



# ***Exploding The Phone***

db346

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Bibliographic Cover Sheet

Title           **U.S. v. John Thomas Draper, CR-76-223, U.S. District Court  
for the Northern District of California -- Collected legal  
papers from 1976**

Date            1976-02-20

Abstract       Complaint, affidavits, indictment, pretrial minutes, judgment,  
orders and motions.

Keywords      John Thomas Draper; Captain Crunch

Source         National Archives (Court Records)

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United States District Court  
FOR THE

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v

JOHN THOMAS DRAPER

Magistrate's Docket No. 3-76  
Case No. 504-nw

COMPLAINT for VIOLATION of  
U.S.C. Title 18  
Section 1343 - Fraud by Wire

BEFORE OWEN E. WOODRUFF  
Name of Magistrate

SAN FRANCISCO, CA  
Address of Magistrate

The undersigned complainant being duly sworn states:

That on or about February 20, 1976, at City of Menlo Park, County  
of San Mateo in the  
Northern District of California

(1) JOHN THOMAS DRAPER

did<sup>(2)</sup> cause to be transmitted by wire communication in interstate  
commerce signals and sounds, by knowingly and without authority  
enter the long distance network of the telephone company through  
the use of a multi frequency signaling device and did then complete  
long distance toll free telephone calls, and thus fraudulently  
depriving said telephone company of revenues to which it was entitled.

And the complainant states that this complaint is based on the attached Affidavit.

~~And the complainant further states that he believes that~~

are material witnesses in relation to this charge.  
FED: lmd

J. Richard Lytle  
Signature of Complainant.  
J. RICHARD LYTLE, Special Agent  
Federal Bureau of Investigation  
Official Title.

Sworn to before me, and subscribed in my presence, 4-1, 1976.

Owen E. Woodruff  
United States Magistrate.

(1) Insert name of accused.  
(2) Insert statement of the essential facts constituting the offense charged.

STATE AND NORTHERN DISTRICT OF CALIFORNIA)  
CITY AND COUNTY OF SAN FRANCISCO

} ss. AFFIDAVIT  
}

The affiant being duly sworn deposes and says:

That he is a Special Agent of the Federal Bureau of Investigation and that in that capacity he has determined the following:

On February 23, 1976, the affiant talked personally with GEORGE ALEX, Security Supervisor, Office of the Director of Security, Pacific Telephone and Telegraph Company, 380 North First Street, San Jose, California, who advised as follows:

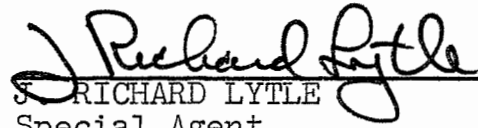
In accordance with existing regulations, Pacific Telephone Security on February 12, 1976, commenced monitoring "blue box" type calls from a pay telephone bearing Telephone Number 415-327-9462, which is located at 1933 Menalto, Menlo Park, California.

A "blue box" is a device which generates multi-frequency tones and supervisory tones utilized within the telephone companies toll network and which are different from those tones generated by individual subscriber telephone equipment.

On February 20, 1976, a "blue box" call was monitored at approximately 5:47 p.m. to Palo Alto, California, Telephone Number 493-1031, Subscribed to in the name of ED BERDEMAN, 3153 South Court. This call was placed by a male caller who identified himself as JOHN and stayed on the line approximately three minutes.

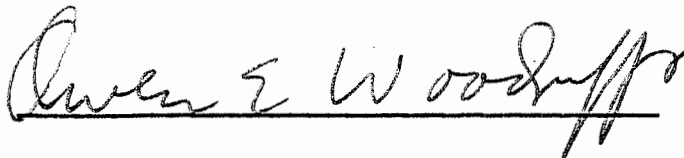
On February 27, 1976, a "blue box" call was monitored at approximately 4:37 p.m. to Oakland, California,

Telephone Number 652-8080. This call was placed by a male caller who asked for BOB MARSH and identified himself as JOHN DRAPER.

  
RICHARD LYTLE  
Special Agent  
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME

THIS FIRST DAY OF APRIL, 1976

  
Owen E Woodruff

ARRESTING OFFICER'S STATEMENT RE: BAIL

DEFENDANT'S NAME AND AGE JOHN THOMAS DRAPER 33

Offense and Penalty FRAUD BY WIRE TITLE 18, SEC 1343 USC.

1. EMPLOYMENT CONSULTING ENGINEER

SELF-EMPLOYED

no work for last month  
just received job

- 3 Applied  
4 P.D.
1. Is defendant employed?
  2. Where is defendant employed?
  3. What is his job?
  4. How long has he been employed at this job? 8 Mo. mostly ~~unemployed~~
  5. What is his salary per month? Unk
  6. If not employed, how long has he been unemployed?

2. RESIDENCE

1. What is defendant's home address?

1905 MONTECITO APT 6, MT VIEW, CALIF.

1 1/2 - 2 1/2 yrs

2. How long has he lived at that address?

3. Is this address a house, an apartment or a hotel?

SC County  
since 1962  
unmarried  
no dependents

3. FAMILY

1. Does defendant have a family? YES

2. List members of his family and where they live.

HARRY DRAPER-FATHER TWAIN HARTE, CALIF  
MOTHER ALSO RESIDES WITH FATHER

3. Does defendant support any member of his family? UNK.

4. PRIOR CONVICTIONS AND FLIGHT

1. List all convictions for criminal offenses, misdemeanors and felonies, and dates of conviction.

CONVICTED IN NOV, 1972 FOR THE SAME OFFENSE BEFORE UNITED STATES DISTRICT JUDGE ROBERT F. PECKHAM IN PALO ALTO, CALIF.

2. Has defendant ever failed to appear at a court proceeding?

NO

3. Has defendant ever avoided prosecution by flight? NO

4. Does defendant have a passport? UNK no

5. Is defendant presently charged with any other criminal offenses? NO

6. Is defendant presently on probation or parole?

ON PROBATION UNTIL NOV 1977 AS A RESULT OF THE ABOVE CONVICTION.

5. List any unusual factors in the nature or circumstances of the offense, e.g., weapon used, threats on witnesses, interstate or foreign travel involved, statements by defendant regarding appearance in court, etc.

no  
held as  
of this time

REQUESTED BAIL \$5,000.00 CASH OR SURTY

<b>APPEARANCE BOND</b>		<b>UNITED STATES DISTRICT COURT</b>	MAGISTRATE/COURT NUMBER 5-76-107MB	DATE BOND ISSUED 4-2-76
PROSECUTING U.S. JUDICIAL DISTRICT Northern District of California			LOCATION OF DISTRICT (City and State) San Francisco, California	
NAME OF MAGISTRATE/JUDGE ISSUING BOND (Show Title) Nordin F. Blacker, U.S. Magistrate			LOCATION OF ISSUING OFFICIAL (If different than above) San Jose, California	
NAME OF DEFENDANT JOHN THOMAS DRAPER			ADDRESS OF DEFENDANT 1905 Montecito Apt 6 964 Mt. View CA 9041	
NAME(S) OF SURETY/SURETIES			ADDRESS(ES) OF SURETY/SURETIES	
AMOUNT OF BOND \$ 5,000.00	DEPOSIT RECEIPTED FOR \$ P.R.	<input type="checkbox"/> RELEASED ON OWN RECOGNIZANCE	TIME/DATE OF APPEARANCE 9:30 4-22-76	COURTROOM San Jose
We, the undersigned, jointly and severally, have read and understand the conditions of this bond and swear/affirm that we and our personal representatives are able and bound to pay to the United States of America the full amount of bond shown above unless otherwise duly exonerated.				
SIGNATURE(S) OF SURETY/SURETIES (If applicable)			SIGNATURE OF DEFENDANT <i>John T. Draper</i>	
Signed and acknowledged before me on the date shown above. This bond authorizes the U.S. Marshal to release defendant from custody.			SIGNATURE OF MAGISTRATE/JUDGE <i>Nordin F. Blacker</i>	

**CONDITIONS**

The conditions of this bond are that the above defendant is to appear at the date, time, and location indicated before:

- The U.S. Magistrate/Judge of the prosecuting District
- The U.S. Magistrate/Judge of the removing District

And at such other places as the defendant may be required to appear, in accordance with any and all orders and directions relating to the defendant's appearance in the above referenced case as may be given or issued by the Magistrate or by the cognizant United States District Court or any other United States District Court to which the defendant may be removed or the cause transferred: That the defendant is not to depart the cognizant District, or the jurisdiction of any other United States District Court to which the defendant may be removed or the case transferred after he has appeared in such other District pursuant to the terms of this bond, except in accordance with such orders or warrants as may be issued by the Magistrate or the cognizant United States District Court or the United States District Court for such other District; that the defendant is to abide any judgment entered in such matter by surrendering himself to serve any sentence imposed and obeying any order or direction in connection with such judgment as the Court imposing it may prescribe.

