



# ***Exploding The Phone***

db347

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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 1978**

Date            1978-08-29

Abstract       Motions and orders resulting from Draper's third arrest in  
Pennsylvania and resulting violation of probation in California.  
Includes psychiatric evaluations and character reference letters.

Keywords      John Thomas Draper; Captain Crunch

Source         National Archives (Court Records)

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16737TD  
①

# United States District Court

FOR THE  
NORTHERN District of CALIFORNIA

ORIGINAL  
FILED

AUG 31 1978

THE UNITED STATES

vs.

JOHN THOMAS DRAPER

Division \_\_\_\_\_

WILLIAM L. WHITTAKER  
CLERK, U. S. DIST. COURT  
SAN FRANCISCO

Docket No. C- R 72-973-RFP (SF)  
CR 76-223-RFP (SJ)

COMES NOW ARTHUR M. HONDA PROBATION OFFICER OF THE COURT  
JOHN T. DRAPER

presenting an official report upon the conduct and attitude of probationer ROBERT F. PECKHAM who was placed on probation by the Honorable \_\_\_\_\_ sitting in the court at San Jose, on the 23rd day of August 1976 who fixed the period of probation supervision at five years, and imposed the general terms and conditions of probation theretofore adopted by the court and also imposed special conditions and terms as follows: Custody of the Attorney General for three years, suspended as to all but four months to be served in a jail-type institution, to be served concurrently as to both matters.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS  
FOLLOWS: (If short insert here; if lengthy write on separate sheet and attach)

On August 18, 1978 in the Court of Common Pleas of the 43rd Judicial District, Commonwealth of Pennsylvania, final judgment was entered against probationer on his conviction by guilty plea to Possession of Devices for Theft of Telecommunications Services, thereby violating condition one of his general conditions of probation.

PRAYING THAT THE COURT WILL ORDER a warrant to issue with a recommended bail of \$2,000 and that said warrant be lodged as a detainer with Forrest Sebring, Sheriff, Monroe County Jail, Stroudsburg, Pennsylvania, 18360.

## ORDER OF COURT

Considered and ordered this \_\_\_\_\_ day  
of AUG 30 1978 19 \_\_\_\_\_ and ordered filed  
and made a part of the records in the above  
case.

ROBERT F. PECKHAM

U.S. District Judge

Respectfully,

ARTHUR M. HONDA

Probation Officer

Place San Jose, CA

Date August 29, 1978

**COURT**  
**United States District Court**

FOR THE  
NORTHERN District of CALIFORNIA

FILED

AUG 31 10 27 AM '78

WILLIAM L. WHITTAKER  
CLERK

U.S. DISTRICT COURT  
NO. DIST. OF CAL.

THE UNITED STATES

vs.

JOHN THOMAS DRAPER

Division \_\_\_\_\_

Docket No. C- R 72-973-RFP (SF)  
CR 76-223-RFP (SJ)

COMES NOW ARTHUR M. HONDA PROBATION OFFICER OF THE COURT  
presenting an official report upon the conduct and attitude of probationer JOHN T. DRAPER  
who was placed on probation by the Honorable ROBERT F. PECKHAM  
sitting in the court at San Jose, on the 23rd day of August 1976  
who fixed the period of probation supervision at five years, and imposed the  
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entered against probationer on his conviction by guilty plea to  
Possession of Devices for Theft of Telecommunications Services,  
thereby violating condition one of his general conditions of probation.

PRAYING THAT THE COURT WILL ORDER a warrant to issue with a  
recommended bail of \$2,000 and that said warrant be lodged as a  
detainer with Forrest Sebring, Sheriff, Monroe County Jail,  
Stroudsburg, Pennsylvania, 18360.

ORDER OF COURT

Considered and ordered this 30 day  
of August 1978 and ordered filed  
and made a part of the records in the above  
case.

Robert F. Peckham  
U.S. District Judge

Respectfully

Arthur M. Honda

Probation Officer

Place San Jose, CA

Date August 29, 1978

FILED

SEP 10 1978

WILLIAM L. WHITTAKER, CLERK

MICHAEL KENNEDY  
Attorney at Law  
273 Page Street  
San Francisco, CA 94102  
(415) 864-5100

Attorney for Defendant

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	NO. CR 76-223 RFP (SJ)
	)	
vs.	)	NOTICE OF MOTION AND MOTION
	)	PURSUANT TO RULE 35, FEDERAL
JOHN THOMAS DRAPER,	)	RULES OF CRIMINAL PROCEDURE
	)	
Defendant.	)	
	)	

TO THE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF  
CALIFORNIA AND TO THE UNITED STATES PROBATION OFFICE:

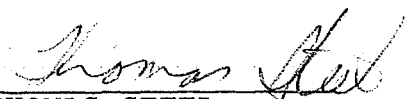
YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that  
JOHN THOMAS DRAPER, through his attorney, Thomas Steel,  
respectfully moves this Court for an order modifying the  
sentence imposed on August 24, 1976 upon the conviction of  
defendant on charges of violating 18 U.S.C. §1343 (fraud by  
wire), and the concurrent sentence imposed on the revocation  
of defendant's probation. Defendant requests that said order  
be modified to include the recommendation that defendant be  
incarcerated at the federal prison camp, in Lompoc, California,  
and that defendant be given a stay of execution until October 1,  
1976 so as to allow sufficient time for the Bureau of Prisons  
to process this recommendation.

