

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS, INDIANA
2006 JAN -5 PM 4:40
SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

WILLIAM VAN SICKLE,)

Defendant.)

CAUSE NO. IP ⁰⁴ 05-15-CR-01-T/F

RECEIVED

JAN 25 2006

OLMS INDIANAPOLIS

PLEA AGREEMENT

The United States of America, by counsel, Susan W. Brooks, United States Attorney for the Southern District of Indiana, and by Joe H. Vaughn, Assistant United States Attorney, and the Defendant, WILLIAM VAN SICKLE, in person and by counsel, Patrick M. Schrems, hereby inform the Court that a Plea Agreement has been reached in this cause pursuant to Federal Rule of Criminal Procedure 11(c)(1)(B) and the following are its terms and conditions:

1. WILLIAM VAN SICKLE agrees to enter a plea of guilty to Count 1 of the Information.
2. Count 1 charges a violation of Title 29, United States Code, Section 501(c) (embezzlement of funds of a labor organization), and is punishable by a term of imprisonment of up to 5 years, a fine of up to \$250,000 and/or a term of supervised release following any term of imprisonment of up to 3 years.

3. Title 29, United States Code, Section 501(c) (embezzlement of funds of a labor organization), consists of the following elements:

- a. American Federation of State, County, and Municipal Employees, AFL-CIO, Indiana Council 62, Local 725, Indianapolis, Indiana ("Local 725"), was a labor organization as defined by Title 29, United States Code, Section 402(i);
- b. WILLIAM VAN SICKLE was an officer of Local 725;
- c. WILLIAM VAN SICKLE embezzled, stole, or converted to his own use or the use of another moneys or funds of Local 725;
- d. WILLIAM VAN SICKLE did so knowingly and with the intent to defraud Local 725; and
- e. WILLIAM VAN SICKLE did so without the authorization of Local 725 and to the detriment of Local 725.

GENERAL PROVISIONS

4. WILLIAM VAN SICKLE understands that, should the Court accept this plea agreement, the Court will exercise its discretion to fashion a sentence within the statutory range set forth in Paragraph 2. WILLIAM VAN SICKLE agrees and understands that the Court, in determining the appropriate sentence within the statutory range, will consider the factors set forth in 18 U.S.C. § 3553(a) and will consult and take into account the United States Sentencing Guidelines ("Sentencing Guidelines" or "U.S.S.G."). WILLIAM VAN

SICKLE agrees and understands that the Sentencing Guidelines are not mandatory or binding on the Court, but are advisory in nature. WILLIAM VAN SICKLE agrees and understands that the final determination of the sentence, including the applicable advisory sentencing guideline calculation, the applicable advisory sentencing guideline criminal history category, and advisory sentencing guideline range will be made by the Court.

5. WILLIAM VAN SICKLE acknowledges that this plea agreement is governed by Federal Rule of Criminal Procedure 11(c)(1)(B) and that the determination of his sentence is within the discretion of the Court. WILLIAM VAN SICKLE understands that if the Court decides to impose a sentence higher or lower than any recommendation of either party, or determines that a different advisory sentencing guideline range applies in this case, or decides to impose a sentence outside the advisory sentencing guideline range for any reason, then WILLIAM VAN SICKLE will not be permitted to withdraw his plea of guilty for that reason and will be bound by his plea of guilty.

SPECIFIC PROVISIONS

6. At the time of WILLIAM VAN SICKLE's sentencing, the government will make known to the Court the nature, extent and timing of the acceptance of responsibility demonstrated by WILLIAM VAN SICKLE as well as the nature, extent and timing of his cooperation with the government and other law enforcement authorities.

7. The parties agree that the imposition of a fine in this case is left to the discretion of the Court.

8. WILLIAM VAN SICKLE agrees that at the time of sentencing the Court will enter an order that he pay restitution in the amount of \$23,685, pursuant to U.S.S.G. § 5E1.1.