If the defendant appears as ordered and otherwise obeys and performs the foregoing conditions of this bond, then this bond is to be void, but if the defendant fails to obey or perform any of these conditions, payment to the amount of this bond shall be due forthwith. Forfeiture of this bond for any breach of its conditions may be declared by any United States District Court having cognizance of the above entitled matter at the time of such breach and if the bond is forfeited and if the forfeiture is not set aside or remitted, judgment may be entered upon motion in such United States District Court against each debtor jointly and severally for the amount above stated, together with interest and costs, and execution may be issued and payment secured as provided by the Federal Rules of Criminal Procedure and by other laws of the United States.

It is agreed and understood that this is a continuing bond which shall continue in full force and effect until such time as the signers are duly exonerated.

In the exercise of his discretion and pursuant to the provisions of 18 U.S.C. 3146, the issuing Judicial Officer imposes and incorporates into this bond the following conditions of release (use space below and, if necessary, reverse of No. 1 copy for adding conditions of release and/or justification by surety/sureties):

**WARRANT OF ARREST**  
**UNITED STATES DISTRICT COURT**

**INSTRUCTIONS:** Type or legibly print. Forward copies No. 1 through No. 3 intact to the U.S. Marshal or other authorized officer; retain No. 4 copy. If applicable, use No. 4 copy to withdraw warrant. After completion of return, U.S. Marshal will distribute copies No. 1 through No. 3 as appropriate.

NAME OF PERSON TO BE ARRESTED <b>JOHN THOMAS DRAPER</b>	DISTRICT OF ISSUE <i>(Include City and State)</i> <b>NORTHERN DISTRICT OF CALIFORNIA</b>	MAGISTRATE/CLERK DOCKET NO. <b>5-76-107MB</b>
--	---	--

REASON FOR WARRANT				
<input type="checkbox"/> Complaint	<input type="checkbox"/> Indictment	<input type="checkbox"/> Information	<input type="checkbox"/> Probation Violation	<input type="checkbox"/> OTHER <i>(Specify)</i>

U.S.C TITLE	SECTION	BRIEF DESCRIPTION OF CHARGE(S)	BAIL <i>(If applicable)</i>
18	I343	Used a "blue box" to commit fraud by wire	<b>\$5,000.00 P.R</b> <i>Posted NFB</i>

DATE OF ISSUE <b>4-2-76</b>	TITLE OF ISSUING OFFICIAL <b>Nordin F. Blacker</b>	SIGNATURE OF ISSUING OFFICIAL <i>Nordin F. Blacker</i>
--------------------------------	---	---

**To: ANY U.S. MARSHAL OR ANY OTHER AUTHORIZED OFFICER**

You are hereby commanded to arrest the above named person and bring this individual forthwith before the nearest available United States Magistrate or District Court Judge to answer the above stated charge(s) in the complaint.

You are hereby commanded to arrest the above named person and bring this individual forthwith before the nearest United States District Court or *(if applicable)* before the nearest United States Magistrate in the arresting district to answer the above stated charge(s) in the indictment or information.

You are hereby commanded to arrest the above named person and bring this individual forthwith before the United States District Court or *(if applicable)* before the United States Magistrate in the issuing district at the location shown above to answer to charges of violation of conditions of probation imposed by the United States District Court.

**THE U.S. MARSHAL IN THE DISTRICT OF ARREST IS HEREBY FURTHER AUTHORIZED AND COMMANDED TO TAKE CUSTODY OF THE ABOVE NAMED PERSON. IF AFTER BRINGING THE PERSON BEFORE ANY APPLICABLE JUDICIAL OFFICER IN THE MANNER INDICATED ABOVE, THE INDIVIDUAL FAILS TO FURNISH BAIL FOR APPEARANCE PER ORDERS AND DIRECTIONS OF SUCH JUDICIAL OFFICER, THE U.S. MARSHAL IS AUTHORIZED AND COMMANDED TO KEEP SAFELY THIS INDIVIDUAL UNTIL DISCHARGED IN DUE COURSE OF LAW.**

**RETURN**

I certify I executed this warrant and such other order directed herein as shown below.

DATE RECEIVED	ARRESTING AGENCY <i>(If not U.S. Marshal)</i>	SIGNATURE OF ARRESTING AGENT <i>(If not U.S. Marshal)</i>		
DATE COMMITTED	PLACE OF CONFINEMENT <i>(If applicable)</i>	<input type="checkbox"/> Executed	<input type="checkbox"/> Unexecuted	<input type="checkbox"/> Withdrawn
DATE OF RETURN	NAME OF U.S. MARSHAL	SIGNATURE OF U.S. MARSHAL OR DEPUTY		

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CHAMBERS OF  
NORDIN F. BLACKER  
UNITED STATES MAGISTRATE

151 WEST ST. JAMES STREET  
SAN JOSE, CALIFORNIA 95110  
(408) 286-6228

Date: April 2, 1976

The undersigned acknowledges that he has been ordered by the above Magistrate to appear at the following place and for the following purpose:

PLACE

- U.S. District Court, 450 Golden Gate Ave., San Francisco, California.  
 U.S. District Court, 175 West Taylor Street, San Jose, California.  
 U.S. District Court in \_\_\_\_\_

PURPOSE

- Arraignment  
 Removal Hearing  
 Plea  
 Preliminary Examination  
 On Notice  
 Other \_\_\_\_\_

at 9:30 a.m., on Thursday, the  
22 day of April, 1976.

Defendant:

Case Number: 5-76-107

John T. Draper  
John Thomas Draper

Acknowledged before:

Nordin F. Blacker  
NORDIN F. BLACKER,  
United States Magistrate.



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA )  
 )  
 vs. )  
 JOHN THOMAS DRAPER )  
 )  
 )

Magistrate's Docket 5-76-107  
  
AFFIDAVIT FOR ORDER OF  
TEMPORARY COMMITMENT

Before, NORDIN F. BLACKER, U.S. Magistrate, at San Jose, California.

The undersigned affiant being duly sworn, states:

That he is a Special Agent of the Federal Bureau of Investigation; that he is informed and believes, and on the basis of such information and belief alleges, that on or about APRIL 1, 1976, at SAN FRANCISCO, CALIF in the NORTHERN District of CALIFORNIA:

- A complaint was filed before U.S. MAGISTRATE O. WOODRUFF.
- An information was filed before \_\_\_\_\_.
- An indictment was returned by the United States Grand Jury,

charging the above named defendant with violation of Title 18 U.S. Code Section(s) 1343, in that he allegedly USED A "BLUE BOX" TO COMMIT FRAUD BY WIRE

That affiant is further informed and believes, and on the basis of such information and belief alleges, that a warrant was issued upon said charges and is now outstanding; your affiant further states that the United States Attorney prosecuting such charges will be forthwith requested to forward the said warrant and a certified copy of the complaint, information, or indictment to this District or submit his desires for the disposition of the matter.

