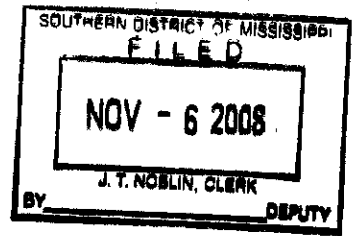


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
HATTIESBURG DIVISION



UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:08CR47KS-MTP

EARNEST HOLDER

18 U.S.C. § 666(a)(1)(B)
18 U.S.C. § 1623(a)

The Grand Jury charges:

COUNT 1

1. At all times material to this indictment, the Greene County, Mississippi, Board of Supervisors was a local government that received federal assistance in excess of \$10,000.00 during any one-year period during, before and after the commission of the offense charged herein.

2. The defendant, **EARNEST HOLDER**, was the District Three County Supervisor of Greene County, and an agent of the local government of Greene County, whose duties included awarding contracts for debris removal in the county.

3. That from on or about September, 2005 and continuing to on or about May, 2007, in Greene County, in the Hattiesburg Division of the Southern District of Mississippi, the defendant, **EARNEST HOLDER**, did corruptly solicit, demand, accept and agree to accept a thing of value from a person, intending to be influenced and rewarded in connection with the business, transaction and series of transactions of Greene County, Mississippi, involving \$5,000.00 or more.

All in violation of Section 666(a)(1)(B), Title 18, United States Code.

COUNT 2

1. On or about June 14, 2007, in Hinds County, in the Jackson Division of the Southern District of Mississippi, the defendant, **EARNEST HOLDER**, while under oath and testifying in a proceeding before Grand Jury No. 05-555(06-2), a Grand Jury of the United States in the Southern District of Mississippi, knowingly did make false material declarations, that is to say:

2. At the time and place aforesaid the Grand Jury was conducting an investigation to determine whether violations of Section 666, Title 18, United States Code, or any other federal violations had occurred, and to identify the persons who had committed, caused the commission of, and conspired to commit such violations. It was material to the Grand Jury's investigation that the Grand Jury ascertain if any persons had corruptly solicited, demanded, accepted or agreed to accept anything of value from anyone, intending to influence, or intending to be influenced or to reward or to be rewarded in connection with any business or other transactions involving Greene County, Mississippi, its officials and employees.

3. At the time and place alleged, the defendant, **ERNEST HOLDER**, appearing as a witness under oath at a proceeding before the Grand Jury, knowingly made the following declarations in response to questions with respect to the material matter alleged in paragraph 2, as follows:

[at pages 9-12]

Q: Okay, sir. And did you receive any money from anyone who was a contractor that removed debris in your district from August of 2005 up until August, 2006?

A: Did you say I could answer even though I take the Fifth on some, but some I can answer?

Q: That's your decision, yes, sir.

A: I have never took no money from no contractor, no. No, sir.

Q: Did Mr. Tom Landon give you on two separate occasions two paper bags

containing approximately \$17,500 total?

A: He never give me anything, no, sir.

Q: Did you happen to find \$17,500 in your vehicle?

A: Yes, sir.

Q: And do you know how that money got there?

A: Don't know. And I - - I found it in it - - can I back up just - -

Q: (Nods head affirmatively.)

A: It was the next day after I'd seen - - you know, was riding with Tom Landon that evening to look at a tree that was leaning toward the house. Come back - - Arvis Jones on the Pleasant Hill Road. And I come back to the - - where I brought him back to, the Mutual Rights road, and put him out. When he let out of there, he says, "There is a brown envelope that you need to get to Latricia," and he shut the door and he left.

And when I was going down the road, I looked at the brown envelope, and there was tickets, you see. Then I got home, and the next day, now in the - - I got up and I went to my county barn like I do every morning. And I went up to the county barn, I got my crew off. And then I got my road foreman, and I put him in my truck and carried him to look at the road. And we looked at a road that I needed done and showed him what I wanted, and I brought him back to the county barn and put him back out.

And I was going back down the road towards my house, and this is where a little ol' sheet of paper fell off my console. And I reached down there to get it, and I seen the corner of a brown bag. And I pulled it up, and it was money in it. And it scared me to death. And I said he could've stomped and tore the bag, and I'd said, "Well, where in the world" - - and Lord knows I don't know - - I said, well, somebody set me up. In my mind I said - -

Q: How much money was put in that bag, sir?

A: It was about - - less than \$10,000.

Q: And what did you do with that money?

A: . . . And I said, well, I feel like - - and really I felt like it might've could've been the FBI or somebody put that money in there, because my truck stays unlocked all the time. It couldn't have been just Landon. It could've been anybody, I didn't know whose money it was. . .

[at page 23]

Q: Did Mr. Lambert or Mr. Landon ever tell you that if you scratch their back, they would scratch yours when they got the contract?

A: No, sir. No, sir.

Q: That didn't occur.

A: No, sir, did not occur.


[at page 24]

- Q. Did you tell any FBI agents that you obtained that money from Mr. Landon?
A. No, sir.
Q. You never said that at all.
A. No, sir.


[at page 31]

- Q. Yeah. And does that statement -- lean up here. "I knew that scratch my back meant that Tommy would give me a kickback in" --
A. I did not --
Q. -- "money." You didn't say that.
A. I did not say that.
Q. Never said that --
A. I did not --
Q. -- in your --
A. -- say that.
Q. -- whole life you never said --
A. I never --
Q. -- that. . . .

All in violation of Section 1623(a), Title 18, United States Code.


DUNN LAMPTON
United States Attorney

A TRUE BILL:


Foreperson of the Grand Jury