

**NATIONAL DISTRICT ATTORNEYS ASSOCIATION
EDUCATION DIVISION: NATIONAL COLLEGE OF DISTRICT
ATTORNEYS**

Presentation On

“USING CRIMINALS AND CO-DEFENDANTS IN YOUR CASE IN CHIEF”

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CHIEF, COMPLEX PROSECUTIONS UNIT
COOK COUNTY STATE’S ATTORNEYS OFFICE
CHICAGO, ILLINOIS**

DISCUSSION NOTES AND DETAILED OUTLINE

OUTLINE OF PRESENTATION

I. Analysis of Flipping a Co-Defendant.

A. Do you have to?

1. Is it more probable than not that you can win your case without flipping anyone?

a.) YES—Great! Answer ready for trial.

b.) NO—I will be crushed without him. (See next question.)

B. Who do I flip?

1. Golden Rule of Flipping: Never act as if you have to flip anyone. Always act as if it is strictly a humanitarian gesture on your part.

2. Generally, the goal is to move up the food chain, e.g., dealing with the lookout to get the shooter; or dealing with the “mule” to get the source of the drug supply. It is understandable to give a small fish a deal to get the bigger fish. Be sure the witness is the smaller fish.

a.) Beware of the “cooperator” with a violent background for the following offenses or one that is seeking a deal for the following offenses:

i. Murder, Attempt Murder, etc.

ii. Armed Robbery, Home Invasion, etc.

iii. Stalking, Domestic Abuse, etc.

iv. Intimidation

- b.) If the cooperator has any of the above background or anything similar, then he may not only be a danger on the stand, but also while he is on the street working with law enforcement and when he returns back to the street at an earlier time due to his cooperation. The prosecutor has an obligation to the past, present, and future victims of the cooperator.
3. Pick a co-defendant whose testimony can be corroborated with other objectively reliable evidence, such as:
- a.) Police surveillance records.
 - b.) Phone records.
 - c.) Business records.
 - d.) Credit card bills, airline flight records, bus tickets, rental car agreements, passports.
 - e.) Bank statements.
 - f.) Physical evidence.
 - g.) Medical records.
 - h.) Real estate documents.
 - i.) Anything else you can think of.
4. Other factors of significance:
- a.) Criminal background of flipper.
 - b.) Culpability of flipper.
 - c.) Age of flipper.
 - d.) Intelligence of flipper.
 - e.) Prior statements to police, prosecutors, Grand Jury, etc.
 - f.) Gender of flipper.
 - g.) Ability to withstand cross-examination.

- h.) Has he cooperated with law enforcement in the past?
 - i.) Has he complained about law enforcement in the past?
 - j.) Has he filed a motion to suppress statements?
5. Beware of the “gang attorney” or a “drug cartel attorney.”

II. Proffer Agreements and Initial Interviews.

- A. Never negotiate a proposed plea before you have spoken to the accomplice and learned about the factors analyzed above.
- B. One technique to use is the proffer agreement or “Mezzanato letter,” which allows you to make an informed decision about whether to flip the accomplice or not and, at the same time, protect the defense attorney from damaging his client’s case should negotiations break down. See **US v. Mezzanato, 115 S. Ct. 797 (1995)**.
- C. The agreement provides that anything said by the potential flipper is not admissible against him should negotiations break down, except for impeachment purposes should he decide to testify and give inconsistent statements or file documents that are inconsistent with what he said at the interview.
- D. Examples of a Proffer Agreement. (See attachments A and B.)
- E. The initial interview.
 - 1. Arrange the interview with the defense attorney. A letter from the defense attorney is preferred. All communications go through the defense attorney.
 - 2. Prepare for the interview: You should be as prepared for this interview as an interview with a criminal suspect.
 - a.) Obtain all criminal reports of the cooperator and the target.
 - i. Local, State, and Federal criminal histories.
 - ii. Check for any pending arrest warrants.
 - iii. Obtain any reports on the cooperator’s prior arrests and convictions.
 - iv. Mental health records.