That affiant is further informed and believes, and on the basis of such information and belief alleges that bail has been SET in the sum of \$ 5,000.00 CASH OR SURTY.

WHEREFORE, the undersigned requests that defendant herein be ordered temporarily committed, subject to bail or release, pending receipt of said process papers.

DONALD. K. BERRY  
Special Agent, F.B.I.

Sworn to before me and subscribed in my presence this 2nd day of APRIL, 19 76.

Date of Offense: FEB. 20, 1976

NORDIN F. BLACKER, United States Magistrate, at San Jose, California

Place of Offense: MENLO PARK, CALIF.

(Seal)

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA )

Magistrate's Docket 5-76-107

vs. )

JOHN THOMAS DRAPER )

AFFIDAVIT FOR ORDER OF  
TEMPORARY COMMITMENT

**FILED**

APR 5 1976

Before, NORDIN F. BLACKER, U.S. Magistrate, at San Jose, California. **NORDIN F. BLACKER**  
**U.S. Magistrate**

The undersigned affiant being duly sworn, states:

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A complaint was filed before U.S. MAGISTRATE O. WOODRUFF.

An information was filed before \_\_\_\_\_.

An indictment was returned by the United States Grand Jury, charging the above named defendant with violation of Title 18

U.S. Code Section(s) 1343, in that he allegedly USED A  
"BLUE BOX" TO COMMIT FRAUD BY WIRE

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WHEREFORE, the undersigned requests that defendant herein be ordered temporarily committed, subject to bail or release, pending receipt of said process papers.

*Donald K. Berry*  
DONALD K. BERRY

Special Agent, F.B.I.

Sworn to before me and subscribed in my presence this 2nd day of APRIL, 19 76.

Date of Offense: FEB. 20, 1976

*Nordin F. Blacker*  
NORDIN F. BLACKER, United States Magistrate, at San Jose, California

Place of Offense: MENLO PARK, CALIF

(Seal)

THREE COUNT INDICTMENT

UNITED STATES v. JOHN THOMAS DRAPER

VIOLATION: Title 18, U.S.C.,  
Section 1343 - Fraud by Wire

PENALTY: Shall be imprisoned not more  
than 5 years, and/or fined not more than  
\$1,000, for each count.

Agent RICHARD LYTLE

Agency FBI

In Custody No

Process (Check One)

Summons \_\_\_\_\_

Bail (Amt.) \$5,000 P/R

No Process\* XXXX

\*Where defendant previously apprehended on complaint no new warrant or  
summons required since Magistrate automatically has scheduled his  
arraignment date.

Other Information: Defendant to appear for Preliminary Hearing  
on April 22, 1976 in San Jose, California.

AUSA: FLOY E. DAWSON

**CR 76 223**

**RFP**

**S J.**

No. \_\_\_\_\_

**UNITED STATES DISTRICT COURT**

NORTHERN District of CALIFORNIA

CRIMINAL Division

THE UNITED STATES OF AMERICA

vs.

JOHN THOMAS DRAPER

**INDICTMENT**

VIOLATION: Title 18, U.S.C.,  
Section 1343 - Fraud by Wire

A true bill,

*Benson C. Lai*  
Foreman.

Filed in open court this \_\_\_\_\_ day

of \_\_\_\_\_, A.D. 19\_\_\_\_\_

Clerk.

Bail, \$ 5,000 P/B

*Paul Cost*

FILED  
APR 21 12 25 PM '76  
WILLIAM H. HARTMAN  
U.S. DISTRICT COURT  
NO. 1000 OF CA

JAMES L. BROWNING, JR.  
United States Attorney  
Attorney for Plaintiff

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**CR 76 223 SW S J.**

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JOHN THOMAS DRAPER,  
Defendant.

CRIMINAL NO.  
VIOLATION: Title 18, U.S.C.,  
Section 1343 - Fraud by Wire

I N D I C T M E N T

The Grand Jury charges: T H A T

1) During the times pertinent to this Indictment, the Defendant, John Thomas Draper, devised and intended to devise a scheme and artifice to defraud the Pacific Telephone and Telegraph Company of revenue for the use of its long distance telephone service and facilities.

2) It was a part of said scheme and artifice to defraud that the Defendant would have and use an electronic multi-frequency signaling device, capable of producing certain sounds and signals, for the purpose of unlawfully securing unauthorized long distance telephone service, concealing the existence of such long distance telephone communications and for avoiding the payment of any charges therefor.

///  
///

1           3) On or about the dates hereinafter set forth in  
2 the respective counts of this Indictment, in the State and  
3 Northern District of California,

4                                 JOHN THOMAS DRAPER,

5 Defendant herein, did willfully and knowingly, for the purpose  
6 of executing the above described scheme and artifice to defraud,  
7 cause to be transmitted by wire communication in interstate  
8 commerce signals and sounds, which allowed completion of toll  
9 free long distance telephone calls in the following instances,  
10 each such instance being a separate count of this Indictment  
11 and a separate violation of Title 18, United States Code, Section  
12 1343:

13         COUNT ONE: From Menlo Park, California to Bethlehem,  
14 Pennsylvania on February 20, 1976;

15         COUNT TWO: From Menlo Park, California, to Bethlehem,  
16 Pennsylvania on February 20, 1976; and

17         COUNT THREE: From Menlo Park, California to Bethlehem,  
18 Pennsylvania on February 20, 1976.

19                                 A True Bill.

20   *Benson C. Lai*  
21   FOREMAN

22         *James L. Browning, Jr.*  
23         JAMES L. BROWNING, JR.  
24         United States Attorney  
25         AUSA: FED

26         Approved as to Form:  
27         *[Signature]*  
28  
29  
30  
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32

United States District Court  
FOR THE

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

v

JOHN THOMAS DRAPER

Magistrate's Docket No. 3-76

Case No. 504-mw

COMPLAINT for VIOLATION of

U.S.C. Title 18

Section 1343 - Fraud by

CR76 223 SW

SAN FRANCISCO, CA

Address of Magistrate

APR 22 1 09 PM '76  
FILED  
WILLIAM L. WHITTAKER  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
S.F.

BEFORE OWEN E. WOODRUFF  
Name of Magistrate

The undersigned complainant being duly sworn states:

That on or about February 20, 1976, at City of Menlo Park, County  
of San Mateo

Northern District of California

3  
1

in the

(1) JOHN THOMAS DRAPER

did<sup>(2)</sup> cause to be transmitted by wire communication in interstate  
commerce signals and sounds, by knowingly and without authority  
enter the long distance network of the telephone company through  
the use of a multi frequency signaling device and did then complete  
long distance toll free telephone calls, and thus fraudulently  
depriving said telephone company of revenues to which it was entitled.

And the complainant states that this complaint is based on the attached Affidavit.

~~And the complainant further states that he believes that~~

~~are material witnesses in relation to this charge.~~

FED: lmd

J. RICHARD LYTTLE, <sup>Signature of Complainant.</sup> Special Agent  
Federal Bureau of Investigation

Official Title.

Sworn to before me, and subscribed in my presence, \_\_\_\_\_, 19\_\_\_\_.

United States Magistrate.

(1) Insert name of accused.

(2) Insert statement of the essential facts constituting the offense charged.

STATE AND NORTHERN DISTRICT OF CALIFORNIA) )  
CITY AND COUNTY OF SAN FRANCISCO ) ss. AFFIDAVIT

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That he is a Special Agent of the Federal Bureau of Investigation and that in that capacity he has determined the following:

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A "blue box" is a device which generates multi-frequency tones and supervisory tones utilized within the telephone companies toll network and which are different from those tones generated by individual subscriber telephone equipment.

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On February 27, 1976, a "blue box" call was monitored at approximately 4:37 p.m. to Oakland, California,



Telephone Number 652-8080. This call was placed by a male caller who asked for BOB MARSH and identified himself as JOHN DRAPER.

