

STATE OF INDIANA)
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COUNTY OF ELKHART)

STATE OF INDIANA)
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Allan J. Kauffman)

IN THE ELKHART SUPERIOR COURT NO. 3

CAUSE NO. 20D03-2402-F6-000220

**MOTION TO WITHDRAW PLEA OF NOT GUILTY AND ENTER PLEA OF GUILTY,
PLEA AGREEMENT, AND DISCLOSURE**

COMES now the State of Indiana appears by its Deputy Prosecuting Attorney for the 34th Judicial Circuit, Elkhart County, Indiana, and Defendant, Allan J. Kauffman, appears in person and by counsel, Peter A. Britton and respectfully advise the Court that Defendant wishes to withdraw his/her plea of not guilty and enter a plea of guilty pursuant to this plea agreement which has been entered into in the above-captioned cause of action as follows:

Defendant's full name is Allan J. Kauffman, **DOB: 1/1/1949;**

1. Defendant was born in *United States of America* and is a citizen of the United States. Defendant completed schooling through _____ (*ex: the 12th grade*) and can read, write, and understands the English language;
2. **CHARGE:** Defendant is charged with:
Count I: Filing Fraudulent Report, a Level 6 Felony
Count II: Accepting a Contribution Made in Another's Name, a Class B Misdemeanor
Count III: Accepting a Contribution Made in Another's Name, a Class B Misdemeanor
Count IV: Accepting a Contribution Made in Another's Name, a Class B Misdemeanor
Count V: Accepting a Contribution Made in Another's Name, a Class B Misdemeanor
Count VI: Accepting a Contribution Made in Another's Name, a Class B Misdemeanor
3. **PLEA:** The State of Indiana agrees to allow Defendant to plead to:
Count I: Filing Fraudulent Report, a Level 6 Felony
4. **TERMS:**
 - The defendant shall receive a 365-day sentence at the Elkhart County Jail, all of which shall be suspended on a like term of probation.
 - Any programming, if any, shall be at the discretion of probation.
 - Probation may become non-reporting upon successful completion of programming as recommended by Probation.
 - No fine, court costs only.
 - Defendant shall complete 2 COWP weekends and 50 hours of community service.

5. **OTHER TERMS:** This agreement is premised upon the accuracy of the Defendant's criminal history as communicated to the State of Indiana by Defendant or counsel in the above-captioned matter. Should Defendant's identification of his/her criminal history be inaccurate, the State reserves the unconditional right to withdraw from this Plea Agreement based upon the lack of mutuality of agreement;
6. The State further agrees to dismiss all other charges which are now pending against Defendant arising from this specific incident as alleged in the charging documents. Furthermore, the State will not file any additional charges arising out of this specific incident, as follows
7. Notwithstanding the State's agreement as reflected in the preceding paragraph number 6, the State of Indiana and the Defendant herein specifically agree that both parties may argue, and the Court may use, facts associated with or implied from the uncharged acts, or facts associated with or implied from the dismissed charge(s), involving the specific incident as reflected in the police reports in the aforementioned case number(s), to mitigate or aggravate any sentence contemplated or imposed;
8. In the event the Defendant is incarcerated, he/she specifically reserves the right to request a modification of sentence; however, the State is not bound to consent to jurisdiction therefore;
9. The statements contained hereafter under "Defendant's Rights" are a part of this Motion.

DEFENDANT'S RIGHTS

(Defendant to initial line to left of advisement if right is understood)

OK
1. The Defendant has received and read, or had read to him/her, the foregoing Motion to Withdraw Plea of Not Guilty and Enter Plea of Guilty and Plea Agreement and Disclosure and the Statement of Defendant's Rights. The Defendant is agreeing to plead guilty because he/she is guilty of the crime charged and he/she understands the Plea Agreement and his rights;

OK
2. The Defendant understands that the Court is not a party to the Plea Agreement between the Defendant and the State of Indiana, and the Court is not bound to accept such Agreement. The Defendant further understands that should the Court not accept the Plea Agreement, the Defendant will be given the opportunity to withdraw his/her plea of guilty;

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3. The Defendant has read a copy of the Information and understands the crime with which he/she has been charged, and has been advised by counsel of all of the elements which the State would have to prove to convict the Defendant of the crime charged. The Defendant also understands the crime to which he/she has agreed to enter his plea of guilty and has been advised by counsel of all the elements which the State must prove to convict the Defendant of the crime to which he is pleading guilty;

OK
4. The Defendant understands that the State must prove each and every element of the crime beyond a reasonable doubt in order to convict the Defendant; and the Defendant does not have to prove anything, or present any evidence, the entire burden of proof being upon the State;

