imposed by the Court will be subject to immediate enforcement as provided for in 18 U.S.C. § 3613, and submitted to the Treasury Offset Programs so that any federal payment or transfer of returned property the defendant receives may be offset and applied to federal debts but will not affect the periodic payment schedule.

20. Should defendant engage in additional criminal activity after he has pled guilty, but prior to sentencing, defendant shall be considered to have breached this Plea Agreement, and the government at its option may void this Plea Agreement.

Conclusion

21. Defendant understands that the Information and this Plea Agreement have been or will be filed with the Court, will become matters of public record, and may be disclosed to any person.

22. Defendant understands that his compliance with each part of this Plea Agreement extends until such time as he is sentenced, and failure to abide by any term of the Plea Agreement is a violation of the Plea Agreement. Defendant further understands that in the event he violates this Plea Agreement, the government, at its option, may move to vacate the Plea Agreement, rendering it null and void, and thereafter prosecute defendant not subject to any of the limits set forth in this Plea Agreement, or may require defendant's specific performance of this Plea Agreement.

23. Defendant and his attorney acknowledge that no threats have been made to cause defendant to plead guilty.

24. No promises, agreements, or conditions have been entered into other than those set forth in this Plea Agreement, and none will be entered into unless memorialized in writing and signed by all of the parties listed below.

25. Defendant's Signature: I hereby agree that I have consulted with my attorney and fully understand all rights with respect to the pending Information. Further, I fully understand all rights with respect to the provisions of the Sentencing Guidelines that may apply in my case. I have read this Plea Agreement and carefully reviewed every part of it with my attorney. I understand this Plea Agreement, and I voluntarily agree to it.

Date:

4-20-17

  
\_\_\_\_\_  
CHARLES SCOTT CRAVENS  
Defendant

26. Defense Counsel Signature: I am counsel for defendant in this case. I have fully explained to defendant his rights with respect to the pending Information. Further, I have reviewed the provisions of the Sentencing Guidelines and Policy Statements, and I have fully explained to defendant the provisions of those guidelines that may apply in this case. I have reviewed carefully every part of this Plea Agreement with defendant. To my knowledge, defendant's decision to enter into this Plea Agreement is an informed and voluntary one.

Date: 4-20-17

  
\_\_\_\_\_  
J. ALEX LITTLE  
Attorney for Defendant

Respectfully submitted,

JACK SMITH  
Acting United States Attorney

ANNLOU TIROL  
Acting Chief, Public Integrity Section  
Criminal Division

By:   
\_\_\_\_\_  
KATHRYN RISINGER  
Assistant United States Attorney

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ANDREW LAING  
Trial Attorney, Public Integrity Section  
Criminal Division

  
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