

AFFIDAVIT PURSUANT TO OHIO REVISED CODE
§2935.09 IN SUPPORT OF CRIMINAL COMPLAINT



I, Jennifer Werner, do hereby depose and state the following:

1. I am the Executive Director of the Justice Association an LLC, duly incorporated in the State of Ohio.
2. The Justice Association has been investigating matters related to the false, politically motivated, and malicious prosecution of Benjamin Suarez and Suarez Corporation Industries.
3. I have knowledge of an affidavit of David Dearth dated October 23, 2014 (see copy attached).
4. The affidavit sets forth criminal conduct by Mark McMurtry and Michael Siroham, two FBI Agents who investigated and worked with federal prosecutors in a criminal case against Benjamin Suarez and Suarez Corporation Industries in 2014.
5. The affidavit describes in detail how the two federal agents intimidated Dearth, suborned perjury, and attempted to obstruct justice on July 1, 2014 when they confronted Dearth in a store parking lot in Canton, Ohio.
6. The actions of the agents as described by Dearth clearly violates several Ohio criminal statutes including: Obstruction of justice in violation of Ohio Revised Code 2921.32 and Intimidation of Witness in violation of Ohio Revised Code 2921.03.
7. This affidavit is being filed pursuant to §2935.09 of the Ohio Revised Code charging the above listed offenses for the purpose of review to determine if a complaint should be filed by the prosecuting attorney or attorney charged by law with the prosecution of offenses in the court or before the magistrate. The Justice Association further requests

that Stark County Prosecutor John D. Ferrero be ordered recused from reviewing this matter as Mr. Suarez publicly supported the opposition candidate when Mr. Ferrero was elected and Mr. Ferrero would obviously be conflicted.

Signed under the pains and penalties of perjury on this first day of November, 2018.


Jennifer Werner

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 Sirohman 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

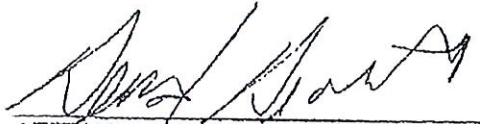
cried all the way home. They thought I was being harmed or was being taken away from them. It especially alarmed them when I was driven in the woods and they were even more upset at the angry looks, stares and body language of Siroham. They also hear his angry remarks. They were terrified and very upset.

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