This motion is made pursuant to Rule 35 of the Federal  
Rules of Criminal Procedure and is based on the attached  
Memorandum of Points and Authorities, Affidavit of Thomas

1 Steel, and the files and records in this case. No oral argument  
2 is requested and the defendant waives any right to be present  
3 at the time of ruling on this motion.

4 Dated: September 9, 1976

MICHAEL KENNEDY

5  
6   
7 THOMAS STEEL

8  
9 MEMORANDUM OF POINTS AND AUTHORITIES

10 I. JURISDICTION

11 Federal Rule of Criminal Procedure, Rule 35,  
12 provides that a sentence may be modified within 120 days after  
13 imposition of said sentence. Since defendant was sentenced  
14 on August 24, 1976 this motion is timely submitted. No hearing  
15 is required on a motion under Rule 35, and the defendant  
16 need not be present. United States v. Foss, 501 F.2d 522 (1st  
17 Cir. 1974), United States v. Sanders, 438 F.2d 344 (5th Cir.  
18 1971), Fournier v. United States, 485 F.2d 130 (5th Cir. 1973).

19 II. MODIFICATION OF SENTENCE

20 While it is clear that the Attorney General has  
21 the ultimate power to designate the institution in which a  
22 defendant will be incarcerated, it is appropriate for the  
23 sentencing judge to recommend a particular institution. As  
24 shown by the Affidavit of Thomas Steel, attached hereto, said  
25 recommendations are forwarded to the Bureau of Prisons in  
26 Washington D.C. and taken into account when assigning a defendant  
27 to a particular institution. As this court is aware of  
28 defendant's health problems, such recommendation would be  
29 particularly appropriate in this case.

30 Finally, it is requested that said recommendation be  
31 made promptly so that it may be processed prior to September 20,

32 \* \* \* \*

1 1976, the date upon which defendant is to surrender himself  
2 to the Federal Marshall.

3 Dated: September 9, 1976 MICHAEL KENNEDY

4  
5   
6 THOMAS STEEL

7 (PROOF OF SERVICE BY MAIL - 1013a, 2015.5 C. C. P.)

8 I, the undersigned, hereby certify that I am a citizen of the  
9 United States, over the age of eighteen years and not a party to  
10 the within action; my business address is


11 273 Page Street, San Francisco, CA 94102

12 I served a true copy of the foregoing document by mail by placing  
13 same in an envelope, sealing, fully prepaying postage thereon and  
14 depositing said envelope in the U. S. Mail at San Francisco, Califor-

15 nia, on the 9 day of SEPT 19 76  
16 said envelope was addressed as follows; and certify under penalty  
17 of perjury that the foregoing is true and correct.

18 Floy Dawson  
19 United States Attorney's Office  
20 450 Golden Gate Avenue  
21 San Francisco, California

Robert Coffey  
United States Probation Office  
175 West Taylor  
San Jose, California

22  
23  
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31  
32  
  
Maureen Holcher

1 State of California )  
City and County of )  
2 San Francisco ) ss. AFFIDAVIT OF THOMAS STEEL

3  
4 THOMAS STEEL being duly sworn, deposes and says:

5 I am the attorney for defendant John Draper. I make  
6 this affidavit from my own personal knowledge.

7 On September 8, 1976 I was informed by United States  
8 Marshall Summers that defendant was <sup>to be</sup> incarcerated for 4 months  
9 pursuant to this Court's sentence, at the County Jail in  
10 San Bruno, California, this being the ordinary place where  
11 short term federal prisoners are sent when convicted in this  
12 District.

13 At the time of defendant's sentencing, this Court had  
14 before it two letters from doctors who had examined defendant.  
15 These letters confirmed defendant's assertion that he had  
16 a severe allergic condition. This condition becomes inflamed  
17 and aggravated by any contact whatsoever with cigarette smoke.  
18 These doctors recommended that defendant remain, to the fullest  
19 extent possible, out of the reach of cigarette smoke.

20 I have investigated the conditions at the County Jail  
21 at San Bruno, relative to the conditions at the federal prison  
22 farm at Lompoc. I find conditions at San Bruno are substantially  
23 worse. Specifically, nutrition, medical care and the physical  
24 layout of San Bruno would expose defendant to a substantially  
25 greater health hazard than Lompoc. This investigation is  
26 confirmed by the fact that litigation claiming that conditions  
27 at San Bruno constitute a violation of Constitutional Rights  
28 is presently pending before Judge Schnacke.

