



5. I understand by pleading guilty I waive certain rights. The rights described below have been explained to me, as well as the consequences of my waiver of these rights:

- a. If I persisted in a plea of not guilty to the charge against me, I would have the right to a public and speedy trial. The trial could be either a jury trial or a trial by the judge sitting without a jury. I have the right to a jury trial. However, I may waive a jury trial in writing with the approval of the Court and the consent of the government.
- b. If the trial is a jury trial, the jury would be composed of twelve laypersons selected at random. Myself and my attorney would have a say in who the jurors would be by removing prospective jurors for cause where actual bias or other disqualification is shown, 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 a defendant is presumed innocent, and that it could not convict unless, after hearing all the evidence, it was persuaded of my guilt beyond a reasonable doubt, and that it was to consider each count of the Indictment separately.
- c. If the trial is held by the judge without a jury, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not the judge was persuaded of my guilt beyond a reasonable doubt.
- d. At a trial whether by a jury or a judge, the prosecution would be required to present its witnesses and other evidence against me. I would be able to confront those government witnesses and my attorney would be able to cross-examine them. In turn, I could present witnesses and other evidence in my own behalf. If the witnesses for me would not appear voluntarily, I could require their attendance through the subpoena power of the Court.
- e. At a trial, I would have a privilege against self-incrimination so that I could decline to testify, and no inference of guilt could be drawn from my refusal to testify. If I desired to do so, I could testify in my own behalf.
- f. At trial and at every stage of the proceedings, I have a right to an attorney, and if I could not afford an attorney one would be appointed for me.

- g. In the event that I should be found guilty of the charge(s) against me, I would have the right to appeal my conviction on such charge(s) to a higher court.

6. I understand that under the U.S. Sentencing Guidelines, the Court, in light of an investigation by the United States Probation Office, will determine the applicable sentencing guideline range, and that the Court will determine all matters, whether factual or legal, relevant to the application of the sentencing guidelines including, but not limited to, the adjusted offense level, the relevant circumstances in the case, the criminal history points and category, relevant conduct, the grouping of offenses, victim-related adjustments, role in the offense adjustments, career offender status, criminal livelihood and acceptance of responsibility as well as possible departures from the application of the U.S. Sentencing Guidelines. I understand that the U.S. Sentencing Guidelines are advisory only, and that the specific sentence to be imposed upon me will be determined by the judge after a consideration of a pre-sentence investigation report, input from counsel for myself and the government, federal sentencing statutes, and the U.S. Sentencing Guidelines.

7. Notwithstanding the above, I have, with the assistance of counsel, entered into the following agreement with the United States Attorney's Office:

- a. I will plead guilty to Count 1 of the Indictment filed in this case which charges me with Making a False Statement in violation of Title 18, United States Code, Section 1001. I am pleading guilty to Count 1 because I am in fact guilty of this offense.
- b. I understand that this charge carries a maximum term of incarceration not to exceed five years, a fine not to exceed \$250,000, or a combination of both imprisonment and a fine. Plus, in addition to any other penalty imposed, a special assessment of \$100. Furthermore, I understand that in

addition to the sentence imposed upon me for my conviction, the Court can impose a term of supervised release of up to three years.

c. The United States Attorney and I have also entered into the following agreements which are **not binding** upon the Court, and I understand that if the Court does not follow these agreements I will not be allowed to withdraw my guilty plea:

i. The United States Attorney and I agree that in recognition of my acceptance of responsibility for my offense conduct, I am entitled to the a two-level reduction in offense level. However, the government's obligation to recommend acceptance of responsibility under this plea agreement is contingent upon my continuing manifestation of acceptance of responsibility; should I deny my involvement, give conflicting statements of my involvement, or engage in additional criminal conduct including any personal use of controlled substances, the government shall not be bound to recommend any reduction in offense level for acceptance of responsibility; I further understand the Court is not bound by this recommendation and that the Court makes the final decision regarding my receipt of a reduction in offense level for acceptance of responsibility.

ii. The United States Attorney and I agree that pursuant to U.S.S.G. §2B1.1 the following guideline calculations are applicable:

