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FILED
U.S. DISTRICT COURT

2006 FEB 22 A 11: 27

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES MOONEY and LINDA MOONEY,

Defendants.

SETTLEMENT AGREEMENT

Case No. 2:05 CR 410 TS

The United States, and Defendants James and Linda Mooney, hereby agree to a disposition of this case, under the terms of the following agreement:

Defendants James and Linda Mooney stipulate and agree as follows:

1. They will not possess or use peyote in any form, including but not limited to use in the context of any religious ceremony.

2. They will not distribute or facilitate the distribution of peyote to others.

3. They will not seek to acquire peyote from any authorized or unauthorized source.

The Defendants' obligations under this agreement will remain in effect until either:

(a) Defendants are able to qualify for possession and use of peyote in bona fide ceremonies under the explicit terms of the American Indian Religious Freedom Act, 42 U.S.C. §

1996a, i.e., in the context of participation in ceremonies of the Native American Church as a member of a federally recognized tribe, as defined in that statute, or

(b) A federal court has held in a final judgment that federal drug laws do not preclude the possession, use, or distribution of peyote in the context of Native American Church ceremonies without regard to Native American ancestry or membership in a federally recognized tribe, or

(c) Federal law is otherwise amended or enacted to allow said usage or possession.

4. If requested by the Government, the Defendants, through their respective legal counsel, will make a public declaration, acceptable to Plaintiff, of their agreement hereto.

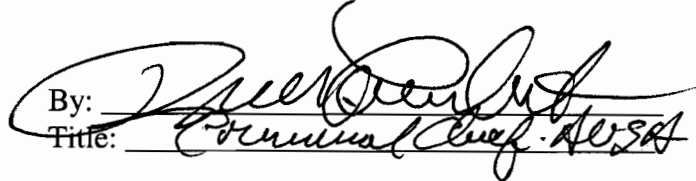
5. The United States agrees to dismiss all indicted counts in this case without prejudice.

6. The Defendants agree to waive the statute of limitations on all indicted counts.

The Defendants acknowledge that the government may re-indict the same conduct if Defendants substantially violate the terms of this Settlement Agreement.

DATED this 22nd day of February, 2006.

UNITED STATES ATTORNEY'S OFFICE

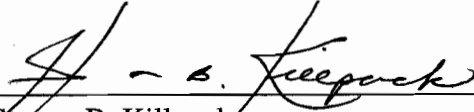
By: 
Title: Criminal Chief - AUSA

DATED this 14 day of February, 2006.



James Mooney
Defendant

DATED this 14 day of February, 2006.




Steven B. Killpack
Counsel for James Mooney

DATED this 14 day of February, 2006.



Linda Mooney
Defendant

DATED this 14 day of February, 2006.



Mary Q. Corporon
Counsel for Linda Mooney