---

J. RICHARD LYTLE  
Special Agent  
Federal Bureau of Investigation

SWORN AND SUBSCRIBED TO BEFORE ME

THIS FIRST DAY OF APRIL, 1976

---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

CRIMINAL PRE TRIAL MINUTES

DATE 4/22/76

DEFENDANT <u>JOHN T. DRAPER</u>	U.S. ATTORNEY <u>EDWARD DAVIS</u>	JUDGE <u>N.F. BLACKER</u>	CASE NO. <u>CR-76-223-Sub</u>
REPORTER <u>SONY</u>	COURTROOM CLERK <u>N. SCARDINA</u>	PROBATION OFFICER <u>NONE</u>	CUSTODY <u>No</u>
ATTORNEY FOR DEFENDANT <u>THOMAS STEELE</u>		RETAINED	INTERPRETER
ADDRESS		APPOINTED	
PHONE			

(Enter number from below)

REASON FOR HEARING 1

RESULTS OF HEARING 1, 3 - permission granted to visit parents in Inyo County

CASE CONTINUED TO 5/17/76 10am SW FOR 32 - trial setting

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CATEGORY OF EXCLUDABLE DELAY (Enter letter from reverse side) \_\_\_\_\_

JUDGMENT \_\_\_\_\_

- |  |                                       |   |
|--|---------------------------------------|---|
| 1. Arraignment   | 10. Filing of superseding indictment  | 25. Referred to probation officer           |
| 2. Plea  | 11. Filing of superseding information | 26. Jury trial                              |
| 3. Plea of not guilty  | 12. Waived indictment                 | 27. Court trial                             |
| 4. Plea of guilty  | 13. Waived jury                       | 28. Pretrial conference                     |
| 5. Plea of nolo contendere   | 14. Withdrew plea                     | 29. Motion to reduce bail                   |
| 6. Def't's application for permission to enter plea of guilty  | 15. Change of plea                    | 30. Referred to magistrate for bail hearing |
| 7. Def't. signed waiver of preparation of presentence investigation and report   | 16. Motions                           | 31. Judgment                                |
| 8. Def't. signed approval to institute a presentence investigation before conviction or plea of guilty                             | 17. Motion to dismiss                 | 32. Dismissal                               |
| 9. Def't. signed consent to Court's inspection of presentence report prior to plea of guilty, nolo contendere, or finding of guilt | 18. Motion to suppress                | 33. Remanded to custody                     |
|  | 19. Bill of particulars               | 34. Other                                   |
|  | 20. Discovery                         | 35. Granted                                 |
|  | 21. Motion for new trial              | 36. Denied                                  |
|  | 22. Set for trial                     | 37. Granted in part/denied in part          |
|  | 23. Set for pretrial                  | 38. Submitted                               |
|  | 24. Vacate trial date                 |   |

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MICHAEL KENNEDY  
Attorney at Law  
2424 Pine Street  
San Francisco, CA 94115  
(415)563-7704  
  
Attorney for Defendant

4

**FILED**

MAY 6 1976

**NORDIN F. BLACKER**  
U. S. Magistrate

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	NO. 76-223 SW
	)	
vs.	)	ORDER GRANTING PERMISSION
	)	TO LEAVE NORTHERN DISTRICT
JOHN THOMAS DRAPER,	)	OF CALIFORNIA
	)	
Defendant.	)	
_____	)	

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED:

That defendant John Draper shall have permission to leave the Northern District of California and to go to Tuolumne County in order to visit his parents on any weekend while this action is pending.

Dated:

*Nordin F. Blacker*  
\_\_\_\_\_  
UNITED STATES MAGISTRATE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
CRIMINAL PRETRIAL MINUTES

DATE 5-17-76

DEFENDANT <i>John Draper</i>	U.S. ATTORNEY <i>Daffer</i>	JUDGE SPENCER WILLIAMS	CASE NO. 76-223
REPORTER WM. JOHNSTON	COURTROOM CLERK PASCAL REDBURN	PROBATION OFFICER	CUSTODY (P) N/P
ATTORNEY FOR DEFENDANT <i>Thomas Steele</i>		INTERPRETER	
ADDRESS		RETAINED	APPOINTED

(Enter number from below)

REASON FOR HEARING (22)

RESULT OF HEARING 5/7

CASE CONTINUED TO 6-28-76 FOR 76 in San Jose

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CATEGORY OF EXCLUDABLE DELAY (Enter letter from reverse side ) \_\_\_\_\_

JUDGMENT \_\_\_\_\_

- |  |                                   |   |
|--|-----------------------------------|---|
| 1. Arraignment   | 13. Waived jury                   | 30. Referred to magistrate for bail hearing |
| 2. Plea  | 14. Withdrew plea                 | 31. Judgment                                |
| 3. Plea of not guilty  | 15. Change of plea                | 32. Dismissal                               |
| 4. Plea of guilty  | 16. Deft's Motion to dismiss      | 33. Remanded to custody                     |
| 5. Plea of nolo contendere   | 17. Motion to dismiss             | 34. Other (Specify)                         |
| 6. Deft's application for permission to enter plea of guilty   | 18. Motion to suppress            | 35. Granted                                 |
| 7. Deft's signed waiver of preparation of presentence report   | 19. Bill of particulars           | 36. Denied                                  |
| 8. Deft's signed approval to institute a presentence investigation before conviction or plea of guilty                             | 20. Discovery                     | 37. Granted in part/ Denied in part         |
| 9. Deft's signed consent to Court's inspection of presentence report prior to plea of guilty, nolo contendere, or finding of guilt | 21. Motion for new trial          | 38. Submitted                               |
| 10. Filing of superseding indictment   | <u>22.</u> Set for trial          | 39. Motion to sever                         |
| 11. Filing of superseding information  | 23. Set for pretrial              | 40. Motion to revoke probation              |
| 12. Waived indictment  | 24. Vacate trial date             | 41. Motion to dismiss remaining count(s)    |
|  | 25. Referred to probation officer | 42. Motions (Specify)                       |
|  | <u>26.</u> Jury trial             |   |
|  | 27. Court trial                   |   |
|  | 28. Pretrial conference           |   |
|  | 29. Motion to reduce bail         |   |

0/1/4

FILED  
JUN 28 12 44 PM '76  
WILLIAM L. WHITTAKER  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA., S.J.

6/1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
JOHN THOMAS DRAPER, )  
 )  
Defendant. )


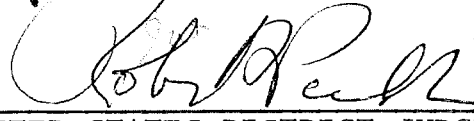
REF  
NO. CR-76-223-SW-SJ

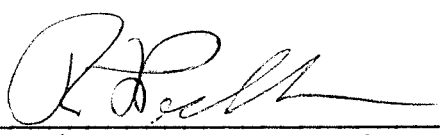
ORDER OF RE-ASSIGNMENT

Good cause appearing,

IT IS HEREBY ORDERED that the above-entitled action  
be re-assigned to the criminal calendar of the Honorable Robert  
F. Peckham.