29 John Draper's unique health problems are serious,  
30 while his offense was non-violent and he poses no threat  
31 to the security of any institution. I therefore believe that  
32 it is appropriate that this court modify its order to recommend

1 that defendant be incarcerated at Lompoc. United States Marshall  
2 Summers informs me that if such a recommendation is made, it  
3 will be forwarded to the United States Bureau of Prisons in  
4 Washington, D.C., where a decision will be made. Normally,  
5 said recommendations are followed. I am informed and believe  
6 that it will take approximately two weeks for the Bureau of  
7 Prisons to process this recommendation and it is therefore  
8 appropriate that defendant be given a stay of execution until  
9 October 1, 1976.

10  
11  
12 Sworn to and subscribed  
13 before me this 9th day  
14 of September, 1976.

15 Maureen Holcher  
Maureen Holcher





IN THE COURT OF COMMON PLEAS  
OF THE FORTY-THIRD JUDICIAL DISTRICT  
MONROE COUNTY BRANCH - CRIMINAL DIVISION

3

COMMONWEALTH OF PENNSYLVANIA

NO. 65 - 1978

TERM, 19\_\_

vs.

JOHN T. DRAPER, a/k/a Captain Crunch

Fern Drive, The Hamlet

Canadensis, Pa., 18325

Defendant (s)

COUNT I

The District Attorney of Monroe County by this information charges that ~~on or about~~ <sup>between</sup> October 19, 1977 and October 22, 1977, in said County of Monroe, ~~at~~ <sup>at Fern Drive, The Hamlet,</sup> Price Township, Pennsylvania, John T. Draper, a/k/a Captain Crunch did possess an instrument, apparatus, equipment or device designed, adapted or which can be used for commission of theft of telecommunications service, to wit: Did possess an Apple computer and related software programs designed and adapted for the commission of theft of telecommunications service, in violation of Section 910, 1, (i) of the Pennsylvania Crimes Code, (18 P.S. 910, 1, i),

COUNT II

The District Attorney of Monroe County by this information charges that on October 22, 1977, in said County of Monroe, at Fern Drive, The Hamlet, Price Township, Pennsylvania, John T. Draper, a/k/a Captain Crunch, did possess an instrument, apparatus, equipment or device designed, adapted or which can be used for commission of theft of telecommunication service, to wit: Did possess the diagrams for, miscellaneous parts for, and partially assembled devices commonly known as "Red Boxes" which are designed and can be used for the theft of telecommunications service from pay telephones, in violation of Section 910, 1, (i) of the Pennsylvania Crimes Code, (18 P.S. 910, 1, i),

CR 76-0223 RFP

400/10  
SEP 24 1978  
By Kear  
Deputy D.A.

all of which is against the Act of Assembly and the peace and dignity of the Commonwealth of Pennsylvania.

(18 P.S. 910, 1, i) 2 Counts

Ralph A. Matergia  
Attorney for the Commonwealth

2

CR 76-0223 RHP

NO. 68-1978  
COUNT 1  
FILED  
JUN 19 1978  
CLERK  
By *Kear*  
Deputy Clerk

IN THE COURT OF COMMON PLEAS OF THE 43RD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA  
MONROE COUNTY BRANCH - CRIMINAL

- - - - -

COMMONWEALTH OF PENNSYLVANIA, :

vs.

: No. 68 - 1978

JOHN THOMAS DRAPER.

: COUNT NO. I - POSSESSION OF  
: DEVICES FOR THEFT OF  
: COMMUNICATION SERVICES.

- - - - -

O R D E R

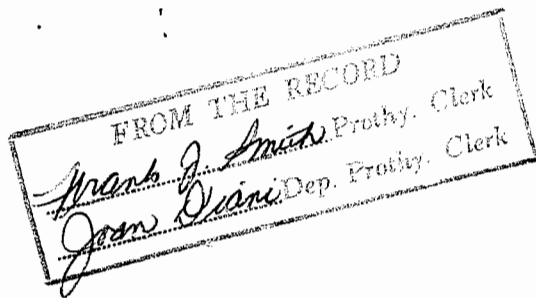
AND NOW, this 19th day of June, 1978, the defendant having entered a written plea of guilty to the above charge, imposition of sentence is deferred pending a presentence investigation. Bail is continued in the same amount.

BY THE COURT:

*[Signature]*  
J.

cc: R. A. Matergia, Esq, A.D.A.  
George Goldstein, Esq.  
Probation  
Sheriff  
D. Kinne, C.R.

FROM THE RECORD  
*Frank J. Smith* Prothy. Clerk  
*Doris Jenkins* Dep. Prothy. Clerk



CR 76-0223 RFP  
600's  
SEP 27 1978  
- *by Kane*  
Deputy Clerk

IN THE COURT OF COMMON PLEAS OF THE 43RD JUDICIAL DISTRICT  
COMMONWEALTH OF PENNSYLVANIA  
MONROE COUNTY BRANCH - CRIMINAL

COMMONWEALTH OF PENNSYLVANIA, :

vs. : No. 68 - 1978

JOHN THOMAS DRAPER. : POSSESSION OF DEVICES FOR THEFT  
: OF TELECOMMUNICATION SERVICES.