- v. Drug abuse treatments.
 - vi. Obtain any other relevant records. Remember, if you can obtain these, so can the defense.
- b.) Read and know everything you can about:
- i. The cooperator and his involvement in the investigated crime.
 - ii. The target of the pending investigation.
 - iii. Any associates.
 - iv. Any additional open investigations.
- c.) Determine if the cooperator has worked for the law enforcement agency or has testified for the prosecution in the past.
- i. If yes to the above, then learn about the details from the investigator and prosecuting attorney.
3. Have a prover at the interview, i.e. an investigator, police officer, or detective who will document the interview (especially Brady material).
4. Conduct the interview at your office. If the cooperator is in custody, writ him over from the jail.
5. Let the defense attorney talk to the cooperator/defendant first and get him to have his client sign the agreement.
6. Interview the accomplice/cooperator/defendant.
- a.) Re-explain that anything he says cannot be used against him in our case in chief, but may be used only for impeachment or rebuttal if he changes his position or statements later on.
 - b.) Stress the importance of coming forward with everything. Anything he may have forgotten or tried to minimize is unacceptable.
 - c.) Explain the Witness Quarters.
 - d.) Stress the importance of not telling anyone about this interview.
 - e.) Evaluate his credibility.

- f.) Details of the investigation should not be shared with him.
 - g.) You control the interview, not him or his lawyer.
7. Corroborate the proffered information as soon as possible.
- a.) Motivation of the cooperator:
 - i. Good citizen.
 - ii. Money.
 - iii. Revenge.
 - iv. Consideration. This is key to explaining why the cooperator can be believed. Consideration is based upon complete and truthful cooperation.
 - b.) Order all records pertaining to an event.
 - i. Police reports of incidents that were not yet attributed to the cooperator or target.
 - ii. Business records, communication records, and medical records.
 - iii. Cell tower records.
 - iv. Police surveillance records.
 - v. Anything else you can think of.
 - c.) Try to develop new leads and witnesses from the proffered information.
 - d.) Consider requiring the cooperator to take a polygraph.
8. If necessary, re-interview the cooperator to clarify matters or to further explore new information. Again, the prosecution conducts the interview, not the cooperator. Reiterate that the cooperator's consideration is hinged upon complete and truthful information and testimony. If there is anything to correct or clarify, do it now. The sooner the whole truth comes out, the better. There may be matters that the cooperator honestly does not recall or may not even realize is significant.
9. Decide if you want this witness. You must learn what a witness can offer, then determine if it can be corroborated before discussing any offers. You are vouching for their information.
- a.) Remember that most people do not have a favorable opinion of an accomplice, a co-conspirator, a snitch, and an informer. The

defense will attack your witness as a criminal who is likely to say and do almost anything to get what he wants. This witness is willing to sell out a family member or a friend. Conning people is his way of life. He is also very capable of:

- i. lying;
- ii. committing perjury;
- iii. manufacturing evidence;
- iv. soliciting others to corroborate lies with false information and,
- v. double-crossing anyone--especially the prosecutor.

b.) Can your case survive the damage the cooperator brings?

- i. The plea agreement, reward, or expenses paid.
- ii. The cooperator's prior convictions.
- iii. The cooperator's inconsistent statements.
- iv. The cooperator's testimony that is inconsistent with the rest of the evidence.
- v. The appearance and general character of the witness.

c.) Determine if you can use the information without the cooperator's testimony by obtaining search warrants or a wire tap, etc.

10. Beware of gang members sabotaging a pending investigation: There is rarely a downside to proffering a witness, but beware of bogus witnesses. Criminal organizations will send fraudulent witnesses to the police to derail prosecutions. If the witness gives you a different offender than the one charged, then Brady requires disclosure to the defense. If this happens, then conduct an investigation to determine if it is true or not. Under these circumstances, the information must be tendered to the defense and possibly the identity of the "cooperator."

11. Working with the cooperator. Keep the cooperator honest and controlled.

a.) Some cooperators will request assistance to make bond so they can work. Reducing or modifying a criminal's bond should be the exception, not the rule! If you must, have the defendant agree to the following special conditions of bond:

- i. To provide complete and truthful cooperation to the prosecution;

- ii. To maintain communication with the assigned investigator;
 - iii. To not leave a designated area and
 - iv. To waive any objection to the revocation of bond and to return to custody if the prosecutor determines in good faith that any of the conditions have been violated.
 - b.) Have the law enforcement agency register him as an informant.
 - c.) Do not let him become aware of any physical or electronic surveillance law enforcement has on the targets or him.
 - d.) Have the cooperator searched for contraband before and after any drug purchases.
 - e.) Record all conversations the cooperator has with the targets. Reiterate any vital conversations that occurred prior to working with law enforcement. If there are any conversations that could not be recorded while cooperating, then revisit these with a recording. Gather evidence that will defeat entrapment defenses.
12. If it's not too late, consider locking the cooperator into the Grand Jury.
- a.) Allows him to become accustomed to testifying.
 - b.) Front the plea agreement.
 - c.) Makes for a better perjury prosecution against him if he recants later.