Base Offense Level	6
Acceptance of Responsibility	<u>-2</u>
Adjusted Offense Level	4

iii. The United States Attorney acknowledges I have assisted authorities in the investigation or prosecution of my own misconduct by timely notifying the United States Attorney's Office of my intention to plead guilty, thereby permitting the government to avoid preparing for trial and permitting the government and the Court to allocate their resources efficiently. My decision to plead guilty and to enter into a plea agreement with the government was made early, promptly, and timely enough, to enable the filing of a plea agreement within just a few days of the return of the indictment in this cause. The government further acknowledges that my decision to enter into a pre-indictment plea agreement has assisted the government in determining the full extent of my offense conduct. Based upon this conduct, United States of America and I agree that this court should consider my decision to enter into a pre-indictment plea agreement as a possible 3553(a) mitigating factor.

- iv. The United States Attorney recommends that the Court should impose a sentence upon me equal to the minimum of the applicable guideline range. However, I am free to argue for a sentence below the recommended guideline range.
  - v. The United States Attorney and I agree to the imposition of a fine of at least \$3500, payable within 30 days of sentencing.
  - d. I understand that the law gives a convicted person the right to appeal the conviction and the sentence imposed. I also understand that no one can predict the precise sentence that will be imposed, and that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set for my offense(s) as set forth in this plea agreement. With this understanding and in consideration of the government's entry into this plea agreement, I expressly waive my right to appeal or to contest my conviction and all components of my sentence or the manner in which my conviction or my sentence was determined or imposed, to any Court on any ground other than a claim of ineffective assistance of counsel, including any appeal under Title 18, United States Code, Section 3742 or any post-conviction proceeding, including but not limited to, a proceeding under Title 28, United States Code, Section 2255.
  - e. I also agree to waive all rights, whether asserted directly or through a representative, to, after sentencing, request or receive from the United States any further records, reports, or documents pertaining to the investigation or prosecution of this matter; this waiver includes, but is not limited to, rights conferred by the Freedom of Information Act and the Privacy Act of 1974.
8. I am prepared to state to the Court the facts in this matter that cause me to believe that I am guilty of Count 1. I acknowledge I am only providing a summary of the events.

In November of 2016, I was the Deputy Chief of the Lake County Sheriff's Department and had publically announced my candidacy for Lake County Sheriff. Additionally, I had set up a campaign organization to solicit and accept political contributions for my campaign.

On or about November 14, 2016, in the Northern District of Indiana, FBI agents interviewed me regarding Lake County Sheriff's Department towing. Agents asked me questions about Lake County towing and donations made to my campaign account from the owners of two firms

who were towing for the Lake County Sheriff's Department. In particular, they asked me if I received any structured campaign donations. I knew structuring occurred when a donation appeared to be made by one person, but in reality, a different person provided the money. I willfully and knowingly made a materially false statement and representation when I denied receiving a structured campaign donation from the owner of one of the towing firms. In fact, I knew Person A had provided the money for his employee's donation. The acceptance by me of this structured campaign contribution hid the true source of this political contribution.

9. I understand that if I violate any of the provisions of this plea agreement, the United States Attorney may at its option either (a) ask the Court to make a determination that I have breached my agreement to cooperate, in which event I will at sentencing lose the benefit of the non-binding promises made by the government in this agreement and have no right to withdraw my guilty plea, or (b) seek to have the Court declare this entire plea agreement null and void, in which event I can then be prosecuted for all criminal offenses that I may have committed.

10. I believe and feel that my lawyer has done all that anyone could do to counsel and assist me, and that I now understand the proceedings in this case against me.

11. I declare that I offer my plea of guilty freely and voluntarily and of my own accord, and no promises have been made to me other than those contained in this agreement, nor have I been threatened in any way by anyone to cause me to plead guilty in accordance with this agreement.

12. I understand and acknowledge that this agreement, once filed with the court, is a public document and available for public viewing.

s/ Daniel Murchek  
Defendant

s/ Paul Stracci  
Attorney for Defendant

s/ Alison Benjamin  
Attorney for Defendant

APPROVED:

THOMAS L. KIRSCH II,  
United States Attorney

By: s/ Philip C. Benson  
Assistant U. S. Attorney