SENTENCE

AND NOW, this 18th day of August, 1978, it is the sentence of this Court that you, John Thomas Draper, undergo a period of imprisonment in the Monroe County Jail for not less than three months nor more than six months, pay a fine of \$500.00 and the costs of these proceedings.

BY THE COURT:

*Michael R. Thompson*  
J.

cc: R.A. Matergia, Esq., A.D.A.  
George Goldstein, Esq.  
Probation  
Sheriff  
D. Kinne, C.R.

RONALD S. BARKIN

ATTORNEY AT LAW  
2437 DURANT AVENUE • SUITE 203  
BERKELEY, CALIFORNIA 94704

TELEPHONE (415) 848-4752

*For promptness, reply to  
P. O. Box 4399*

September 29, 1978

RECEIVED

OCT 02 1978

CLERK, U. S. DISTRICT COURT  
SAN FRANCISCO

The Honorable Richard F. Peckham  
U.S. District Court Judge  
Northern District of California  
450 Golden Gate Avenue  
San Francisco, California 94102

RE: The United States vs. John Thomas Draper  
Docket No. CR-72-973-RFP (SF)  
CR-76-223-RFP (SF)

Dear Judge Peckham:

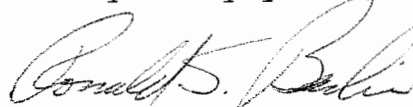
I represent John Draper in the above matters. Subsequent to August 29, 1978, I contacted Arthur Honda, Mr. Draper's Probation Officer, and advised him that Mr. Draper was eligible for the County Work Release Program in Easton, Pennsylvania. Mr. Honda advised me that he had already petitioned the Court and that a warrant lodged as a detainer had been issued. This prevents Probationer from being placed on Work Release.

Mr. Honda also received a letter from Mr. Draper explaining his situation and telling of his plans to drive his car back across country to re-establish his life and work in California.

This information has caused Mr. Honda to change his position regarding the recommendation that bail be set at \$2,000.00. Mr. Honda now has no objection to Mr. Draper's release on a Personal Recognizance bond on the condition that he voluntarily return for the Revocation Hearing. This condition is of course accepted by Mr. Draper. Mr. Honda further felt that since bail was set at \$2,000.00 on his recommendation and he is now changing that recommendation, it might be possible to modify the original Order without setting a formal hearing. I have therefore taken the liberty of preparing the enclosed Order.

Thank you for your kind consideration in this matter.

Very truly yours,

  
RONALD S. BARKIN

RSB:MT  
encl.

cc: Arthur Honda  
John Draper

# COURTRAN

FILED

RECEIVED

OCT 13 1978

OCT 02 1978

WILLIAM L. WHITTAKER  
CLERK, U. S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLERK, U. S. DISTRICT COURT  
SAN FRANCISCO

16  
1  
UNITED STATES DISTRICT COURT

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

THE UNITED STATES )

vs. )

JOHN THOMAS DRAPER )

DOCKET NO. CR-72-973-RFP (SF) - 1  
CR-76-223-RFP (SJ) - 15

IT IS HEREBY ORDERED that:

The Court's Order of August 30, 1978, in the above-entitled matter, wherein a warrant was issued with a recommended bail of \$2,000.00, said warrant to be lodged as a detainer with Forrest Sebring, Sheriff, Monroe County Jail, Stroudsburg, Pennsylvania 18360, be modified as follows:

IT IS HEREBY ORDERED that:

The Probationer be released from said warrant on his Personal Recognizance bond with his promise to appear in the office of his Probation Officer, Arthur M. Honda, two (2) weeks after Probationer's release from Northampton County Prison, and to then appear before this court as directed by said Probation Officer.

//

//

Copies mailed to parties  
of Record

10-13-78  
Jave  
Cert copy to  
USM.

CR 72-973 RFP & CR 76-223 RFP

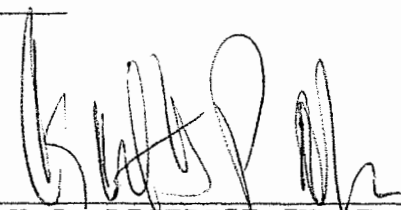
U.S. vs. JOHN THOMAS DRAPER

1 IT IS FURTHER ORDERED that:

2 The warrant be withdrawn as a detainer against  
3 Probationer.

4 DATED: \_\_\_\_\_

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U.S. DISTRICT JUDGE

UNITED STATES DISTRICT COURT

Middle District of Pennsylvania

United States of America

v.

JOHN THOMAS DRAPER  
Defendant

Magistrate's Docket No. Q-CR-78-35M-1

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

ORDER SPECIFYING METHODS AND  
CONDITIONS OF RELEASE

Part I.—Preferred Methods of Release

It is hereby ORDERED that the above-named defendant be released, provided

Personal  
Recognizance

☒ that he promises to appear at all scheduled hearings as required.

