

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA)
)
 v.) Cause No. 2:10 CR 88 RL
)
 RANDALL CAUSEY)

PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, come now the United States of America, by Assistant United States Attorney Jill Rochelle Koster, the defendant, Randall Causey, and R. Brian Woodward as attorney for the defendant, and show the Court they have entered into a plea agreement as follows:

1. I, Randall Causey, have the ability to read, write and speak the English language.

2. I have received a copy of the Third Superseding Indictment in Cause No. 2:10 CR 88 charging me with conspiring to commit wire fraud in violation of 18 U.S.C. § 1349 (Count 1), committing wire fraud in violation of 18 U.S.C. § 1343 (Counts 2 through 6 and 9), and naming me in a forfeiture allegation. I have read and discussed with my lawyer all of these allegations, and believe and feel that I understand every accusation made against me.

3. I have told my lawyer the facts and surrounding circumstances as known to me concerning the matters mentioned in the Third Superseding Indictment and believe and feel that my lawyer is fully informed as to all such matters. My lawyer has counseled and advised with me as to the nature and elements of every accusation against me and as to any possible defenses I might have.

4. I understand that I am entitled to have all of my rights which may be involved in

this matter explained to me, and that I have the right to have any questions I may have answered for me.

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 one or more of the charges 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. My attorney and I 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 Third Superseding Indictment at issue 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 one or more of the charges against

me, I would have the right to appeal my conviction on such charge 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 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 an agreement with the United States Attorney's Office as follows:

- a. I will plead guilty to Count 1 of the Third Superseding Indictment which charges me with a violation of 18 U.S.C. § 1349, because I am, in fact, guilty of that offense.
- b. I understand that the maximum possible penalties that may be imposed upon me for my conviction on Count 1 is a period of 20 years incarceration, a period of supervised release of up to 3 years, and a fine of up to \$250,000. In addition, I understand that a special assessment of \$100.00 will be imposed, which will be due and payable at the time of my sentencing hearing.
- c. The United States of America and I have entered into the following agreements which are not binding upon the Court, and I understand that if the Court does not follow this agreement I will not be allowed to withdraw my guilty plea:
 - i. In recognition of my acceptance of responsibility for my offense conduct, the United States of America agrees that I am entitled to a two point, and if eligible, an additional one point reduction in offense level for acceptance of responsibility; however, the Government is not obligated to recommend I receive the acceptance of responsibility adjustment if I deny my involvement in the offense or relevant conduct, give conflicting statements of my involvement or relevant conduct, or engage in additional criminal conduct including any personal use of controlled substances.

- ii. The United States of America and I agree to recommend that the Court include, in its offense level calculation at sentencing, the following Guideline provisions:
 - A. the fourteen level enhancement under Sentencing Guideline § 2B1.1(b)(1)(H); and
 - B. the four level reduction under Sentencing Guideline § 3B1.2(a).
- iv. The United States of America further agrees to recommend that the Court impose a sentence equal to the minimum of the applicable U.S. Sentencing Guideline range.
- d. As part of this agreement, I agree to cooperate fully, truthfully, and candidly with the United States Attorney or his designated representatives, such designated representatives to include any and all federal, state or local law enforcement agencies and professional organizations, as to my knowledge of, or involvement in, any violation of federal or state law. In this regard, I further agree, if requested to do so, to testify truthfully and completely before any grand jury, at any future criminal hearings or trials, and before any professional organizations. I understand and agree that complete and truthful cooperation is a material condition of this agreement.
- e. At the time of sentencing, the United States of America will consider filing a departure motion with the Court pursuant to Guideline section 5K1.1; I further understand that the United States of America is not obligated by the terms of this plea agreement to file any departure motion; I further understand that the nature, value and extent of any, and all of my cooperation, will be determined solely by the Government. Furthermore, it is the Government who retains the sole discretion whether the information provided by me merits the filing of, and extent of, any 5K1.1 downward departure motion; I further understand that the decision to depart from the applicable Guideline range rests solely with the Court.
- f. As part of this agreement, I agree to make restitution to the victims of my offenses in an amount to be determined by the sentencing court; I understand that in determining the appropriate amount of restitution to be paid by me, the Court is not limited to the conduct detailed in the count or counts to which I am pleading guilty, but may also consider the total loss sustained by the victims of my offense conduct; I further agree to promptly upon request provide an accurate financial statement in a form to be provided to me by the probation department or the United States Attorney's Office, and to provide updated financial information when requested to do so.

- g. I understand that the law gives a convicted person the right to appeal the conviction, sentence and restitution imposed; I also understand that no one can predict the precise sentence that will be imposed, or restitution that will be ordered, and that the Court has jurisdiction and authority to impose any sentence within the statutory maximum set for my offenses as set forth in this plea agreement as well as any amount of restitution; 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, sentence or the restitution imposed, including the manner in which my conviction, sentence or restitution was determined or imposed, to any Court on any ground, including any claim of ineffective assistance of counsel unless the claimed ineffective assistance of counsel relates directly to this waiver or its negotiation, 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.
- h. 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.
- i. I understand that if I violate any of the provisions of this plea agreement, including my continuing obligation to demonstrate acceptance of responsibility or cooperate in accordance with this plea agreement, the United States may at its option either: (1) ask the Court to make a determination that I have breached a term in this agreement, in which event I will at sentencing lose the benefit of all the promises made by the Government in this agreement and I would have no right to withdraw my guilty pleas; or (2) the United States could 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.

8. The United States of America and I have made the following additional

agreements:

- a. The United States of America agrees to move to dismiss Counts 2 through 6 and Count 9, as well as the forfeiture allegations in the Third Superseding Indictment after my sentence has been imposed.
- b. The United States of America also agrees not to file any additional charges against me which could be brought based upon my conduct in the Northern District of Indiana which is related to the criminal investigation in this case or

currently known to the Government.

9. 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 of the Third Superseding Indictment.

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 the cause 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 plea agreement, once filed with the Court, is a public document which is available for public viewing.

/s/ Randall Causey
Randall Causey
Defendant

/s/ R. Brian Woodward
R. Brian Woodward
Attorney for Defendant

APPROVED:

DAVID CAPP,
United States Attorney
By:

/s/ Jill Koster
Jill Rochelle Koster
Assistant U. S. Attorney