

# INFORMATION

STATE OF OHIO }  
SUMMIT COUNTY } SS

**FILED**  
COURT OF COMMON PLEAS

IN THE COURT OF COMMON PLEAS  
CASE NO. 78-01-0014  
CHARGE: Uttering Forged Instrument  
(1)

FEB 1 '78

JAMES B. McCARTHY, Clerk of Courts  
SUMMIT CO. OHIO

THE STATE OF OHIO

Plaintiff

-vs-

DAVID J. KOCH

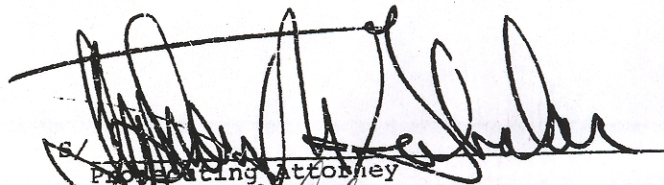
Defendant

VOL 804 PAGE 789

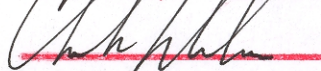
## INFORMATION

Now comes STEPHAN M. GABALAC, the duly elected and qualified Prosecuting Attorney of said County and by way of Information says that the Defendant, DAVID J. KOCH, in the County of Summit, aforesaid, on or about the 4th day of November, A.D., 1977, did, with purpose to defraud or knowing that he was facilitating a fraud, did utter a writing, to-wit: Check No. 389, The Oberlin Savings Bank Company, Oberlin, Ohio, Reynolds Maintenance Service, Edward Reynolds, 86 Berger Court, Oberlin, Ohio 44074, Certified No. 131084, Dated November 1, 1977, in the amount of Nine Hundred and Sixty Five Dollars and Thirty Cents (\$965.30), Account No. 34-02544754, which, he the said DAVID J. KOCH, knew to have been forged, in violation of Section 2913.31(A)(3) of the Ohio Revised Code, contrary to the form of the statute in such case made and provided and against the peace and dignity of the State of Ohio.

JAR:cy

  
S/ Prosecuting Attorney

I certify this to be a true copy of the original.  
Diana Zaleski, Clerk of Courts

  
Deputy

FEB 7 3 34 PM '78

JANUARY

Term 12 78

CLERK OF COURTS

THE STATE OF OHIO SUMMIT CO.

No. CR 78 1 14

DAVID J. KOCH

JOURNAL ENTRY VOL 854 PAGE 937

THIS DAY, to-wit: The 3rd day of February, A.D., 1978, now comes the Prosecuting Attorney on behalf of the State of Ohio, the Defendant, DAVID J. KOCH, being in Court with counsel, ROBERT THOMSON, for a hearing on the Defendant's request to waive prosecution by Indictment and to be prosecuted by way of Information.

The Information was prepared by the Prosecuting Attorney and charges said Defendant with UTTERING A FORGED INSTRUMENT, as contained in One (1) Count.

The Court explained to the Defendant the charge against him and of his right under the Constitution to have his case presented to the Grand Jury. The Defendant, in open Court and in writing, voluntarily waived and relinquished his right to be prosecuted by Indictment by the Grand Jury.

The Court found that the Defendant was properly served with a copy of the information according to law. The Defendant advised the Court he had read the information and understood it and waived the reading thereof and time of service thereon. Thereupon, the Court informed the Defendant of the penalty for the crime he is charged with, the fact that he has a right to a trial by Jury, a right against self-incrimination, and a right to confront and cross-examine his accusers. The Defendant indicating that he understood these rights, voluntarily waived them. Whereupon, the Defendant was arraigned and entered a plea of GUILTY to the information as charged above, which plea was accepted by the Court.

WHEREUPON, the Court referred this case to the Adult Probation Department for a pre-sentence investigation and report and the Defendant was released on the same bond which was continued to await sentence which is set for March 17, 1978 at 10:30 A.M.

APPROVED:  
February 3, 1978  
dlm

cc: Prosecutor James A. Rudgers  
Attorney Robert Thomson  
Adult Probation Department

*William R. Baird*

WILLIAM R. BAIRD, Judge  
Court of Common Pleas  
Summit County, Ohio

*Diana Zieski*  
Diana Zieski, Clerk of Courts

Deputy

MAY

Term 19 79

THE STATE OF OHIO

vs.

DAVID J. KOCH

MAY 21 2 30 PM '79

CLERK OF COURTS  
SUMMIT COUNTY JOURNAL ENTRY

VOL 888 PAGE 430

THIS DAY, to-wit: The 18th day of May, A.D., 1979, now comes the Prosecuting Attorney on behalf of the State of Ohio, the Defendant, DAVID J. KOCH, being in Court with counsel, ROBERT THOMSON, for sentencing; having heretofore on February 3, 1978 plead GUILTY to UTTERING A FORGED INSTRUMENT, as contained in One (1) Count of a Bill of Information, which plea was accepted by the Court.