III. Plea Agreements.

A. Advantages:

1. Minimizes defense attacks on hidden agreements, deals, etc.
2. Establishes a springboard for argument that any failure to live up to the express agreement mandates a prosecution for perjury.
3. The use of a written agreement recognizes a clear legal trend in state courts that prefers that any consideration received by a state witness be adequately memorialized. As of late, Appellate Courts have been increasingly willing to reverse cases and simultaneously criticize prosecutors for failing to adequately disclose benefits received by state witnesses. **People v. Olinger, 176 Ill.2d 326 (1997); People v. Ellis,**

315 Ill. App.3d 1108 (2000); People v. Williams, 332 Ill.App.3d 254 (2002); People v. Collins, 333 Ill.App.3d 20 (2002).

B. Disadvantages:

1. Provides tangible “evidence” of a deal cut by the loathsome flipper. Permits defense to base his cross-examination and argument on this tangible piece of evidence.
2. May provide a basis for introducing all the crimes the defendant did not plead guilty to and what penalties those crimes carried.
3. If the court allows cross-examination into the punishment the “flipper” has avoided by testifying against other defendants, the jury will also become privy to the extent of punishment that the defendants face if they choose to convict them. However, this may be an advantage at times.

C. Basic elements of a plea agreement.

1. The agreement is written and signed by the defendant, his attorney, and the prosecutor.
2. Make sure that you require the accomplice to provide complete and accurate information not only about the defendant’s activities but also his own.
3. Should the defendant choose to testify falsely, as determined by the court, it will mandate a withdrawal of the plea agreement by the State and a resurrection of all dismissed counts IN ADDITION to another indictment for the offense of perjury.
4. There exists no other promises to the accomplice on the part of the prosecution other than what is contained in the document (i.e. relocation, expenses, etc.) Make sure your agreement is thorough and complete to avoid any embarrassment and/or mistrial about a promise that has not been included in the agreement.

D. Other considerations for a plea agreement.

1. When? After the undercover work is completed, but before he testifies. Defer his sentencing until after he testifies.
2. The agreement is spelled out on paper, so don’t let them try to squeeze in additional consideration. This goes for the prosecutor’s investigator

and the investigating detective. Any additional assistance must be tendered to the defense and fronted. This includes helping the witness with:

- a.) Parking tickets.
 - b.) Driver's license problems.
 - c.) Future run-ins with law enforcement. Make him understand that you will be proud to prosecute him if he violates the law.
 - d.) Usually include a provision that the prosecution will do everything possible to keep the cooperator safe.
 - e.) If the witness is moved to the Witness Quarters, any benefits given to him there must be disclosed.
3. The better the deal, the less credible the witness looks. A juror may have a hard time accepting the fact that this witness is going to walk away free after testifying.
 4. The goal should be a limitation to the number of years or range of years the witness must serve. A judge will ultimately determine the sentence. Best if it is the same judge that will hear him testify.
 5. Problem with the witness? Revoke the plea agreement.
- E. Examples of plea agreements.
1. Long form; Debriefing and Consideration Agreement. (See attachment C.)
 2. Short form; Plea Agreement. (See attachment D.)

IV. Trial Strategy.

- A. Jury selection.
1. If allowed by the court, ask prospective jurors about their opinions on accomplice testimony, informants, snitches, etc. Will they automatically reject the testimony of a charged co-defendant even if the testimony is corroborated by other evidence?
 2. If allowed by the court, front the plea agreement.

