

STATE OF OHIO)
) SS.
COUNTY OF STARK)

I, DAVID DEARTH, duly sworn according to law, deposes and states:

I have worked in cooperation with law enforcement in the past.

Mark McMurtry, FBI Special Agent, called me on July 15, 2014 at approximately 8:15 am. He called me and said that it was urgent that I meet him. I told Mark that we have to pick our boys up from football practice and that we were going to go to Fisher Foods Supermarket and I could meet him there. When I got to Fishers, Mark pulled up in a black or dark green pickup truck with an extended cab and four doors. My wife and two children were in the vehicle. He asked me to get in the back, which I did. When I got in, there was another FBI Agent, Mike Sirohman, who was one of the two agents assigned to the Suarez case. Both Mark McMurtry and Mike Siroham had their handguns on the dashboard. Mike Sirohman looked at my family and said, "You have a nice family, it would be tragic if anything were to happen to them." They then drove around the supermarket and took me into the woods. They backed in so that nobody could see me. My wife then pulled around so they knew she was watching.

I said to Mark McMurtry, "Are you upset that Ben has gotten out of everything, I told you that he had committed no crime." Mark McMurtry said, "I'm not pissed, Mike is." Mike Sirohman then told me that Ben Suarez was going to jail for two years for obstructing justice, he was found guilty, and that the company would be closed. He also told me that I would lose my job. Mike Sirohman said, "I can offer you a job paying as much or more than Ben is paying you if you will testify that Ben confessed to you that he tampered with the jury to order to get all of those not guilty verdicts." He was visibly angry and upset. He asked if I knew anything about Ben's lawyers tampering with the jury or if Ben said anything about that. I told him Ben had not said anything to

me about either of those things. Siroham told me they "knew something" and I had better tell them what they already "knew" or I would be charged with lying to a federal agent.

I told Mike Siroham that I am very loyal to Ben, that I am not going to lie that he tampered with the jury because Ben never said any such thing and I have trained Ben for over 20 years and I never witnessed him doing anything illegal.

Mike Siroham got very upset and more threatening. I then asked them to let me out of the truck. They would not let me out. He said, "Not yet, not yet, let me ask you a few more questions. You have been with Ben for over 20 years, and Ben is a very bossy person and he gets what he wants. Would you say that he even bullies people to get what he wants?" I said, "Ben is a very bossy person but the only time he has ever been bossy with me is when I have done something wrong, and when I correct my actions, he is back to normal."

They then offered me the opportunity to be Confidential Informant because I would no longer have my job once Ben fired me. This way, I would be able to take care of my lovely family. "I said that Ben is my sole source of income and he has been for over 20 years. You are asking me to lie about a friend that has done nothing wrong, and you are ok with that and you will pay me for that so I am able to take care of my family. Ben has always been very loyal to me and I have always been very loyal to him, you are not going to get anything from me." This greatly angered Siroham and he said "Take him over to his fucking car."

Before I got out Mike Siroham said to me, "If Ben has done something wrong and you have not shared that with us, we will hold you in contempt, obstruction, and perjury and you will go to jail and have no way of taking care of your family." I got out of my car and they peeled out of the driveway. After that, for the next week, Mark McMurtry kept calling me and harassing me.

My children were terribly upset by what they saw. My one son wet his pants, my other son


cried all the way home. They thought I was being harmed or was being taken away from them. It especially alarmed them when I was driven in the woods and they were even more upset at the angry looks, stares and body language of Siroham. They also hear his angry remarks. They were terrified and very upset.

Siroham, before he drove away, leaned back in his seat so he could make full eye contact with my wife. He glared at her for what seemed like 60-90 seconds but was probably less. He had a terrible angry look on his face and this upset her and my children. My children were also very scared because they saw my wife and I were very upset.

I believe the officers, particularly Siroham, deliberately did these things to intimidate and frighten my family. My wife and two children have never done anything to deserve to be terrorized in this fashion.

I told Mark McMurtry I would not meet with him anymore.

Further Affiant saith naught.


AFFIANT - DAVID DEARTH

SWORN to before me and SUBSCRIBED in my presence this 23 day of oct 2014.


