

STATE OF OHIO,

Plaintiff,

CASE NO. R 08CRB 1061
FILED
PORTAGE COUNTY
MUNICIPAL COURT
JUDGE BARBARA R. OSWICK

-vs-

Hermann Pichle Farms
Defendant.

JUDGMENT ENTRY
2008 DEC 23 SENTENCING

The defendant appeared in Court on DEC. 23 2008, (with () without counsel. The Court informed the defendant of the matters required pursuant to Criminal Rule 11 and determined that the defendant understood the effect of the plea. The defendant entered a plea of (guilty () no contest to WATER POLLUTION RC 6111.04 (UM) () as amended on the recommendation of the Prosecutor. () The Court made a finding of guilty. The defendant is sentenced as follows:

1. \$ _____ Fine, \$ _____ Costs, to be paid as follows: _____.

2. _____ days in jail. Credit for _____ days served. Sentence to start _____.

() Work release granted.

3. _____ days jail suspended and \$ _____ of the fine suspended upon conditions below:

(a) _____ Evaluation and completion of counseling, if recommended, as follows: _____

_____ () Monitored by the Adult Probation Department.

(b) _____ Restitution as follows: _____ () Monitored by the Adult Probation Department.

(c) _____ Community work service as follows: _____ hrs. in _____ days () Monitored by the Adult Probation Department.

(d) _____ Supervised probation for _____.

(e) _____ Defendant to report to Adult Probation by _____.

(f) _____ Electronically monitored house arrest _____.

(g) _____ No contact with _____.

(h) _____ Defendant is persona non grata at _____.

(i) _____ Defendant commits no similar violation of law for _____ years.

(j) _____ Defendant does not drive before obtaining a valid driver's license.

4. _____ Operator's license suspended for _____.

5. _____ Limited driving privileges granted.

6. Other: PLEA AGREEMENT ACCEPTED, ADOPTED AND

JOURNALIZED AND HEREBY MADE AN ORDER OF THIS COURT.
7. _____ Execution of sentence stayed pending appeal.

8. _____ Remaining charges dismissed on Motion of Prosecutor _____.

IT IS SO ORDERED.


JUDGE BARBARA R. OSWICK
ACTING JUDGE

the State of Ohio would have the burden of proving it guilty beyond a reasonable doubt. Hermann further understands that at such a trial, it 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 itself.
- D. The right to confront and cross-examine the State's witnesses.
- E. The right to present it's own witnesses and compel attendance.

Hermann understands that by it's plea of guilty, it 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. Hermann further understands that a plea of guilty expressly waives its right to appeal its conviction.

- 4. Hermann acknowledges that it 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, Hermann, 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. Hermann shall enter a plea of guilty to one count of Illegal Water Pollution, in violation of Ohio Revised Code Section 6111.04.
 - B. Hermann understands that the violation for which it is pleading guilty is an Unclassified Misdemeanor.

- C. Hermann understands that if it breaches any of the promises in this agreement, or if its 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 Hermann, its officers, directors or employees, or any corporate entity 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 statutory fine for the offense charged against Hermann is Twenty-Five Thousand Dollars (\$25,000.00) per violation/per day. The State of Ohio will ask the Court to impose the fine of Five Thousand Dollars (\$5,000.00).
- F. The parties agree to the payment of restitution in the amount of Ten Thousand Dollars (\$10,000.00), paid to the Ohio Environmental Protection Agency's Office of Special Investigation for its investigating costs.
- G. Hermann will not object to the State of Ohio's sentencing recommendations and agree not to ask the Court to impose a different sentence sought by the State of Ohio.
- H. Hermann and the State of Ohio understand that the recommendations made to the Court are not binding on the Court

and that the sentence imposed is at the discretion of the Court. Hermann understands that once the Court accepts the plea and finds Hermann guilty of the offense charged, Hermann will not have the right to withdraw that plea. Hermann further understands that once the Court imposes a sentence, Hermann has no right to object to this agreement or express any other sentencing recommendation.

- I. Hermann through its legal representative and attorney state that this agreement constitutes the entire agreement between the parties and that no other promises or inducements have been made, directly or indirectly by any agent or representative of the State of Ohio concerning any plea to be entered in this case. Hermann states that no person has directly or indirectly threatened or coerced any of its legal representatives to do or refrain from doing anything in connection with aspect of this case, including entering a plea of guilty.

Hermann Pickle Farms
Hermann Pickle Farms,
Through its
Legal Representative: *Ralph Hermann*

Craig M. Stephens
Craig M. Stephens, Esq.
Attorney for Hermann Pickle Farms.

Robert W. Cheugh, II
Robert W. Cheugh, II
Assistant Attorney General

Date: *12/23/08*