Unsecured Bond

( ) that he will execute a bond binding himself to pay the United States the sum of \_\_\_\_\_ dollars (\$) in the event that he fails to appear as required.

[NOTE: The judicial officer is required to release the defendant by one of the above methods unless he determines that such a release will not reasonably assure the appearance of the defendant as required. In the event such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first condition of release listed below which will reasonably assure the appearance of the person for trial. If no single condition gives that assurance, any combination of conditions may be used.]

Part II.—Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant, it is hereby FURTHER ORDERED that the defendant be released on the condition(s) checked below:

Third Party  
Custody

( ) (1) The defendant is placed in the custody of  
(Name of person or organization) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(City and State) \_\_\_\_\_ Tel. No. \_\_\_\_\_  
who agrees (a) to supervise the defendant in accordance with conditions 2 and 5 as checked below, (b) to use every effort to assure the appearance of the defendant at all scheduled hearings before the United States Magistrate or Court, and (c) to notify the Magistrate or Court immediately in the event the defendant violates any condition of his release or disappears.

Signed: \_\_\_\_\_  
Custodian or Proxy

Restrictions on  
Travel, Association or Place  
of Abode

( ) (2) The defendant will comply with each of the following conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10% Deposit

( ) (3) The defendant will execute a bond binding himself to pay to the United States the sum of \_\_\_\_\_ dollars (\$) and will deposit in the registry of the court the sum of \_\_\_\_\_ dollars (\$), in \_\_\_\_\_, being not more than 10%  
(cash or security)  
of the amount of the bond, such deposit to be returned upon the court's determination that the defendant has performed the conditions of his release.

Cash or Surety  
Bond

( ) (4) The defendant will execute a bond in the amount of \_\_\_\_\_ dollars (\$ ) either secured by the undertakings of sufficient solvent sureties or by the deposit of an equal amount of cash or other security in lieu thereof.

Part-time Release

( ) (5) (a) The defendant will be released from \_\_\_\_\_ a.m. to \_\_\_\_\_ a.m. on \_\_\_\_\_ on condition that he return to custody at the specified time at such place of confinement as the United States Marshal shall designate.  
(Specify days of week)

Other Conditions

( ) (5) (b) The defendant agrees that he will comply with the following other conditions of release: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[NOTE: A defendant for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them.]

Part III.—Appearance and Penalties

Appearance

It is hereby FURTHER ORDERED that the defendant shall appear next ~~at~~ as directed by his probation officer, Arthur M. Honda, before the United States District Court for the Northern District of Calif. and at such other places and times as the United States Magistrate or Court may order or direct.

Penalties

If the defendant violates any condition of his release, a warrant for his arrest will issue immediately. After arrest, the terms and conditions of any further release will be redetermined.

If the defendant fails to appear before any court or judicial officer as required, an additional criminal case may be instituted against him. If the failure to appear is in connection with a charge of felony, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if he fails to appear after being released on a misdemeanor charge, the penalty is a fine of not more than the maximum provided for the misdemeanor or imprisonment for not more than one year, or both.

Part IV.—Acknowledgment by Defendant

Acknowledgment

I John Thomas Draper Defendant, understand the methods and conditions of my release which have been checked above and the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required.

I agree to comply fully with each of the obligations imposed on my release and to notify the Magistrate or Court promptly in the event I change the address indicated below.

RELEASE ORDERED:

Date: October 27, 1978

John T. Draper  
Defendant  
732 Seneca St.  
Address  
Bethlehem, PA. 215-866-1778  
City and State Tel. No.

Joseph G. Quinn  
United States Magistrate  
or  
~~United States District Judge~~  
JOSEPH G. QUINN

John T. Draper  
C.O. Receiving Studios  
931 Pardee St.  
Berkeley, Calif. 94710  
ph. 415-548-8152



# United States District Court

for the

MIDDLE DISTRICT OF PENNSYLVANIA

Magistrate's

~~XXXXXXXXXX~~ Docket No. Q-CR-78-  
35M-1

Case No.

UNITED STATES OF AMERICA

v

JOHN THOMAS DRAPER

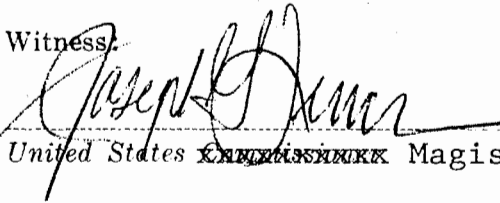
## WAIVER OF REMOVAL HEARING

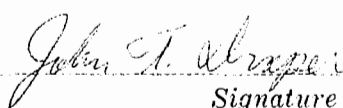
I, John Thomas Draper, charged in a proceeding pending in the Northern district of California, with violation of the terms of my probation as imposed by the Honorable Robert F. Peckham on August 23, 1976 in the United States District Court for the Northern District of California at San Jose,

and having been arrested in the Middle district of Pennsylvania and taken before Honorable Joseph G. Quinn, a United States Magistrate ~~Commissioner~~ for that district, who informed me of the charge and of my right to retain counsel or request the assignment of counsel if I am unable to retain counsel, and to have a hearing or execute a waiver thereof, do hereby waive a hearing before the aforementioned ~~Commissioner~~ magistrate and consent to the issuance of a warrant for my removal to the Northern district of California where the aforesaid charge is pending against me.