Thereupon, the Court inquired of the said Defendant if he had anything to say why judgment should not be pronounced against him; and having nothing but what he had already said and showing no good and sufficient cause why judgment should not be pronounced:

IT IS THEREFORE ORDERED AND ADJUDGED by this Court that the Defendant, DAVID J. KOCH, be imprisoned and confined in the OHIO STATE REFORMATORY at Mansfield, Ohio, for an indeterminate period of not less than ONE AND ONE HALF (1½) YEARS and not more than the maximum of FIVE (5) YEARS for punishment of the crime of UTTERING A FORGED INSTRUMENT, Ohio Revised Code Section 2913.31(A)(3), a felony of the fourth (4th) degree, and that the said Defendant pay the costs of this prosecution for which execution is hereby awarded; said monies to be paid to the Summit County Clerk of Courts, Court House, Akron, Ohio 44308.

IT IS FURTHER ORDERED that the sentence imposed in this case be served CONCURRENTLY and not consecutively with the sentence the Defendant is presently serving in the Federal Penitentiary.

APPROVED:

May 18, 1979

cc

*William R. Baird*  
WILLIAM R. BAIRD, Judge  
Court of Common Pleas  
Summit County, Ohio

cc: Prosecutor Bowler  
Attorney Robert Thomson  
Booking  
SIU  
Adult Probation Department  
Witness Assistance

I certify this to be a true copy of the original.  
Diana Zaleski, Clerk of Courts

*[Signature]*  
Deputy

U.S. DISTRICT COURT  
 JUDGE/MAGISTRAT Assigned  
 U.S. DISTRICT COURT  
 OTHER MINOR OFFENSE MG  
 OTHER MISDEMEANOR Mts  
 FELONY FBI

vs. KOCH, David John  
**CR 79-36**  
 Case Filed  
 No. of Defs  
 02:06  
 1

79 00036 C  
 U.S. MAG. CASE NO. 78-2136  
 BAIL RELEASE

U.S. TITLE OR SECTION	OFFENSES CHARGED	ORIGINAL COUNTS
18:2314	Schema to defraud or forge securities	1
18:1341	Defraud to obtain money by false pretenses.	1

Bail Release  
 AMT  
 Fugitive  
 Pen. Fee  
 PSA  
 Condition:  
 10% Depo  
 Surety Bor  
 Collateral  
 3rd  
 Pny Cust  
 01

II. KEY DATES & INTERVALS

ARREST or	INDICTMENT	ARRAIGNMENT	TRIAL
U.S. Custody began 12/20/78 Summons Served First Appearance 12/20/79	Information 2/6/79 In Charging Defend	2/14/79 1st Plea 2/14/79 Final Plea 3/9/79	Trial Set For Vor Disp Trial Began Trial Ended

SENTENCE  
 Disposition of Charges  
 3/9/79  
 3/13/7  
 Convicted  
 On All Cts  
 On Lesser Offenses  
 WOP  
 On Governor's Motion

SEARCH WARRANT	DATE	INITIAL NO.	INITIAL APPEARANCE DATE	PRELIMINARY EXAMINATION OR HEARING	DATE HELD	OUTCOME
Issued	12/5/78	JBS/47AB	12/20/78	Table Scheduled	12/27/78	HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT
Returned	12/5/78	JBS/47AB		Date Held		HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT BELOW
Arrest Warrant Issued	18:2314 - Transportation of Stolen/Fraudulent Securities					

AUSA Kevin Connolly  
 AUSA Tom Bauer

ATTORNEYS Defense:  GJA  Ret.  Waived  Self  None / Other  Pn  Dn  
 Robert M. Thompson  
 409 Centran Bldg.  
 Akron, Ohio, 44308 1-762-7477

\* Show last names and suffix numbers of other defendants on same indictment/information

DATE	DOCUMENT NO.	PROCEEDINGS	EXCLUDED BY U.S.A.
12-20-78		MINUTES OF PROCEEDINGS filed. Bail hearing held. \$5,000 surety bond set. Defense Counsel present. Prelim. Hrg. scheduled for 12-27-78 at 10:00 a.m. Streepy, Mag.	
12-27-78		PRELIMINARY Hearing Waived. Waiver executed by deft & filed. AUSA Bauer & Def. Atty Robert Thompson pres. Deft. bound over to GJ. Same bond cont'd. Streepy, Mag. FILE transmitted to Clerk of Court.	
12-27-78		WALVER of INDICTMENT filed.	
2/6/79		INFORMATION filed.	
2/6/79			
2/14/79		MINUTES OF PROCEEDINGS filed. Deft. arraigned, plea of Not Guilty entered; referred for pre-sentence report; bond, \$5,000 surety; Deft. executed consent to pre-plea presentence report and consent to Court's inspection of same. Streepy, Mag. Recording made.	
3/9/79		MINUTES of PROCEEDINGS filed. Lambros, J. Thompson, r. (Defts plea of Not Guilty withdrawn, plea of Guilty entered to both counts; Court will entertain motion under Rule 35 to amend, modify or reduce-	