- B. Opening statement.
 - 1. Front the plea agreement.
 - 2. Consideration is based on complete and truthful cooperation.
 - 3. Stress the corroboration the jury will hear.
- C. Order of proof.
 - 1. Surround the cooperating witness with corroborative evidence.
 - 2. Put the flipper on after lunch and end the day with phone records, recorded conversations, police surveillance, etc.
- D. Testimony.
 - 1. Have the cooperator acknowledge guilt without minimizing involvement. Front the plea agreement.
 - 2. Prior interviews are OK and expected. Determine the number of times that the prosecution met with the cooperator. How often was the testimony discussed in part on in depth?
 - 3. Practice so the cooperator doesn't look at the prosecution table for help while he is being cross-examined by the defense.
 - 4. Cooperator should acknowledge that consideration is based upon complete and truthful cooperation. "The prosecutor told me to tell the truth."
 - 5. Don't get too friendly with the cooperator while he is testifying.
 - a.) No first names.
 - b.) Show some disdain for the witness.
 - c.) He may be necessary to your case, but he's still a criminal.
- E. Closing arguments.
 - 1. Highlight all of the evidence that corroborates the accomplice's testimony.
 - 2. Argue that even if the jury rejects the flipper's uncorroborated

testimony, there is still plenty of evidence to convict the defendant.

3. Stress that the same judge will make the ultimate decision as to whether there was complete and truthful cooperation and what the consideration should be.
4. Remember, if the defense attorney argues that the flipper is a low life criminal, turn it around: he was the defendant's friend. Find a way to blame the defendant for every problem with your case, especially the flipper!
5. Examples of closing arguments. (Check with the prevailing case law in your jurisdiction before using these.)
 - a.) "If you want to get the devil, sometimes you've got to go to hell to get your witnesses."
 - b.) "There's no swans in the sewer."
 - c.) "Defendant picks the witnesses, not us. Why do you think they call it a crime scene? –because the criminal controls what witnesses are left and what physical evidence is left behind."
 - d.) "Priest and Nuns" argument—"Who else would you expect to be at the projects at 3:00 a.m. on a Tuesday night?"
 - e.) Attacks on the plea agreement—at least the co-defendant took responsibility for his part in this crime. Any impeachment on the prior consistent statements before there was any other deal? No.
6. Accomplice Instruction.
 1. When a witness says he was involved in the commission of a crime with the defendant, the testimony of that witness is subject to suspicion and should be considered by you with caution. **It should be carefully examined in light of the other evidence in the case.** I.P.I. 3.17 (2006). (Emphasis added.)
 - a.) Use the instruction to your advantage, stressing the corroboration and "truth detectors" in the accomplice's testimony.

IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)	
)	
Plaintiff,)	
)	
v.)	Indictment Nos. 02CR-7002
)	
JOHN McCOMBS)	
)	
)	
Defendant.)	

PRE-TRIAL AGREEMENT REGARDING
DEBRIEFING OF DEFENDANT JOHN McCOMBS

The People of the State of Illinois, through their Attorney, RICHARD A. DEVINE, through his Assistant, James P. McKay, Jr., and Defendant, John McCombs, through his Attorney, Lisa Marks and William Wolfe, enter into the following agreement regarding the pre-trial interview of Defendant, John McCombs:

- (1) John McCombs will be represented by his appointed counsel for any debriefings or interviews that take place between the Cook County State’s Attorney’s Office, their attorneys or respective agents.
- (2) No interviews will take place without John McCombs counsel being present or their express consent having been given to the office of the State’s Attorney or their respective agents.
- (3) The first scheduled debriefing is set for Noon on February 9, 2003, in the Cook County State’s Attorneys Office. Counsel for the Defendant, John McCombs, will be present.
- (4) No agreement has been reached regarding any form of disposition of John McCombs’ case. No plea discussions have taken place, nor shall any plea discussions act as a prerequisite for the scheduled debriefing. The parties agree the debriefing is not to be considered a part of plea negotiations or in any way governed by Supreme Court Rule 402.
- (5) The Defendant, John McCombs, will be apprised of his Constitutional Rights.
- (6) Any statements made by John McCombs, with his attorneys present, will NOT be utilized in any prosecution of John McCombs in the People’s case in chief. However, all statements made by him may be admissible pursuant to U.S. v. Mezzanatto, 115 S. Ct. 797

(1995). Any statements made by him would only be subject to introduction in rebuttal should the Defendant testify and provide testimony inconsistent with the statements provided at the debriefing.

SO AGREED.