DATED: 6-22-76

  
UNITED STATES DISTRICT JUDGE  
  
UNITED STATES DISTRICT JUDGE

  
Chief Judge, U. S. District Court

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL PRE-TRIAL MINUTES

DATE JUN 26 1976

DEFENDANT <i>Draper, John Thomas</i>	U.S. ATTORNEY <i>James Jaffer</i>	JUDGE <i>ROBERT F. PECKHAM</i>	CASE NO. <i>76-223 REP (55)</i>
REPORTER <i>R. Rogers</i>	COURTROOM CLERK <i>R. David</i>	PROBATION OFFICER	CUSTODY <i>NON</i>
ATTORNEY FOR DEFENDANT <i>Thomas Steel</i>	RETAINED <input checked="" type="checkbox"/>	INTERPRETER	
ADDRESS <i>273 PAGE ST.</i>	APPOINTED		
PHONE <i>SAN FRANCISCO, CA. 94102 864-5100</i>			

REASON FOR HEARING (Enter number from below)

*15*      *17*

RESULTS OF HEARING

*4*      *38*      *a*

CASE CONTINUED TO *Aug. 23, 1976 @ 11:30 AM* FOR *31*

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CATEGORY OF EXCLUDABLE DELAY (Enter letter from reverse side) \_\_\_\_\_

JUDGMENT \_\_\_\_\_

- |   |   |  |
|---|---|--|
| 1. Arraignment  | 10. Filing of superseding indictment              | 25. Referred to probation officer      |
| 2. Plea   | 11. Filing of superseding information             | 26. Jury trial                         |
| 3. Plea of not guilty   | 12. Waived indictment                             | 27. Court trial                        |
| ④ 4. Plea of guilty <i>to ct. i</i>   | 13. Waived jury                                   | 28. Pretrial conference                |
| 5. Plea of nolo contendere  | 14. Withdrew plea                                 | 29. Motion to reduce bail              |
| 6. Deft's application for permission to enter plea of guilty  | 15. Change of plea                                | 30. Referred to magis for bail hearing |
| 7. Deft. signed waiver of preparation of presentence investigation and report   | 16. Motions                                       | ③① Judgment                            |
| 8. Deft. signed approval to institute a presentence investigation before conviction or plea of guilty                             | ①⑦ <i>hold's</i> Motion to dismiss <i>cts 2+3</i> | 32. Dismissal                          |
| 9. Deft. signed consent to Court's inspection of presentence report prior to plea of guilty, nolo contendere, or finding of guilt | 18. Motion to suppress                            | 33. Remanded to custody                |
|   | 19. Bill of particulars                           | 34. Other                              |
|   | 20. Discovery                                     | 35. Granted                            |
|   | 21. Motion for new trial                          | 36. Denied                             |
|   | 22. Set for trial                                 | 37. Granted in part/denied in part.    |
|   | 23. Set for pretrial                              | ③⑧ Submitted                           |
|   | 24. Vacate trial date                             |  |

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL PRE TRIAL MINUTES

DATE AUG 23 1976

DEFENDANT <i>DRAPER,</i> <i>John Thomas</i>	U.S. ATTORNEY <i>Donnis Nerney</i>	JUDGE <b>ROBERT F. PECKHAM</b>	CASE NO. <i>76-223 RFR</i> <i>(SJ)</i>
REPORTER <i>R. Rogers</i>	COURTROOM CLERK <i>R. Davison</i>	PROBATION OFFICER <i>Robert Coffey</i>	CUSTODY <i>non</i>
ATTORNEY FOR DEFENDANT <i>Thomas Steel</i>		RETAINED <input checked="" type="checkbox"/>	INTERPRETER <input type="checkbox"/>
ADDRESS		APPOINTED	
PHONE			

REASON FOR HEARING 31 (Enter number from below) 17 34

RESULTS OF HEARING 35 35

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CATEGORY OF EXCLUDABLE DELAY (Enter letter from reverse side) \_\_\_\_\_

JUDGMENT *Three (3) years impi, serve four (4) months in jail -  
type insiditish, balance suspended and placed on  
probation for a period of five (5) years or et. l.  
~~Def. to receive credit of 50 days for time~~*

- |   |  |   |
|---|--|---|
| 1. Arraignment  | 10. Filing of superseding indictment       | 25. Referred to probation officer                   |
| 2. Plea   | 11. Filing of superseding information      | 26. Jury trial                                      |
| 3. Plea of not guilty   | 12. Waived indictment                      | 27. Court trial                                     |
| 4. Plea of guilty   | 13. Waived jury                            | 28. Pretrial conference                             |
| 5. Plea of nolo contendere  | 14. Withdrew plea                          | 29. Motion to reduce bail                           |
| 6. Deft's application for permission to enter plea of guilty  | 15. Change of plea                         | 30. Referred to magistrate for bail hearing         |
| 7. Deft. signed waiver of preparation of presentence investigation and report   | 16. Motions                                | <b>31</b> . Judgment on et. l.                      |
| 8. Deft. signed approval to institute a presentence investigation before conviction or plea of guilty                             | <b>17</b> . Motion to dismiss et. 2 and 3. | 32. Dismissal                                       |
| 9. Deft. signed consent to Court's inspection of presentence report prior to plea of guilty, nolo contendere, or finding of guilt | 18. Motion to suppress                     | 33. Remanded to custody                             |
|   | 19. Bill of particulars                    | <b>34</b> . Other Mo. for stay of Execution of Jcdy |
|   | 20. Discovery                              | <b>35</b> . Granted To Sept 20, 1976.               |
|   | 21. Motion for new trial                   | 36. Denied  |
|   | 22. Set for trial                          | 37. Granted in part/ denied in part.                |
|   | 23. Set for pretrial                       | 38. Submitted                                       |
|   | 24. Vacate trial date                      |   |

*OK*

# United States District Court

FOR THE  
NORTHERN District of CALIFORNIA

FILED

AUG 23 5 30 PM '76

WILLIAM L. WHITTAKER  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA., S.J.

THE UNITED STATES

vs.

JOHN THOMAS DRAPER

5

Division San Jose

973 SF

Docket No. CR 72-~~6~~RFP (X)

COMES NOW Robert M. Coffey PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of probationer John Thomas Draper who was placed on probation by the Honorable Robert F. Peckham sitting in the court at San Jose, on the 29th day of November 1972 who fixed the period of probation supervision at Five (5) Years, and imposed the general terms and conditions of probation theretofore adopted by the court and also imposed special conditions and terms as follows: The imposition of sentence was suspended and the defendant was placed on probation for a period of five (5) years, a condition of probation being that the defendant pay a fine of \$1,000.00 through the probation officer and it was further ordered that the defendant should refrain from illegal use of the telephone or other electronics devices for fraudulent means.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(If short insert here; if lengthy write on separate sheet and attach)

It is alleged that the defendant is in violation of the court's special condition to "refrain from illegal use of the telephone or other electronics devices for "fraudulent means" and probation condition #(1) "You shall refrain from violation of any law (federal, state and local).", by his conviction on 6-28-76 in U.S. District Court to one felony count of Fraud by Wire, Title 18 USC Sec. 1343

PRAYING THAT THE COURT WILL ORDER A summons issue for the defendant's appearance before the Court to show cause why his probation should not be revoked. *Deft appeared 8-23-76 before RFP + Sentenced*

## ORDER OF COURT

Considered and ordered this \_\_\_\_\_ day of AUG 23 1976 and ordered filed and made a part of the records in the above case.

*Robert F. Peckham*  
U.S. District Judge

Respectfully

*Robert M. Coffey*  
Robert M. Coffey

Probation Officer

Place San Jose, California

Date 8-20-76



United States District Court for

United States of America vs.

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

JOHN THOMAS DRAPER

JS-3  
DOCKET NO.

CR-76-223 RFP (SJ)

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

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

MONTH DAY YEAR  
August 23rd. 1976

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.  
 WITH COUNSEL THOMAS STEELE, ESQ.,  
(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,  NOLO CONTENDERE,  NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of  NOT GUILTY. Defendant is discharged  
 GUILTY.

Defendant has been convicted as charged of the offense(s) of fraud by wire, in violation of Title 18, Section 1343, United States Code, as charged in count one (1) of the Indictment.

Entered in Criminal Docket AUG 24 1976

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

THREE (3) YEARS, and the Court being satisfied that the ends of justice, and the best interest of the public as well as the defendant will be served thereby, that the defendant be imprisoned in a jail-type institution for a term of FOUR (4) MONTHS, and that the remainder of the sentence be suspended and the defendant is placed on probation for a period of FIVE (5) YEARS.

IT IS FURTHER ADJUDGED that counts two (2) and three (3) of the Indictment herein be, and are hereby, dismissed.

SPECIAL CONDITIONS OF PROBATION

FILED  
AUG 23 5 22 PM '76  
WILLIAM L. WHITTAKER  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL., S.J.