October 27, 19 78.

Witness:

  
 United States ~~Commissioner~~ Magistrate

  
 Signature of defendant

16737  
TD

3

OCT 13 1978

CLERK U. S. DIST. COURT  
SALV. TRIB. C.

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

THE UNITED STATES  
vs.  
JOHN THOMAS DRAPER

DOCKET NO. CR-72-973-RFP (SF)  
CR-76-223-RFP (SJ)

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1 IT IS FURTHER ORDERED that:

2 The warrant be withdrawn as a detainer against  
3 Probationer.

4 DATED: 10/13/78

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7 CECIL F. FOOLE

8 U.S. DISTRICT JUDGE  
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I hereby certify that the annexed  
document is a true and correct copy  
of the original on file in my office.

WILLIAM L. WINTERKILL  
Clerk of the U.S. District Court  
Northern District of California

By J. J. Carls

Dated 10/13/78

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

JOHN THOMAS DRAPER

16737 JD  
Magistrate's Docket No.  
Q-CR-78-35M-1  
OCT. 31, 1978

ORDER

Draper has been charged in the United States District Court for the Northern District of California with a violation of the terms of his probation as imposed by the Honorable Robert F. Peckham on August 23, 1976. Defendant was arrested in the Middle District of Pennsylvania and appeared before the undersigned on October 27, 1978 at which time he signed a Waiver of Removal Hearing form. At the conclusion of that hearing, defendant was released on his own personal recognizance. <sup>1</sup>

NOW, THEREFORE, in further clarification of this Court's Order of October 27, 1978, IT IS HEREBY ORDERED THAT:

- (1) Draper shall be permitted to remain free on his own personal recognizance.
- (2) Draper shall appear in the United States District

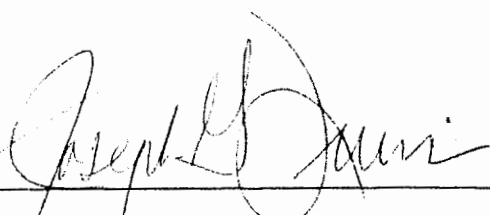
<sup>1</sup>

This Court is of the opinion that a Warrant of Removal, Rule 40, Federal Rules of Criminal Procedure, need not be issued in this matter inasmuch as defendant has agreed to voluntarily appear in the U.S. District Court for the Northern District of California on or before November 10, 1978. In addition, Rule 40 appears to apply to those instances where the warrant was issued on the basis of a complaint, an indictment, or on information filed in the prosecuting district. In the instant action, the warrant was issued on the basis of a petition presented to the U.S. District Court for the Northern District of California alleging a violation of probation.

Certified from the record  
Date Nov. 1, 1978  
Donald R. Berry, Clerk  
Per Ruth Mercuri  
Deputy Clerk

Court for the NorthemDistrict of California when  
required to do so in accordance with all orders  
and directives of that Court.

(3) Draper shall report to Probation Officer  
Arthur M. Honda of the Northern District of  
California at San Jose, California on or before  
November 10, 1978.



Joseph G. Quinn  
UNITED STATES MAGISTRATE  
Middle District of Pennsylvania

Dated Oct 31, 1978

MAJORITY OFFENSE NO  
MINOR OFFENSE NO  
OTHER MISDEMEANOR NO  
EXEMPT FROM

314 JH  
314 JH

DRAPER, JOHN THOMAS

10 27 78

1610  
16737  
TD

18 §1343

Fraud by wire  
(Probation violation)

FILED

OCT 31 1978

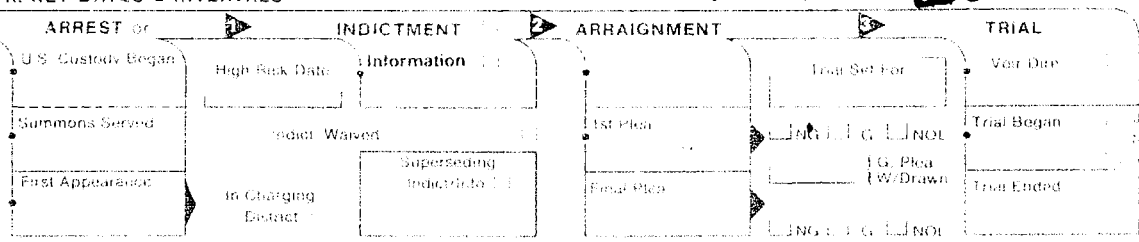
DONALD R. BERRY, Clerk

Certified from the record  
Date Nov. 1, 1978

Donald R. Berry, Clerk

Per Ruth Mercuri  
Deputy Clerk

II. KEY DATES & INTERVALS



U.S. DIST. COURT  
CASE NO. 35M-1  
Q-CR-  
10/27/78  
Disposition of Charges  
On Acc.  
On Two  
On Govt. Motion

10/27/78

14 JH

9/1/78

Def. plead guilty to possession of devices for theft of Telecommunications Services, violating condition of probation.