James P. McKay, Jr. Date
Assistant State's Attorney

Lisa Marks Date
Attorney for John McCombs

William Wolfe Date
Attorney for John McCombs

John McCombs Date



OFFICE OF THE STATE'S ATTORNEY
COOK COUNTY, ILLINOIS

RICHARD A. DEVINE
STATE'S ATTORNEY

CRIMINAL DIVISION
2650 SOUTH CALIFORNIA AVENUE
CHICAGO, ILLINOIS 60608

DEBRIEFING & CONSIDERATION
AGREEMENT

**RE: PEOPLE OF THE STATE OF ILLINOIS
VS.**

CASE:

DATE:

PART I. TERMINOLOGY:

The following terms apply to this agreement:

- A. The Cook County State's Attorney's Office will be referred to as C.C.S.A.O.
- B. The Defendant, _____, will be referred to as the defendant.
- C. The pending charges against the Defendant are, and will be referred to as the current charges.
- C. A reduction of charge and/or recommendation of sentence by C.C.S.A.O. will be referred to as consideration.

PART II. CONSIDERATION:

The C.C.S.A.O. hereby agrees, subject to the conditions and limitations in this agreement, to give consideration to the Defendant on the current charges providing all conditions as described in PART III have been satisfied. Any consideration given will be at the sole discretion of the C.C.S.A.O. and only determined at the conclusion of the Defendant's cooperation pursuant to this agreement. The Defendant understands that the recommendation of the C.C.S.A.O. on any charges cannot bind the trial court judge. The Defendant understands that despite the recommendation of the C.C.S.A.O., the trial judge has the right to reject that recommendation and impose any sentence under the law, which may be more severe than that recommended by the C.C.S.A.O.

PART III. NECESSARY CONDITIONS:

D. COOPERATION:

The Defendant must truthfully and fully cooperate with members of the Chicago Police Department, Illinois State Police, Federal Bureau of Investigation, Drug Enforcement Agency, Investigators for the C.C.S.A.O. or any other law enforcement agency or Prosecutor designated by C.C.S.A.O. Cooperation may include, but not be limited to, the following acts and activities:

1. Providing specific information as to any and all individuals who have supplied controlled substances or cannabis to defendant.
2. Supplying specific information concerning narcotics law violations and violators.
3. Truthfully swearing to affidavits in support of search warrants and/or court orders authorizing eavesdrop devices and wiretaps.
4. Introducing or facilitating the introduction of designated law enforcement officers or their agents to potential defendants.
5. Purchasing controlled substances, cannabis sativa, or other contraband in an undercover capacity as supervised by designated law enforcement agencies.
6. Gathering evidence of illegal activities while wearing an electronic body recorder/transmitter under the supervision of designated law enforcement agencies.
7. Consenting to have his conversations electronically overheard and/or recorded.

E. SEIZURES AND PROSECUTIONS:

8. The Defendant will not receive any consideration for cooperation alone. Consideration will only be given where the law enforcement agency makes multiple seizures of controlled substances of equal to or of greater weight than the weight alleged against the Defendant on the current charges.
9. Consideration will be given only for separate seizures from separate individuals. The prosecution of multiple defendants who are charged as the result of one seizure will only be counted as one seizure.
10. Each of the required seizures must result in a corresponding indictment of information. The Defendant understands that the mere seizure of controlled substances without prosecution of the appropriate offenders will not be counted when consideration is determined.

F. TESTIMONY:

The Defendant must testify truthfully under oath before a Grand Jury and/or in open court concerning the Defendant's cooperation with regard to each investigation, indictment or information. The Defendant further understands that such testimony includes any Grand Jury, contested motion, trial or other court proceeding involving the C.C.S.A.O. or other prosecutorial agency. A failure to testify truthfully will nullify this agreement, result in an indictment for the

offense of perjury and a corresponding recommendation for a penitentiary sentence, and expose the Defendant to any other penalty or prosecution authorized by law.

PART IV. PERFORMANCE:

G. REASONABLE TIME:

The Defendant shall be allowed a reasonable period of time by the C.C.S.A.O. to complete his obligations under this agreement. The current charges shall be continued from time to time by agreement of the parties. The Defendant understands that the trial judge ultimately decides whether to allow a continuance. The Defendant understands that if the trial judge refuses to continue the current charges and holds both parties to trial prior to the completion of his cooperation, that this agreement shall be null and void notwithstanding any partial performance by defendant.

H. TRUTHFULNESS:

The Defendant must truthfully and fully cooperate with members of the designated law enforcement agencies. No consideration will be given for any efforts made by the Defendant with any law enforcement agency or Prosecutor other than those previously designated in writing by the C.C.S.A.O.