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,

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

SIGNED BY  
 U.S. District Judge

U.S. Magistrate

Robert F. Peckham

HONORABLE ROBERT F. PECKHAM

Date August 23, 1976

OK  
RJK

FILED

IN THE UNITED STATES DISTRICT COURT FOR ~~AUG 23~~ 2 43 PM '76

NORTHERN DISTRICT OF CALIFORNIA

WILLIAM L. WHITTAKER  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL., S.J.

\* \* \* \* \*

UNITED STATES OF AMERICA )

vs. )

John Thomas Draper )

NO. CR-76-223 RFP (SS) ✓

CR 72973 RFP (SS)

VOLUNTARY SURRENDER ORDER

Defendant herein, having requested permission to report, at defendant's own expense, to the Federal Institution designated for service of defendant's sentence,

It is hereby ordered that:

1. Stay of execution is granted <sup>until September 20, 1976</sup> ~~for a period of fourteen (14) days~~, during which period defendant shall remain at large on defendant's present cognizance.

2. Defendant shall immediately report to the United States Marshal's Office, Room 20006, 450 Golden Gate Avenue, San Francisco, for further instructions, which defendant shall follow precisely and without deviation.

3. Defendant shall report to the institution designated by the Attorney General on or before 4:00 p.m. on September 20, 1976.

4. Any failure by defendant to obey all requirements of this order shall be punishable as a contempt.

5. If, for any reason, defendant shall fail to report at the times and places required herein, defendant shall appear in this Court at 10:00 a.m. on the first Court day following the date of such required reporting.

Failure to appear shall constitute a separate offense, violation of Section 3150 of Title 18, U. S. Code, punishable by additional imprisonment of up to five years.

Dated:                     AUG 23 1976                    

Robert F. Beck

United States District Judge

United States of America vs.

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

JOHN THOMAS DRAPER

DOCKET NO.

CR-72-973 RFP (SF)

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

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

MONTH DAY YEAR August 23rd. 1976

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL THOMAS STEELE, ESQ.

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged GUILTY.

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

The defendant heretofore having been sentenced to a period of probation and now being found in violation of that probation, IT IS ADJUDGED that the probation be revoked.

GENERAL CONDITIONS OF PROBATION

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

THREE (3) YEARS, and the Court being satisfied that the ends of justice, and the best interest of the public as well as the defendant will be served thereby, that the defendant be imprisoned in a jail-type institution for a term of FOUR (4) MONTHS, and that the remainder of the sentence be suspended and the defendant is placed on probation for a period of FIVE (5) YEARS, to run concurrently with sentence imposed in CR-76-223 RFP (SJ).

SPECIAL CONDITIONS OF PROBATION

FILED AUG 23 5 52 PM '76 WILLIAM J. ...

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,

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

SIGNED BY

U.S. District Judge, or U.S. Magistrate

*Robert H. ...*

Date

CERTIFIED AS A TRUE COPY ON

THIS DATE Aug 23, 1976

BY *R. ...*

CLERK DEPUTY 12 NOV 1976

DEFENDANT

JOHN THOMAS DRAPER

DOCKET NO.

CR-72-973 RFP (SJ)

CORRECTED

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

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

MONTH DAY YEAR August 26th. 1976

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL THOMAS STEELE, ESQ. (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged. GUILTY. AUG 26 1976

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

The defendant heretofore having been sentenced to a period of probation and now being found in violation of that probation, IT IS ADJUDGED that the probation be revoked.

WILLIAM L. WHITTAKER, CLERK

GENERAL CONDITIONS OF PROBATION

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

THREE (3) YEARS, and the Court being satisfied that the ends of justice, and the best interest of the public as well as the defendant will be served thereby, that the defendant be imprisoned in a jail-type institution for a term of FOUR (4) MONTHS, and that the remainder of the sentence be suspended, to run concurrently with sentence imposed in CR-76-223 RFP (SJ).

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 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, with a certified copy of the within Judgment and Commitment.

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

SIGNED BY

U.S. District Judge U.S. Magistrate

HONORABLE ROBERT F. PECKHAM

August 26, 1976

CERTIFIED AS A TRUE COPY OF THIS DATE BY

FILED AUG 25 12 50 PM '76

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CRIMINAL PRE TRIAL MINUTES

4

DATE AUG 23 1976

DEFENDANT <i>Skaper, John Thomas</i>	U.S. ATTORNEY <i>Dennis Kearney</i>	JUDGE <i>ROBERT F. PECKHAM</i>	CASE NO. <i>72-973 RFP(S)</i>
REPORTER <i>R. Rogers</i>	COURTROOM CLERK <i>R. Lawrence</i>	PROBATION OFFICER <i>Robert Coffey</i>	CUSTODY <i>non</i>
ATTORNEY FOR DEFENDANT <i>Thomas Steel</i>		RETAINED <input checked="" type="checkbox"/>	INTERPRETER
ADDRESS		APPOINTED	
PHONE			

REASON FOR HEARING 34 ~ (Enter number from below) Advised of Right to counsel and Charge

Def. admits to violation of alleged condition of probation.

RESULTS OF HEARING Court finds def. has violated condition of probation and Reverts probation.

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CASE CONTINUED TO \_\_\_\_\_ FOR \_\_\_\_\_

CATEGORY OF EXCLUDABLE DELAY (Enter letter from reverse side) \_\_\_\_\_

JUDGMENT Three (3) years impi. serve (4) months in jail-type

institution, balance suspended and placed on probation for a period of five (5) years to Run concurrently WITH sentence imposed in CR-76-223 RFP(SJ).

Ord. execution is stayed to Sept. 20, 1976.

- |   |                                       |                                       |
|---|---------------------------------------|---------------------------------------|
| 1. Arraignment  | 10. Filing of superseding indictment  | 25. Referred to probation office      |
| 2. Plea   | 11. Filing of superseding information | 26. Jury trial                        |
| 3. Plea of not guilty   | 12. Waived indictment                 | 27. Court trial                       |
| 4. Plea of guilty   | 13. Waived jury                       | 28. Pretrial conference               |
| 5. Plea of nolo contendere  | 14. Withdrew plea                     | 29. Motion to reduce bail             |
| 6. Deft's application for permission to enter plea of guilty  | 15. Change of plea                    | 30. Referred to mag. for bail hearing |
| 7. Deft. signed waiver of preparation of presentence investigation and report   | 16. Motions                           | 31. Judgment                          |
| 8. Deft. signed approval to institute a presentence investigation before conviction or plea of guilty                             | 17. Motion to dismiss                 | 32. Dismissal                         |
| 9. Deft. signed consent to Court's inspection of presentence report prior to plea of guilty, nolo contendere, or finding of guilt | 18. Motion to suppress                | 33. Remanded to custody               |
|   | 19. Bill of particulars               | 34. Other Probation Proceedings       |
|   | 20. Discovery                         | 35. Granted                           |
|   | 21. Motion for new trial              | 36. Denied                            |
|   | 22. Set for trial                     | 37. Granted in part, denied in part.  |
|   | 23. Set for pretrial                  | 38. Submitted                         |
|   | 24. Vacate trial date                 |                                       |

8/19/76  
86-27x

FILED

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

WILLIAM L. WHITTAKER WILLIAM L. WHITTAKER  
CLERK CLERK

\* \* \* \* \* U.S. DISTRICT COURT U.S. DISTRICT COURT  
NO. DIST. OF CAL. S.J. NO. DIST. OF CAL. S.J.

UNITED STATES OF AMERICA )

vs. )

John Thomas Draper )

NO. ~~CR 76-223 RFP (ST)~~  
CR 72-973 RFP (ST)  
VOLUNTARY SURRENDER ORDER

*Close*

Defendant herein, having requested permission to report, at defendant's own expense, to the Federal Institution designated for service of defendant's sentence,

It is hereby ordered that:

1. Stay of execution is granted *until September 20, 1976* for a period of ~~fourteen (14) days~~, during which period defendant shall remain at large on defendant's present cognizance.