DATE	DOCUMENT NO.	EXEMPT CODE	EXEMPT CODE	EXEMPT CODE
3/9/79	Con't- the sentence; SENTENCE: 18 Months pursuant to T. 18:4205(a), U.S.C.)			
3/13/79	JUDGMENT & COMMITMENT Order filed. Lambros, J. (True copies issued to U.S. Marshal, U.S. Att'y, Robert Thompson & U.S. Probation)			
3/30/79	AMENDED JUDGMENT & COMMITMENT filed. Lambros, J. SENTENCE: 18 months on ct 1 & 18 months on ct 2. The sentences imposed are to run concurrently with one another for a total of 18 months pursuant to 18 U.S.C. §4205(a). True copies issued to U.S. Marshal, the U.S. Att'y., U.S. Probation & Robert Thompson on 3/30/79.			
4/9/79	MARSHALS RETURN on Judgment & Commitment returned & filed. (Deft delivered on 3/29/79 to F.C.I. at Morgantown, W.Va.; Copy of judgment & commitment forwarded 3/30/79 to the FCI)			
2/18/80	LETTER from deft for an order for reduction of sentence or that this concurrent sentences be served consecutively, filed. (Rule 35, F.R. Crim. P.)			
4/14/80	ORDER that Rule 35, FRCr.P. provides that this Court has jurisdiction to amend or alter a sentence within 120 days. More that 120 days have lapsed since the imposition of sentence. Thus, this Court is without jurisdiction to alter or amend deft's federal sentence, therefore deft's motion under Rule 35 is denied, filed. Lambros, J. (Copies issued 4/14/80)			

- A. Exemption from report for mental or physical condition, 18 U.S.C. 4244.
- B. NARA Exemption, 18 U.S.C. 2902.
- C. State or Federal laws on other grounds.
- D. Exemptory Appeals.
- F. Exemption on other grounds.
- G. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- H. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- I. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- J. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- K. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- L. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- M. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- N. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- O. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- P. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- Q. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- R. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- S. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- T. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- U. Exemption for other grounds, Fed. R. Crim. P. 40.1.
- V. Exemption for other grounds, Fed. R. Crim. P. 40.1.

FINE AND RESTITUTION PAYMENTS

DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

United States of America vs.

DEFENDANT } DAVID JOHN KOCH

NORTHERN DISTRICT OF OHIO

DOCKET NO. CR 79-36

JUDGMENT AND PROBATION/COMMITMENT ORDER

MONTH 3 DAY 9 YEAR 79

COUNSEL: In the presence of the attorney for the government the defendant appeared in person on this date. [ ] WITHOUT COUNSEL. [X] WITH COUNSEL Robert Thompson

PLEA: [X] GUILTY, and the court being satisfied that there is a factual basis for the plea. [ ] NOLO CONTENDERE, [ ] NOT GUILTY

Order 3-30-79

FINDING & JUDGMENT: There being a finding/verdict of [X] GUILTY to Counts 1 and 2. Defendant has been convicted as charged of the offense(s) of interstate transportation of stolen property and mail fraud in violation of 18 U.S.C. §§2314 and 1341.

SENTENCE OR PROBATION ORDER: The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of eighteen months (18) on Count 1; eighteen months (18) on Count 2. The sentences imposed herein are to run concurrently with one another for a total of eighteen months (18) pursuant to 18 U.S.C. §4205(a).

FILED MAR 30 AM 9 01

SPECIAL CONDITIONS OF PROBATION: (Blank section for special conditions)

ADDITIONAL CONDITIONS OF PROBATION: In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION: The court orders commitment to the custody of the Attorney General and recommends, By: Penny Johnson, Deputy Clerk. It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

DEFENDANT

DOCKET NO.

CR 79-36

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 3 DAY 9 YEAR 79

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired the counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Robert Thompson

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of

interstate transportation of stolen property and mail fraud in violation of 18 U.S.C. §§2314 and 1341.

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

eighteen months (18) pursuant to 18 U.S.C. §4205(a).

SENTENCE OR PROBATION ORDER

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

Attest: Geri M. Smith, Clerk

U.S. District Court Northern District of Ohio

By: Penny Johnson Deputy Clerk

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

BY JUDGED BY

U.S. District Judge

U.S. Magistrate

Thom D. Lamba

FILED

1979 MAR 13 PM 3:02

CLERK U.S. DISTRICT COURT NORTHERN DISTRICT OF OHIO