

Third, that the Defendant used or caused to be used, for purposes of carrying out the scheme, the United States Postal Service or any private or interstate commercial carrier.

GENERAL PROVISIONS

2. BRIAN L. NEHRIG agrees and understands that the Court will use its discretion to fashion a sentence within the statutory range set forth in Paragraph 1. BRIAN L. NEHRIG agrees and understands that the Court will consider the factors set forth in 18 U.S.C. § 3553(a) in determining the appropriate sentence within the statutory range. BRIAN L. NEHRIG agrees and understands that the Court will also consult and take into account the United States Sentencing Guidelines in determining the appropriate sentence within the statutory range. BRIAN L. NEHRIG agrees and understands that the Sentencing Guidelines are not mandatory or binding on the Court, but are advisory in nature. BRIAN L. NEHRIG agrees and understands that the final determination of the sentence, including the applicable advisory guideline calculation, criminal history category, and advisory sentencing guideline range will be made by the Court.

3. BRIAN L. NEHRIG understands and agrees that the Government's position is based on the information currently known to the Government.

SPECIFIC PROVISIONS

4. BRIAN L. NEHRIG will plead to Count 1 charged in the Information.

5. BRIAN L. NEHRIG will pay a total of \$100 on the date of sentencing or as ordered by the Court to the Clerk, United States District Court, which amount represents the mandatory special assessment fee imposed pursuant to Title 18, United States Code, Section 3013.

6. BRIAN L. NEHRIG understands that the government will request restitution in the amount of \$106,122.57, which represents, at the least, the amount not paid to CitiMortgage from

the transactions negotiated by BRIAN L. NEHRIG, pursuant to 18 U.S.C. § 3663A (mandatory restitution to a victim who suffered a pecuniary loss).

7. The government will not request a fine in light of the amount of restitution.

8. BRIAN L. NEHRIG will provide all requested financial information to the Financial Litigation Unit of the United States Attorney's Office for the Southern District of Indiana for use in the collection of any fines or restitution imposed by the Court.

9. The government will request a sentence of imprisonment within the range calculated by the Court and will not ask for any sentence higher than the higher advisory guidelines range. BRIAN L. NEHRIG is free to ask for any sentence.

SENTENCING GUIDELINE STIPULATIONS

10. Pursuant to Section 6B1.4 of the Sentencing Guidelines, the parties agree to the Stipulations below. The parties understand and agree that these Stipulations are binding on the parties but are only a recommendation to the Court and that the Court will determine the advisory sentencing guidelines applicable in this case. The parties agree that the stipulation regarding any factors in Chapter 4, Criminal History Category, of the Sentencing Guidelines has been made, and that such determination will be made by the Court.

- (a) The parties agree that U.S.S.G. §2B1.1 covers violations of 18 U.S.C. § 1341 (mail fraud). The parties agree that the base offense level is seven (7) per U.S.S.G. §2B1.1(a)(1) because mail fraud has a statutory maximum term of imprisonment of 20 years or more.

concerning BRIAN L. NEHRIG's acceptance of responsibility at the time of sentencing.

Waiver of Appeal

13. BRIAN L. NEHRIG understands that he has a statutory right to appeal the conviction and sentence imposed and the manner in which the sentence was determined. Acknowledging this right, and in exchange for the concessions made by the United States in this Plea Agreement, he agrees that in the event the Court sentences him to a sentence within the range consistent with an offense level 14, or any lesser offense level, then he expressly waives his right to appeal the guilty plea, conviction, and sentence imposed in this case on any ground, including the right to appeal conferred by Title 18, United States Code, Section 3742. Additionally, he also expressly agrees not to contest his conviction and sentence or the manner in which it was determined in any collateral attack, including, but not limited to, an action brought under Title 18 United States Code Section 2255. This waiver of appeal specifically includes all provisions of the sentence imposed in this case, including the terms of the guilty plea, supervised release and the amount of any restitution, fine, or forfeiture.

FINAL PROVISION

14. BRIAN L. NEHRIG acknowledges that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this document, to induce BRIAN L. NEHRIG to plead guilty. This document is the complete and only plea agreement between BRIAN L. NEHRIG and the United States Attorney for the Southern District of Indiana and is binding only on the parties to the plea agreement, supersedes all prior understands, if any, whether written or oral, and cannot be modified except in writing, signed by all parties and filed with the Court, or on the record in open court.

Respectfully submitted,

TIMOTHY M. MORRISON
United States Attorney

Gayle L. Helart
Gayle L. Helart
Assistant United States Attorney

Christina McKee
Christina McKee
Chief, Criminal Division

Brian L. Nehrig
BRIAN L. NEHRIG
Defendant

Bruce Brattain
Bruce Brattain
Attorney for Defendant

10/8/09
DATE

10/8/09
DATE

10/11/09
DATE

Oct. 5, 2009
DATE

STATEMENT OF THE DEFENDANT

I have read the entire Plea agreement and discussed it with my attorney.

I understand all the terms of the Plea Agreement and those terms correctly reflect the results of plea negotiations.

I am fully satisfied with my attorney's representation during all phases of this case.

I am freely and voluntarily pleading guilty in this case.

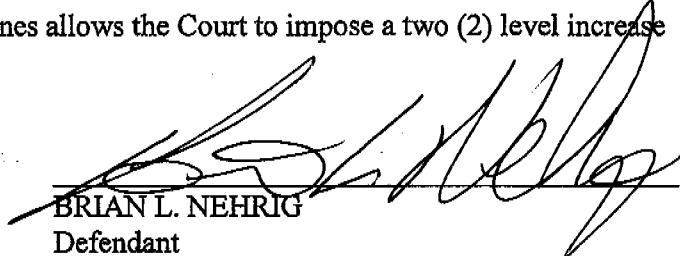
I am pleading guilty as set forth in this Plea Agreement because I am guilty of the crime to which I am entering my plea.

My attorney has informed me, and I understand, that I have the right to appeal any conviction and sentence that I receive, unless I have waived my right to appeal as part of this Plea Agreement. If I have not waived my right to appeal, I understand that I must file a notice of Appeal within 10 days of the entry of the judgment in this case; I further understand that the Clerk of the Court will prepare and file a Notice of Appeal on my behalf if I ask that to be done.

I also understand that the United States has the right to appeal any sentence that I receive under this Plea Agreement.

Finally, my attorney has informed me, and I understand, that if I provide or cause to be provided materially false information to a judge, magistrate-judge, or probation office, then Section 3C1.1 of the Sentencing Guidelines allows the Court to impose a two (2) level increase in the offense level.

10/1/09
Date


BRIAN L. NEHRIG
Defendant