I. FULL COOPERATION:

No partial consideration will be given for partial cooperation under this agreement.

J. PROMISE OF CONSIDERATION:

No person or agency may grant or promise consideration in this or any other case other than a supervisor within the Narcotics Prosecutions Bureau of the C.C.S.A.O.

PART V. LIMITATIONS:

K. MANDATORY REGULATIONS:

The following acts and omissions committed during the pendency of this agreement by the defendant shall render this agreement null and void, and any perjury or other violations of criminal law committed by the Defendant may be fully prosecuted by C.C.S.A.O. or appropriate agency:

11. Failure to honestly and truthfully cooperate with any law enforcement agency or the C.C.S.A.O.
12. Failure to truthfully testify under oath before a Grand Jury or in any open court in any judicial or administrative proceeding.
13. Any arrest or charge for violation of any local, state, or federal law of any jurisdiction except for offenses or traffic violations punishable by fine only.
14. Any acts which constitute violations of any criminal law in any jurisdiction.

15. Any acts which constitute entrapment or other affirmative defenses as defined under Illinois Revised Statutes, 1993, Chapter 720 ILCS, Section 5/7, as amended, which include but are not limited to supplying narcotics or money for any controlled delivery as described in PART III and IV.
16. Any communication of any information about any investigation or investigatory methods and procedures utilized by the C.C.S.A.O. or any law enforcement agency to any person except the Defendant=s attorney or person designated by C.C.S.A.O.
17. Pursuing any contested pretrial motion concerning the current case during the pendency of this agreement.
18. Any demand for trial concerning the current charges during the pendency of this agreement.
19. Violation of any condition of any bail bond order issued to the Defendant in this or any other pending case against the Defendant.
20. Illegal use of or ingestion, by any means, of any controlled substances and/or cannabis sativa.

PART VI. VOIDABILITY:

L. FALSE REPRESENTATIONS:

This agreement will become voidable by C.C.S.A.O. if any of the Defendant=s representations upon which it was based are false. Additionally, the Defendant makes the following representations:

21. The Defendant reviewed his criminal history records (attached) and makes the following amendments:

(NONE)

PART VII. GENERAL PROVISIONS:

- M. The C.C.S.A.O. shall be barred from using any statements of the Defendant obtained in connection with this agreement from use during the prosecution=s case-in-chief. However, should the Defendant testify and testify inconsistently with the statement provided pursuant to this agreement, all statements, notes, or memoranda may be used for impeachment purposes on the substantive case or any other legal proceeding.
- N. This agreement does not constitute any form of immunity for the Defendant on the current or any charges or as otherwise noted under Chapter 725 ILCS, Section 5, Article 106. Nor shall any statement given pursuant to this agreement be construed as a statement made during the course of plea negotiations or otherwise fall within the scope of Supreme Court Rule 402.
- O. This agreement applies only to the current charges and no other.
- P. The C.C.S.A.O. or any other authorized law enforcement agency shall not be prohibited from the use of all information and statements made under this agreement consistent with paragraph 1 and 2

as described above. Further, law enforcement may use such statements to pursue additional investigative leads on this or any other investigation. Such leads or information gathered, or derivatives therefrom, can be used against defendant, or any other offender in any criminal, civil, or administrative prosecution.

Q. The written agreement contains all obligations and understandings of the Defendant and the C.C.S.A.O. and no other agreement, oral or written, exists.

I, _____, have read this agreement and understand its terms. I am entering into this agreement based on the terms and not based on any other promises, or due to any threats or coercion. There are no understanding or promises other than those which appear in this written agreement. I understand that this agreement does not constitute immunity, and my failure to abide by the terms of this agreement will result in my prosecution. I further understand that if the conditions set forth in this agreement are satisfied, C.C.S.A.O. will give consideration for my cooperation and will make an appropriate sentencing recommendation to the Circuit Court of Cook County where my case is currently pending. I further understand that this recommendation will be based upon the degree of cooperation, number of seizures, defendants, and resulting prosecutions, amount of narcotics seized, or any other factor deemed appropriate by the C.C.S.A.O.

DATE: _____
_____ Defendant

DATE: _____
_____ Attorney for Defendant
 I hereby waive my right to have an Attorney Present. _____

DATE: _____
_____ Assistant State=s Attorney

DATE: _____
_____ Investigator or Police Officer