NOTARY PUBLIC

JEFFREY R. JAKMIDES
ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO
EXPIRATION DATE RC 147.03

STATE OF OHIO)
) SS.
COUNTY OF STARK)

I, JULIE DEARTH, duly sworn according to law, deposes and states:

I witnessed several phone calls on speaker phone leading up to the meeting at Fisher Foods. Mark McMurtry contacted David to help his friend, Mike Sirohman, who is working on Ben's case. Mark McMurtry said, "He is a new FBI Agent and he wants to move upon in the ranks in the FBI." There were multiple phone calls from Mark McMurtry to David continuing to question David on his knowledge of the case against Ben. David would always put these calls on speaker phone so that I could hear. Mark would call David even when Ben was in court.

In this recent action, we had just picked our boys up from practice and I was driving. We were stopping at the grocery store at Fisher Foods. David received a phone call from Mark McMurtry asking if he would meet up with David. David said "We just picked our kids up, I am at Fisher Foods." Mark said "Would you have a few minutes to talk. I am not that far away." David said "Sure my wife has to pick up a few groceries, could you meet me at Fisher Foods?"

We waited for 30 minutes. Mark called David and said "I am on my way are you still at Fishers?" David said "Yes we are parked in the front." Mark on speaker phone said "Can you pull over to Fishers Optical." David told me to pull the car over to Fishers Optical which is part of Fishers in the rear. A dark green four door pickup with tinted windows pulled up. David started to walk around the truck to get into the passenger side. Mark cracked the window and told David to get into the back seat. Immediately they drove in between Fisher Foods and the optical center. My son said "Where are they taking Dad?" I said "I don't know, they could have just pulled up right beside us." I said "This is making me very nervous." I said "I am going to follow them." I put the car in reverse and as I started to follow them, I noticed they were not leaving the premises. Instead


they backed the truck into the woods behind Fisher Foods. This greatly alarmed the children when the vehicle was pulled into the woods. We were scared to death something terrible was going on or going to happen to David. I did my best to reassure the children but they saw their mom and dad were upset and afraid of this made them alarmed and afraid.

They were in the woods for 20 minutes, then the truck pulled up quickly. David got out of the truck. When the door was open, Mike Sirohman was leaning and staring directly at my family. Mr. Sirohman glared at me, clearly upset and angry, right in front of my children. What did we do to deserve his angry and behavior toward myself and my children? I believe all this was deliberately done in front of myself and my children to upset us. Well, Sirohman was successful in that, my one son wet his pants and the other cried all the way home. David got into our car and I said "Is everything ok?" David said "No, I don't want to talk about it with the kids in the car. He then opened up. My son asked "Did they threaten you?" David said "Yes, they even threatened our family." I said "What do they want from you?" The first words out of David's mouth "Can you believe that they want me to say Ben had tampered with the jury?" I said "Oh my God are you kidding me." I said "Are they so upset that Ben was found not guilty on all but one charge" David said "Yes."

David then said "They offered me a job if I would lie that Ben tampered with the jury, and they would pay me." David then said they had their guns on the dashboard and that they were trying to intimidate him with threats to our family. They then said Ben is not your friend and that we will give you a job and take care of you. David said that Mike Sirohman was super pissed. He said Ben's going to jail for no less than two years, and you will have no way to take care of your family, you need to think about our offer. At that point, I was in shock and the kids were scared and afraid and our one son was crying. He asked "Why do they hate Ben so much? I thought the trial was

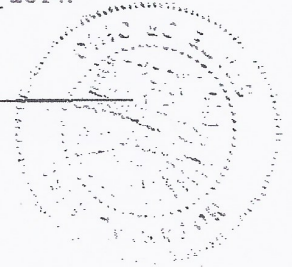
over." David said "It is over and what they are doing is illegal." My kids asked why it is illegal. David said "because Ben was already found innocent on a jury trial but Ben has one count that he was found guilty on, which was the weakest count of them all." David said "They are trying too so hard to put Ben in jail and they want to use me to help put Ben in jail."

Further Affiant saith naught.


AFFIANT - JULIE DEARTH

SWORN to before me and SUBSCRIBED in my presence this 23 day of Oct 2014.


NOTARY PUBLIC



JEFFREY R. JAKMIDES
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