- 8/30/78 1 - Order of Hon. Robert F. Peckham, U.S. Dist. Court in Dist. of Calif. directing issuance of warrant for defendant.
- 9/1 2 - Warrant of Arrest for def. charging violation of probation. Warrant lodged as a detainer with Forrest Sebring, Sheriff, Monroe County Jail, Stroudsburg, Pa.
- 10/13 3 - Order of Hon. Cecil F. Poole, U.S. Dist. Court, N.D. Calif. directing that warrant be withdrawn as a detainer against def. and directing that def. be released on his own recognizance with his promise to appear in office of his probation officer, Arthur M. Honda, San Jose, Calif., within 2 weeks after def's release from Northampton County Prison, Pennsylvania.
- 10/27 4 - Waiver of Removal Hearing, executed on Oct. 27, 1978 by def. during course of appearance before U.S. Mag. Joseph G. Quinn, following def's being informed of const. rights.
- 10/27 5 - Order of Mag. Quinn specifying methods and conditions of release. Def. released on own recognizance.
- 10/27 6 - Minutes of hearing as recorded by Deputy Clerk Ruth Mercuri.

DATE	IV. PROCEEDINGS (continued)	PAGE TWO	V. EXCLUDABLE DELAY				For Exclusion Periods of able Delay USC 316
(DOCUMENT NO.)			Interval Section II (a)	Start Date End Date (b)	Lib Code (c)	Total Days (d)	
0/30	7 - Order of Mag. Quinn directing that def. be released on his own personal recognizance and directing him to appear in the U.S. Dist. Court for the Northern Dist. of Calif. when required to do so in accordance with all orders and directives of that Court.						A Examine hearing mental physical capacity USC
							B NA/NA
							C State v. ...
							D Attorney
							E Examine
							F Examine
							G Examine
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							Y Examine
							Z Examine

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA  
U. S. POST OFFICE AND COURTHOUSE  
SCRANTON, PENNSYLVANIA 18501

DONALD R. BERRY  
CLERK

November 1, 1978

FILED  
IN REPLYING GIVE NUMBER  
AND TERM OF CASE AND  
NAMES OF PARTIES  
NOV 6 12 24 PM '78  
WILLIAM L. WHITTAKER  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA., S.D.

William L. Whittaker, Clerk  
United States District Court  
U.S. Courthouse  
175 W. Taylor St.  
San Jose, California 95110

Re: USA v. John T. Draper  
Mid. Dist. Pa. No. 16737 TD  
~~C-R 72-975-RFP (SF)~~  
CR 76-223-RFP (SJ)

Dear Sir:

Enclosed are copies of pertinent papers in the above captioned case, certified copy of Magistrate Docket sheet and original Bail Reform Act papers.

The defendant was taken before Magistrate Quinn in this district on October 27th on a Probation Violation Warrant from the No. Dist. of California. Magistrate Quinn released Mr. Draper on his personal recognizance, with instructions to report to Probation Officer Arthur M. Honda, San Jose, Ca. on or before November 10, 1978, and before the U.S. District Court, No. Dist. of Ca. when required to do so.

Please acknowledge receipt of these papers on the enclosed copy of this letter.

Very truly yours,

Donald R. Berry, Clerk

by

*Ruth Mercuri*  
Ruth Mercuri, Deputy Clerk



**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 (Include City and State) <b>NORTHERN DISTRICT OF CALIFORNIA</b>	MAGISTRATE/CLERK DOCKET NO. <del>CR 72-973-RFP (SJ)</del> <b>CR 76-223-RFP (SJ)</b>
--	--	---

REASON FOR WARRANT			
<input type="checkbox"/> Complaint	<input type="checkbox"/> Indictment	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Probation Violation
U.S.C. TITLE	SECTION	BRIEF DESCRIPTION OF CHARGE(S)	BAIL (If applicable)
18	1343	Fraud by wire	\$2,000.00
DATE OF ISSUE 9-1-78		TITLE OF ISSUING OFFICIAL Deputy Clerk	
		SIGNATURE OF ISSUING OFFICIAL <i>[Signature]</i> B. Ryan	