2. Defendant shall immediately report to the United States Marshal's Office, Room 20006, 450 Golden Gate Avenue, San Francisco, for further instructions, which defendant shall follow precisely and without deviation.

3. Defendant shall report to the institution designated by the Attorney General on or before 4:00 p.m. on September 20, 1976

4. Any failure by defendant to obey all requirements of this order shall be punishable as a contempt.

5. If, for any reason, defendant shall fail to report at the times and places required herein, defendant shall appear in this Court at 10:00 a.m. on the first Court day following the date of such required reporting.

Failure to appear shall constitute a separate offense, violation of Section 3150 of Title 18, U. S. Code, punishable by additional imprisonment of up to five years.

Dated:                     AUG 23 1976                    

*Robert F. Beckler*

United States District Judge

*San Francisco Case*

United States of America vs.

# United States District Court for

NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT

JOHN THOMAS DRAPER

DOCKET NO. →

CR-72-973 RFP

C O R R E C T E D

## JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

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

*7*

MONTH DAY YEAR  
August 26th. 1976

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.  
 WITH COUNSEL THOMAS STEELE, ESQ.,  
(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,  NOLO CONTENDERE,  NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of  NOT GUILTY. Defendant is discharged  
 GUILTY.

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

The defendant heretofore having been sentenced to a period of probation and now being found in violation of that probation, IT IS ADJUDGED that the probation be revoked.

GENERAL CONDITIONS OF PROBATION

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

THREE (3) YEARS, and the Court being satisfied that the ends of justice, and the best interest of the public as well as the defendant will be served thereby, that the defendant be imprisoned in a jail-type institution for a term of FOUR (4) MONTHS, and that the remainder of the sentence be suspended, to run concurrently with sentence imposed in CR-76-223 RFP (SJ).

SPECIAL CONDITIONS OF PROBATION

FILED  
Aug 26 12 43 PM '76  
WILLIAM L. WHITTAKER  
U.S. DISTRICT CLERK  
NO. DIST. OF CALIF.  
COURT

Entered in Criminal Docket *8/26*  
1976

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,

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

SIGNED BY

U.S. District Judge  
 U.S. Magistrate

*Robert F. Peckham*  
HONORABLE ROBERT F. PECKHAM

Date August 26, 1976

12 NOV 1976

07/24

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SEP 15 1976

\* \* \* \* \*

*Log*

WILLIAM L. WHITTAKER, CLERK

UNITED STATES OF AMERICA  
vs.  
JOHN THOMAS DRAPER

No. CR-76-223 RFP and ✓  
NO. CR-72-973 RFP (SJ)  
A M E N D E D  
VOLUNTARY SURRENDER ORDER

*12*

Defendant herein, having requested permission to report, at defendant's own expense, to the Federal Institution designated for service of defendant's sentence,

It is hereby ordered that:

until October 4th. 1976,

1. Stay of execution is granted ~~for a period of~~ ~~fourteen (14) days~~, during which period defendant shall remain at large on defendant's present cognizance.

2. Defendant shall immediately report to the United States Marshal's Office, Room 20006, 450 Golden Gate Avenue, San Francisco, for further instructions, which defendant shall follow precisely and without deviation.

3. Defendant shall report to the institution designated by the Attorney General on or before 4:00 p.m. on October 4th. 1976

4. Any failure by defendant to obey all requirements of this order shall be punishable as a contempt.

5. If, for any reason, defendant shall fail to report at the times and places required herein, defendant shall appear in this Court at 10:00 a.m. on the first Court day following the date of such required reporting.

Failure to appear shall constitute a separate offense, violation of Section 3150 of Title 18, U. S. Code, punishable by additional imprisonment of up to five years.

Dated: September 14th. 1976

*Robert H. [Signature]*

United States District Judge

SEP 15 1976  
Copies mailed to parties  
of Record



OK  
9/15/76

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**FILED**

SEP 15 1976

\* \* \* \* \*

**WILLIAM L. WHITTAKER, CLERK**

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, )  
 )  
 ) vs. )  
 )  
 ) JOHN THOMAS DRAPER, )  
 )  
 ) Defendant. )  
 \_\_\_\_\_ )

CRIMINAL NO. CR-76-223 RFP (SJ)

A N D

CRIMINAL NO. CR-72-973 RFP [Redacted]

O R D E R

GOOD CAUSE APPEARING THEREFOR:

The defendant JOHN THOMAS DRAPER having been committed to the custody of the Attorney General, It is hereby recommended that the federal prison camp at Lompoc, California, be designated as the place of confinement.

DATED: September 15th. 1976

HONORABLE ROBERT F. PECKHAM  
Chief United States District Judge

9-9-15-76  
copy mailed to parties hereon

0/1/4

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

SEP 15 1976

\* \* \* \* \*

WILLIAM L. WHITTAKER, CLERK

UNITED STATES OF AMERICA )  
 )  
 vs. )  
 )  
 JOHN THOMAS DRAPER )  
 )  
 )  
 )  
 )  
 )

No. CR-76-223 RFP and  
NO. CR-72-973 RFP [redacted] SJ  
A M E N D E D  
VOLUNTARY SURRENDER ORDER

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for service of defendant's sentence,

It is hereby ordered that:

until October 4th. 1976,

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~~fourteen (14) days~~, during which period defendant shall remain  
at large on defendant's present cognizance.

2. Defendant shall immediately report to the United States  
Marshal's Office, Room 20006, 450 Golden Gate Avenue, San Francisco,  
for further instructions, which defendant shall follow precisely  
and without deviation.

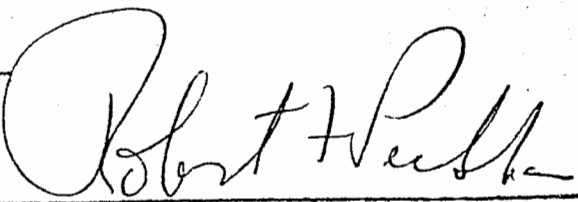
3. Defendant shall report to the institution designated  
by the Attorney General on or before 4:00 p.m. on October 4th. 1976

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the times and places required herein, defendant shall appear in  
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violation of Section 3150 of Title 18, U. S. Code, punishable by  
additional imprisonment of up to five years.

Dated: September 14th. 1976

  
United States District Judge

OK  
9/15/76

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

**FILED**

SEP 15 1976

\* \* \* \* \*

**WILLIAM L. WHITTAKER, CLERK**

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
JOHN THOMAS DRAPER,  
Defendant.

13

CRIMINAL NO. CR-76-223 RFP (SJ) ✓

A N D

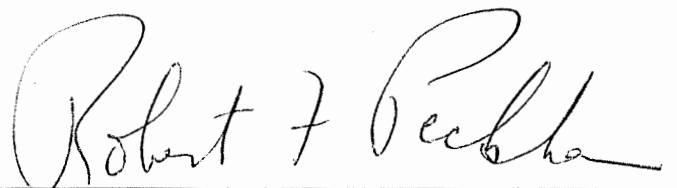
CRIMINAL NO. CR-72-973 RFP (SJ)

O R D E R

GOOD CAUSE APPEARING THEREFOR:

The defendant JOHN THOMAS DRAPER having been committed to the custody of the Attorney General, It is hereby recommended that the federal prison camp at Lompoc, California, be designated as the place of confinement.

DATED: September 15th. 1976



HONORABLE ROBERT F. PECKHAM  
Chief United States District Judge

16-9-15-76  
copy marked to practices hereon

CR 76-223 SW SJ

CASE NUMBER 3-76-504 MW  
 Instruction: Use for all Magistrate criminal cases except petty offenses. Legible hand-printing is acceptable.

