

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF HENRICO

COMMONWEALTH OF VIRGINIA

v.

**Case Nos.: CR22-2363 to 2375-F;
CR22-2813 to 2815-F
Jury trial date: October 25-26, 2022**

MICHAEL O. HARDY

PLEA AGREEMENT

This day came the defendant, Michael O. Hardy, in person, and his attorney, G. Russell Stone, Jr., Esquire, and Matthew C. Ackley, Deputy Commonwealth's Attorney for the County of Henrico, and represented to the Court that the parties have entered into the following plea agreement in accordance with Rule 3A:8(c)(A) and (C):

1. The defendant stands charged with 16 felony counts involving narcotics, firearms, and explosive devices.
2. The defendant will plead guilty to the following offenses:
 - a. Two counts of Manufacture or Possession of a Fire Bomb or Explosive Device, in violation of Va. Code § 18.2-85 (CR22-2363-00F and CR22-2364-00F);
 - b. Possession with Intent to Distribute a Schedule I/II Drug, in violation of Va. Code § 18.2-248(C) (CR22-2813-00F);
 - c. Manufacturing a Schedule I/II Drug, to-wit: Crack Cocaine, in violation of Va. Code § 18.2-248(C) (CR22-2815-00F);
 - d. Possession of a Firearm While Committing Possession with Intent to Distribute a Schedule I/II Controlled Substance, in violation of Va. Code § 18.2-308.4(C) (CR22-2375-00F); and

- e. Setting a Spring Gun, in violation of Va. Code § 18.2-281 (CR22-2374-00F).
3. Upon Defendant's pleas of guilty to the above offenses, the Commonwealth will move for an order of nolle prosequi in the remaining counts.
 4. There is no agreement as to what the Defendant's sentence will be, and the parties acknowledge that the sentence will be entirely in the discretion of the Court. The Defendant will request the preparation of a presentencing investigation report. The Defendant acknowledges that the offense outlined in subsection (d) above carries a mandatory, minimum sentence of five years incarceration.
 5. This plea agreement is the total agreement between the parties and there have been no other inducements, promises, threats, or coercion of any kind imposed upon the defendant by the Attorney for the Commonwealth, or any agent of the Commonwealth, and further this plea agreement is in conformance with the facts of this case.
 6. No Judge of the Circuit Court or any other Court participated in any discussion leading to this agreement.
 7. If the Court rejects this plea agreement, then pursuant to Rule 3A:8(c)4, the Court shall inform the parties of this fact and so advise the defendant. Thereupon, no party shall be bound by the plea agreement and the defendant shall have the right to withdraw his plea of guilty and to have his case heard by another judge, unless the parties agree otherwise.
 8. The defendant agrees that by entering into this Agreement, he freely, voluntarily, and knowingly waives his right, pursuant to Virginia Code § 19.2-296, to move to withdraw his guilty plea at any future date and acknowledges it would prejudice the Commonwealth.

9. Absent approval of the Commonwealth and upon entry of this agreement, the Defendant shall not petition the court for modification of sentence to the charges contained herein. Modification shall include, but not be limited to, any request for sentence reduction, alternative incarceration, Detention or Diversion Programs, work release or any combination thereof.

In support of said agreement, the Defendant, his Attorney, and the Deputy Attorney for the Commonwealth hereto affix their signatures.



Defendant



Attorney for the Defendant



Attorney for the Commonwealth

Accepted: _____
JUDGE 

Date: 10-12-22