

IN THE COUNTY COURT  
MUSKINGUM, COUNTY, OHIO

FILED

2005 SEP 19 AM 11:07

MUSKINGUM COUNTY COURT

State of Ohio,

Plaintiff,

v.

Daniel James,

Defendant.

:

: Case No. CRB 0500349

: Judge: Peters

:

: PLEA AGREEMENT

Pursuant to Rule 11 (F) of the Ohio Rules of Criminal Procedure and in consideration of the mutual promises set forth below, the State of Ohio, by and through the Attorney General of the State of Ohio and Daniel James., after consulting with his attorney, Mike Northrup, agree as follows:

1. Daniel James., by his signature hereto, acknowledge his right to remain silent and expressly waives that right with respect to this agreement;
2. Daniel James. acknowledges that he has the right to the assistance of counsel at every stage of the proceeding against him and he hereby exercises that right as evidenced by the signatures of his attorney hereto, indicating that said attorney has witnessed and approved this agreement;
3. Daniel James. understands that he has the right to plead not guilty and to persist in that plea at trial, in which he would be presumed innocent and that which the State of Ohio would have the burden of proving his guilty

beyond a reasonable doubt. Daniel James. further understands that at such a trial, he would have the following rights:

- A. The right to a trial by jury.
- B. The right to the assistance of counsel.
- C. The right not to be compelled to testify against himself.
- D. The right to confront and cross-examine the State's witnesses.
- E. The right to present his own witnesses and compel attendance.

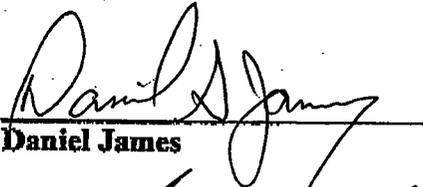
Daniel James. understands that by his plea of guilty, he waives these rights and acknowledges that no trial will, in fact, occur and that following the Court's acceptance of this guilty plea, the only actions remaining in this case will be the determination and imposition of sentence. Daniel James. further understands that a plea of guilty expressly waives his right to appeal his conviction.

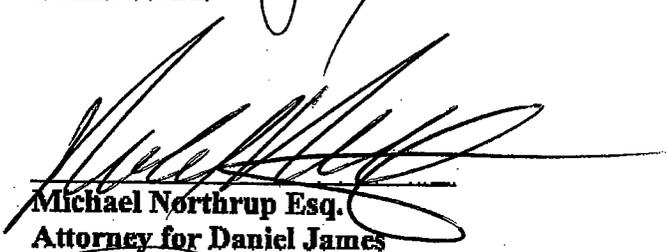
- 4. Daniel James acknowledges that he has been advised that the maximum statutory penalty in this case is a fine of Twenty-Five Thousand Dollars (\$25, 000.00) per violation. The Defendant, Daniel James., has also been advised that, court costs, restitution and other financial sanctions may be, imposed by the Court at the time of sentencing.
- 5. The parties to this agreement, being fully cognizant of their respective rights, agree as follows:
  - A. Daniel James shall enter a plea of guilty to one count of Open Burning in violation of Ohio Revised Code Section 3704.05(G).
  - B. Daniel James understands that the violation for which he is pleading guilty is an Unclassified Misdemeanor.
  - C. Daniel James understands that if he breaches any of the promises in this agreement, or if his plea is rejected by the Court, the State

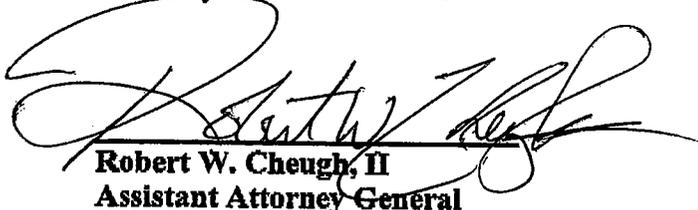
of Ohio will be released from its obligations under this agreement and may institute or maintain any charges, which would otherwise be prohibited under the terms of this agreement.

- D. The State of Ohio will not bring any other criminal charges against Daniel James with respect to the conduct charged in the Complaint or any other conduct known by the State of Ohio related to the charged conduct as of the date of this agreement.
- E. The parties agree that the maximum period of incarceration for the offense charged is one year. The State will ask that 60 days of incarceration be imposed with all time suspended with the condition of Defendant satisfactory completing all terms and conditions of community control.
- F. The parties agree that the maximum statutory fine for the offense charged against Daniel James is Twenty-Five Thousand Dollars (\$25,000.00) per violation. The State of Ohio will ask the Court to impose the fine of One Thousand Dollars (\$1,000.00) but offset the fine for payment of restitution of Six Thousand Dollars, (\$6,000.00)
- G. The parties agree that the payment of restitution in the amount of Forty-Five Hundred Dollars (\$4500.00) has been paid to the OEPA. Fifteen Hundred Dollars (\$1500.00) shall be paid to the Ohio Attorney General's Office (612 account) for investigating

concerning any plea to be entered in this case. Daniel James states that no person has directly or indirectly threatened or coerced him to do or refrain from doing anything in connection with aspect of this case, including entering a plea of guilty.

  
Daniel James

  
Michael Northrup Esq.  
Attorney for Daniel James

  
Robert W. Cheugh, II  
Assistant Attorney General

Date: 8/2/05