JOHN THOMAS DRAPER	—	FILED	—
—	—	FEB 18 10 53 AM '77	—
—	—	WILLIAM L. WITTAKER	—
—	—	U.S. DISTRICT COURT NO. DIST. OF CAL. S.J.	—
DEFENDANT(S)	COUNTS	ATTORNEY(S)	APP'T

**MAGISTRATE'S DOCKET**  
 MA Form 3

14

DISTRICT Northern District of California  
 LOCATION (City and State) San Francisco, CA

INITIATING DATA	<input checked="" type="checkbox"/> FBI		<input type="checkbox"/> Postal Inspection		<input type="checkbox"/> Immigration & Naturalization		<input type="checkbox"/> Alcohol, Tobacco & Firearms		<input type="checkbox"/> Internal Revenue	
	<input type="checkbox"/> Secret Service		<input type="checkbox"/> BN&DD		<input type="checkbox"/> U. S. Customs		<input type="checkbox"/> U. S. Marshal		<input type="checkbox"/>	
	<input type="checkbox"/> Affidavit		<input checked="" type="checkbox"/> Complaint		<input type="checkbox"/> Warrant		<input type="checkbox"/> Indictment		<input type="checkbox"/> Information	
	DATE OF OFFENSE 2/20/76			PLACE OFFENSE OCCURRED (City and State) Menlo Park, CA			DISTRICT OF OFFENSE (If different than above) same			
USC TITLE	SECTION	BRIEF DESCRIPTION OF OFFENSE						COUNTS		
18	1343	Fraud by Wire								

Defendant(s) informed of complaint, right to counsel, right to have bail set, right to preliminary hearing, that he is not required to make any statement, and that any statement may be used against him. BAIL SET AT:

I hereby consent to be tried before the U.S. Magistrate on the charge set forth herein and waive the right to jury trial in District Court and the keeping of a verbatim record. DEFENDANT'S SIGNATURE

\$5000 C/S

RECORD OF PROCEEDINGS

DATE	CODE(S)	REMARKS (Describe action briefly as necessary)
4/1/76	OEW	AW issued
4/21/76		CR-76-223-SW-SJ

CERTIFICATION OF RECORD

I certify the record of this case to be a correct transcript transmitted to the clerk of the Court this date. DATE SIGNATURE OF MAGISTRATE

**WARRANT OF ARREST**  
**UNITED STATES DISTRICT COURT**

**INSTRUCTIONS:** Type or legibly print. Forward copies No. 1 through No. 3 intact to the U.S. Marshal or other authorized officer; retain No. 4 copy. If applicable, use No. 4 copy to withdraw warrant. After completion of return, U.S. Marshal will distribute copies No. 1 through No. 3 as appropriate.

NAME OF PERSON TO BE ARRESTED	DISTRICT OF ISSUE <i>(Include City and State)</i> <b>NORTHERN DISTRICT OF CALIFORNIA</b>	MAGISTRATE/CLERK DOCKET NO.
-------------------------------	---	-----------------------------

REASON FOR WARRANT			
<input type="checkbox"/> Complaint	<input type="checkbox"/> Indictment	<input type="checkbox"/> Information	<input type="checkbox"/> Probation Violation
<input type="checkbox"/> OTHER <i>(Specify)</i>			
U.S.C TITLE	SECTION	BRIEF DESCRIPTION OF CHARGE(S)	BAIL <i>(If applicable)</i>
DATE OF ISSUE	TITLE OF ISSUING OFFICIAL	SIGNATURE OF ISSUING OFFICIAL	

**To: ANY U.S. MARSHAL OR ANY OTHER AUTHORIZED OFFICER**

You are hereby commanded to arrest the above named person and bring this individual forthwith before the nearest available United States Magistrate or District Court Judge to answer the above stated charge(s) in the complaint.

You are hereby commanded to arrest the above named person and bring this individual forthwith before the nearest United States District Court or *(if applicable)* before the nearest United States Magistrate in the arresting district to answer the above stated charge(s) in the indictment or information.

You are hereby commanded to arrest the above named person and bring this individual forthwith before the United States District Court or *(if applicable)* before the United States Magistrate in the issuing district at the location shown above to answer to charges of violation of conditions of probation imposed by the United States District Court.

**THE U.S. MARSHAL IN THE DISTRICT OF ARREST IS HEREBY FURTHER AUTHORIZED AND COMMANDED TO TAKE CUSTODY OF THE ABOVE NAMED PERSON. IF AFTER BRINGING THE PERSON BEFORE ANY APPLICABLE JUDICIAL OFFICER IN THE MANNER INDICATED ABOVE, THE INDIVIDUAL FAILS TO FURNISH BAIL FOR APPEARANCE PER ORDERS AND DIRECTIONS OF SUCH JUDICIAL OFFICER, THE U.S. MARSHAL IS AUTHORIZED AND COMMANDED TO KEEP SAFELY THIS INDIVIDUAL UNTIL DISCHARGED IN DUE COURSE OF LAW.**

You are hereby commanded to withdraw this warrant and return it immediately to the issuing official with this No. 4 copy.

DATE	SIGNATURE OF ISSUING OFFICIAL	DATE WITHDRAWN	SIGNATURE OF U.S. MARSHAL
------	-------------------------------	----------------	---------------------------

**TO U.S. ATTORNEY: ADVICE ON WITHDRAWAL OF WARRANT**

**WARRANT OF ARREST  
UNITED STATES DISTRICT COURT**

**INSTRUCTIONS:** Type or legibly print. Forward copies No. 1 through No. 3 intact to the U.S. Marshal or other authorized officer; retain No. 4 copy. If applicable, use No. 4 copy to withdraw warrant. After completion of return, U.S. Marshal will distribute copies No. 1 through No. 3 as appropriate.

NAME OF PERSON TO BE ARRESTED	DISTRICT OF ISSUE <i>(Include City and State)</i> <b>NORTHERN DISTRICT OF CALIFORNIA</b>	MAGISTRATE/CLERK DOCKET NO.
-------------------------------	---	-----------------------------

REASON FOR WARRANT				
<input type="checkbox"/> Complaint	<input type="checkbox"/> Indictment	<input type="checkbox"/> Information	<input type="checkbox"/> Probation Violation	<input type="checkbox"/> OTHER <i>(Specify)</i>

U.S.C. TITLE	SECTION	BRIEF DESCRIPTION OF CHARGE(S)	BAIL <i>(If applicable)</i>

DATE OF ISSUE	TITLE OF ISSUING OFFICIAL <b>U. S. MAGISTRATE</b>	SIGNATURE OF ISSUING OFFICIAL
---------------	--	-------------------------------

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You are hereby commanded to arrest the above named person and bring this individual forthwith before the nearest United States District Court or *(if applicable)* before the nearest United States Magistrate in the arresting district to answer the above stated charge(s) in the indictment or information.

You are hereby commanded to arrest the above named person and bring this individual forthwith before the United States District Court or *(if applicable)* before the United States Magistrate in the issuing district at the location shown above to answer to charges of violation of conditions of probation imposed by the United States District Court.

**THE U.S. MARSHAL IN THE DISTRICT OF ARREST IS HEREBY FURTHER AUTHORIZED AND COMMANDED TO TAKE CUSTODY OF THE ABOVE NAMED PERSON. IF AFTER BRINGING THE PERSON BEFORE ANY APPLICABLE JUDICIAL OFFICER IN THE MANNER INDICATED ABOVE, THE INDIVIDUAL FAILS TO FURNISH BAIL FOR APPEARANCE PER ORDERS AND DIRECTIONS OF SUCH JUDICIAL OFFICER, THE U.S. MARSHAL IS AUTHORIZED AND COMMANDED TO KEEP SAFELY THIS INDIVIDUAL UNTIL DISCHARGED IN DUE COURSE OF LAW.**

You are hereby commanded to withdraw this warrant and return it immediately to the issuing official with this No. 4 copy.

DATE	SIGNATURE OF ISSUING OFFICIAL	DATE WITHDRAWN	SIGNATURE OF U.S. MARSHAL
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TO U.S. ATTORNEY: ADVICE ON WITHDRAWAL OF WARRANT