

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

FILED

13-15-03 10:24  
FOR THE DISTRICT

UNITED STATES OF AMERICA )

v. )

Cause No. )

RONIER SCOTT )

3 15 03 142

PLEA AGREEMENT

Pursuant to Rule 11 of the Federal Rules of Criminal Procedure, comes now the United States of America, by Assistant United States Attorney Gary T. Bell, the defendant Ronier Scott with his attorney Kerry C. Connor, and show the Court that they have entered into a plea agreement as follows:

1. I, Ronier Scott, have the ability to read, write and speak the English language.
2. I have received a copy of the Information and have read and discussed it with my lawyer, and believe and feel that I understand every accusation made against me in this case.
3. I have told my lawyer the facts and surrounding circumstances as known to me concerning the matters mentioned in the Information 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.

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 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. 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 Information 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 an agreement with the United States Attorney as follows:

- a. I will plead guilty to Counts One and Two of the Information charging me with Willful Failure to File a Federal Tax Return in violation of Title 26, United States Code, Section 7203, because I am, in fact, guilty of each count.
- b. I understand that each count of conviction carries the following the maximum punishment:

<u>Prison</u>	<u>Fine</u>	<u>Supervised Release</u>
1 year	\$100,000	1 year

I further understand that a special assessment of \$25 will be imposed on each count of conviction in addition to any other penalty and the \$50 special assessment is due and payable prior to my sentencing hearing.

- 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. Regarding the Sentencing Guidelines, the United States Attorney and I agree that
    - (A) Section 2T1.1 of the U.S. Sentencing Guidelines applies to calculating my sentence. The readily provable loss to the United States Treasury (that is, the tax loss within the meaning of Sentencing Guidelines Sections 2T1.1 and 2T4.1) arising from the counts of conviction and relevant conduct is between \$30,000 and \$80,000.

- (B) In recognition of my acceptance of responsibility for my offense conduct, I am entitled to a two point and, if eligible, an additional one point reduction in offense level for acceptance of responsibility. However, the United States Attorney is not obligated to recommend I receive the acceptance of responsibility adjustment if I deny my involvement in the offense, give conflicting statements of my involvement, or engage in additional criminal conduct including any personal use of controlled substances.
- ii. At the time of sentencing, the United States Attorney and I agree that no additional grounds exist for either party to request a departure or deviation from the range recommended by the Sentencing Guidelines. Further, the United States Attorney agrees to recommend a sentence at the minimum of the range recommended by the Sentencing Guidelines.
- d. I understand that my wife (Denine Scott) will not be prosecuted for any federal income tax violations for the tax years 2001 through 2011. I further understand that this agreement resolves any federal income tax violations for tax years 2001 through 2011 for myself.
- e. I further agree to cooperate with the civil division of the IRS in the determination and collection of tax, penalties and interest owed by me. In this regard, I agree to provide the IRS with information if requested regarding my income for the tax years in question, I agree that I may be liable for a fraud penalty for the tax years in question, I agree to prepare and file accurate initial or amended tax returns for tax years in question if requested to do so, I agree to pay any additional tax, penalty and interest which I owe including additional amounts if any due because of computational errors. I understand that nothing in this agreement shall foreclose the IRS from examining and making adjustments to returns I file pursuant to this plea agreement. I agree that the government may make a full statement on the record at sentencing regarding my tax liability, and that the government may make part of the public record at my sentencing hearing documentation of my tax liability, including any and all materials from a Special Agent's Report and materials obtained by way of grand jury investigation.
- f. I understand that the law gives a convicted person the right to appeal the conviction and sentence order 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 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 sentence order imposed or the manner in which my conviction and sentence order 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.

g. 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. I acknowledge that this paragraph only contains a summary of the offenses, not all of the details of my offense conduct. I know that individuals and married couples are required to file federal income tax returns when they earn income above a certain amount. I also know that federal tax returns must be filed no later than April 15<sup>th</sup> for the previous year. My wife and I filed income tax returns, either jointly or separately, in some of the years before 2008. For the tax years 2008 and 2009, I earned income as a Gary City Councilman and for work performed at my father's business. As a result, I knew that I had an obligation to file my 2008 and 2009 federal tax return. In fact, I chose not to file my 2008 and 2009 federal tax return by April 15<sup>th</sup> of the following year. Although I did file each return in 2011, it was only after being notified that I was under criminal investigation.

9. I understand that if I violate any of the provisions of this plea agreement, including my continuing obligation to demonstrate acceptance of responsibility, the United States may at its option either (a) 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 non-binding promises made by the government in this agreement and I would have no right to withdraw my guilty plea, or (b) 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.

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/Ronier Scott  
Ronier Scott  
Defendant

S/Kerry C. Connor  
Kerry C. Connor  
Attorney for Defendant

APPROVED:

DAVID CAPP,  
United States Attorney

By: S/Gary T. Bell  
Gary T. Bell  
Assistant U. S. Attorney