9. WILLIAM VAN SICKLE 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.

10. WILLIAM VAN SICKLE 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.

WAIVER OF APPEAL

11. WILLIAM VAN SICKLE 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, WILLIAM VAN SICKLE expressly waives his right to appeal his conviction on any ground. WILLIAM VAN SICKLE also waives his right to appeal his sentence, including the right to appeal conferred by Title 18, United States Code, Section 3742, as

long as the sentence is within, or lower than, the advisory sentencing guideline range for an offense level of 12 calculated under the Sentencing Guidelines, regardless of how the sentence and the offense level are calculated by the Court. WILLIAM VAN SICKLE also waives the right to contest any sentence and the manner in which it was determined in any collateral attack, including an action brought under Title 28, United States Code, Section 2255, as long as the sentence is within, or lower than, the advisory sentencing guideline range for an offense level of 12.

SENTENCING GUIDELINES STIPULATIONS

12. 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 no 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 version of the Sentencing Guidelines effective November 1, 2004, applies in this cause.
- B. The offense charged in Count 1 is a violation of Title 29, United States Code, Section 501(c) (embezzlement of funds of a labor organization).

C. The applicable guideline for this offense in U.S.S.G. § 2B1.1 (Offenses Involving Fraud or Deceit).

D. The base offense level is 6, pursuant to U.S.S.G. § 2B1.1(a)(2).

E. Because the loss is approximately \$35,645 (an amount greater than \$30,000 and less than \$70,000) the offense level is increased by 6 levels, pursuant to U.S.S.G. § 2B1.1(b)(1)(D).

F. Because WILLIAM VAN SICKLE abused a position of public or private trust in a manner that significantly facilitated the commission or concealment of the offense, the offense level is increase by 2 levels, pursuant to U.S.S.G. § 3B1.3.

G. U.S.S.G. § 3E1.1(a) (Acceptance of Responsibility) should apply to reduce the adjusted offense level provided that WILLIAM VAN SICKLE clearly demonstrates acceptance of responsibility for this offense during the period up to and including the sentencing hearing, thereby resulting in a 2 level decrease in the offense level. The parties reserve the right to present evidence and arguments concerning whether WILLIAM VAN SICKLE has accepted responsibility for these offenses as well as the nature, extent and timing of such acceptance of responsibility.

13. WILLIAM VAN SICKLE understands that the obligations of the government in this Plea Agreement are expressly contingent upon his abiding by federal and state laws and complying with the terms and conditions of any bond executed in this case.

14. WILLIAM VAN SICKLE acknowledges and agrees that nothing in this agreement shall protect him in any way from prosecution for any offense committed after the date of this agreement.

15. WILLIAM VAN SICKLE acknowledges and agrees that nothing in this agreement shall protect him in any way from prosecution for any offense not specifically covered by this agreement.

FINAL PROVISION

WILLIAM VAN SICKLE acknowledges that no threats, promises, or representations have been made, nor agreements reached, other than those set forth in this document, to induce WILLIAM VAN SICKLE to plead guilty. This document is the complete and only plea agreement between WILLIAM VAN SICKLE and the United States Attorney for the Southern District of Indiana and is binding only on the parties to this agreement, supersedes all prior understandings, 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,

SUSAN W. BROOKS
UNITED STATES ATTORNEY

12.29.05
DATE

Joe H. Vaughn
Joe H. Vaughn
Assistant United States Attorney

12/30/05
DATE

Christina McKee
Christina McKee
Chief, Criminal Division

DATE

William L. Van Sickle
WILLIAM VAN SICKLE
Defendant

DATE

Patrick M. Schrems
Patrick M. Schrems
Attorney for Defendant

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.

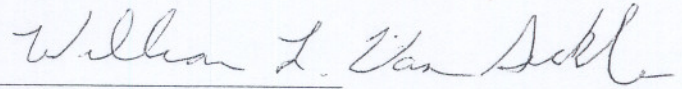
I am pleading guilty as set forth in this Plea Agreement because I am guilty of the crime to which I am entering my plea.

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 officer, then Section 3C1.1 of the Sentencing Guidelines allows the Court to impose a two (2) level increase in the offense level.

DATE



WILLIAM VAN SICKLE
Defendant