OK

5. The Defendant understands that his/her criminal history may be used against him/her by the Court in imposing an increased sentence and that this conviction may be used against him/her in any future criminal proceeding to justify the imposition of an enhanced sentence. Defendant further understands that this sentence may be consecutive to any other sentence he may be serving or that the minimum executed time under this sentence may be non-suspendable depending upon the circumstances surrounding the criminal behavior and nature of the offense;

OK

6. The Defendant understands that if his/her conviction involves an alcohol or drug related offense, or a driving offense, that a record of these proceedings will be sent to the Bureau of Motor Vehicles and may constitute a major conviction for purposes of Defendant's driving record and the Habitual Traffic Offender statute;

OK

7. The Defendant understands that he/she is entitled to a speedy trial, open to the public, and to be tried by a jury;

OK

8. The Defendant understands that he/she is entitled to confront and cross-examine any witness that the State may call to give evidence against his;

OK

9. The Defendant understands that he/she has the right to compel witnesses to appear and testify on his/her behalf;

OK

10. The Defendant understands that he/she has the right to have counsel represent him/her at all stages of this lawsuit, and if he/she cannot afford counsel, counsel will be appointed for him/her at public expense;

OK

11. The Defendant understands that he/she cannot be compelled to testify or otherwise give evidence against himself/herself, nor does he/she have to testify on his/her own behalf;

OK

12. The Defendant understands that if he/she were to have a trial and were found guilty, he/she would have a right to appeal the conviction to the Indiana Court of Appeals or the Indiana Supreme Court;

OK

13. The Defendant is satisfied that his attorney of record has fully advised him/her in all matters and has represented Defendant's best interests competently and effectively;

OK

14. The Defendant understands that he/she is entitled to have all of his/her rights in this matter explained to him/her and he/she has the right to have any questions answered for him/her by the Court;

OK

15. The Defendant acknowledges that he/she has been represented by counsel, that he/she is satisfied with said representation, and has no complaints concerning the effectiveness and legal assistance rendered in this matter;

OK

16. The Defendant understands that if he/she is not a legal citizen of the United States, he/she may be deported as a result of his plea of guilty;

OK

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17. The Defendant acknowledges that his/her right to possess a handgun may be forfeited or affected by his plea of guilty to this charge;

OK

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18. The Defendant acknowledges that his/her plea of guilty and conviction for this offense may be used against him/her in the future for enhanced charges or sentences;

OK

ID TdN3RWM4zRfNpaU9zHciqkDR

19. The Defendant understands that he/she may have the right to a jury trial as to the factors the Court will consider for purposes of enhancing the sentence imposed herein beyond or above the advisory sentence. The Defendant now hereby waives any rights he/she may have to a trial by jury on any sentencing factors that may exist, understands that the judge will determine the existence of any said factor within the judge's sole discretion as permitted by law, and consents to same. The Defendant further agrees that this waiver shall apply to any future sentence imposed in this case resulting from a revocation of probation, if applicable;

OK

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20. The Defendant understands that he/she may have the right to appeal his sentence under Indiana Appellate Rule 7B. Notwithstanding that right, by pleading guilty under this agreement, the Defendant knowingly, intelligently, and voluntarily waives his/her right to challenge the sentence on the basis that it is erroneous, and waives his/her right to have appellate review of his/her sentence under Indiana Appellate Rule 7B;

OK

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21. This Motion to Withdraw Plea of Not Guilty and Enter Plea of Guilty and Plea Agreement and Disclosure is entered into as the Defendant's free and voluntary act, and that no threats, force, coercion, or promises for leniency were made or used against him/her to cause him/her to enter into this Agreement, other than those representations made in the Motion to Withdraw Plea of Not Guilty and Enter Plea of Guilty and Plea Agreement and Disclosure itself;

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22. The Defendant understands that by entering a plea of guilty, he/she is waiving each and every right set forth above; and

OK

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23. The Defendant requests that the Court accept his plea of guilty in reliance upon Defendant's statements made in this motion and impose sentence accordingly.

Dated this October 08, 2024.

OK

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Defendant
Allan J. Kauffman

Peter A. Britton

ID ZGp2NwahdhpYSDICVvU7zm8n

Counsel for Defendant
Peter A. Britton

/s/Kaitlynn E. Campoli

Deputy Prosecuting Attorney
Kaitlynn E. Campoli

eSignature Details

Signer ID: TdN3RWM4zRfNpaU9zHciqkdR
Signed by: Allan J. Kauffman
Sent to email: allanjkauffman@gmail.com
IP Address: 104.28.58.2
Signed at: Oct 8 2024, 5:35 pm EDT

Signer ID: ZCp2NwahdhpySDKYfvUTzmSn
Signed by: Peter Britton
Sent to email: pbritton@franciscobritton.com
IP Address: 66.138.169.9
Signed at: Oct 8 2024, 6:26 pm EDT