**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 (If not U.S. Marshal)	SIGNATURE OF ARRESTING AGENT (If not U.S. Marshal)	
DATE COMMITTED	PLACE OF CONFINEMENT (If applicable)	<input checked="" type="checkbox"/> Executed	<input type="checkbox"/> Unexecuted
DATE OF RETURN	NAME OF U.S. MARSHAL	<input type="checkbox"/> Withdrawn	
10/27/78	John J. Buch.	SIGNATURE OF U.S. MARSHAL OR DEPUTY <i>[Signature]</i>	

*DUSM*  
*MD/PA*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

PROBATION OFFICE

FILED

Nov 14 11 22 AM '78

HARRY W. SCHLOETTER  
CHIEF PROBATION OFFICER

U. S. COURT HOUSE  
450 GOLDEN GATE AVENUE  
BOX NUMBER 36057  
SAN FRANCISCO 94102

415-356-0200

November 13, 1978

WILLIAM L. WHITTAKER, W. TAYLOR STREET  
CLERK SAN JOSE 95110  
U.S. DISTRICT COURT 408-275-7671  
NO. DIST. OF CA. S.J.

PLEASE REPLY TO: San Jose, California

John Draper  
2538 Chilton Avenue  
Berkeley, CA

Re: USA vs JOHN THOMAS DRAPER  
Docket Nos. CR 72-973-RFP (SF)  
CR 76-223-RFP (SJ)

Dear John:

The Honorable Robert F. Peckham, Chief U. S. District Judge, has set your probation revocation hearing for November 24, 1978 at 10:00 a.m. at 175 West Taylor Street, San Jose, California, 95110. You are directed to be present at that time. If you have any questions, please call me at (408) 275-7671.

Very truly yours,

ARTHUR M. HONDA  
U. S. Probation Officer

AMH:bfh

cc: Ronald S. Barkin  
Attorney at Law  
3050 Shattuck Avenue  
Berkeley, CA 94705

Donald B. Ayer  
Assistant U. S. Attorney  
675 North First Street Sixth Floor  
San Jose, CA 95112

United States Clerk's Office  
175 West Taylor Street  
San Jose, CA 95110

1 RONALD S. BARKIN  
2 Attorney at Law  
3 3050 Shattuck Avenue  
4 Berkeley, Calif. 94705  
5 (415) 848-4752  
6  
7 Attorney for Probationer

FILED  
Nov 22 2 12 PM '78

U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIF.

*[Handwritten signature]*  
*1 21*  
*1*

8 UNITED STATES DISTRICT COURT  
9 FOR THE  
10 NORTHERN DISTRICT OF CALIFORNIA

11 THE UNITED STATES ) DOCKET NO. ~~CR-72-973-RFP (S)~~  
12 ) CR-76-223-RFP (SJ)  
13 vs. )  
14 JOHN THOMAS DRAPER ) DECLARATION OF RONALD S. BARKIN  
15 )

16 I, RONALD S. BARKIN, declare as follows:

17 I am an attorney duly licensed to practice law before  
18 this Court and I appear on behalf of JOHN THOMAS DRAPER.

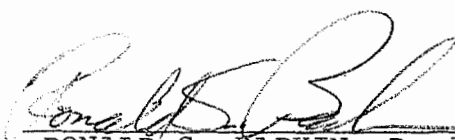
19 Attached hereto, regarding Mr. Draper's case presently  
20 before the Court, are the following: a Psychiatric Report by  
21 Dr. Robert Blumberg and Dr. Blumberg's Curriculum Vitae; letters  
22 of character and reference sent to The Honorable Robert F. Peckham,  
23 c/o myself; letters of character and reference sent to The  
24 Honorable Harold A. Thompson, Judge of the Court of Common Pleas  
25 of Monroe County, Commonwealth of Pennsylvania; and a letter of  
26 character and reference from The Honorable Paul N. McCloskey, Jr.,  
27 Representative to the Congress of the United States, from the  
28 12th District, California. Originals have been attached in all  
29 cases where I have had the original document in my possession.

30 A further Psychiatric Report from O'Neal Dillon, M.D.  
31 cannot, according to Dr. Dillon, be prepared until December 1, 1978.

32 //

1 I, RONALD S. BARKIN, declare that the foregoing is true  
2 and correct to the best of my knowledge and information.

3 Executed this 22nd day of November, 1978, at Berkeley,  
4 California.

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7 RONALD S. BARKIN, Declarant  
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DR. ROBERT B. BLUMBERG  
1711 DELANCEY PLACE  
PHILADELPHIA, PENNSYLVANIA 19103  
TELEPHONE 215 PE 5-0509

August 17, 1978

George E. Goldstein, Esquire  
128 Pine Ford Road  
Pottstown, PA 19464

RE: John Thomas Draper

Dear Mr. Goldstein:

Mr. John Draper was referred to my office by you for a psychiatric evaluation in connection with the pending sentencing proceeding resulting from his plea of guilty to a charge of possessing a device which could be used for theft of phone services. Because Mr. Draper has already rendered a complete background report to the probation department, I will not go into detail as to his background, but will consider it as necessary in the context of my findings.

Mr. Draper is a thirty five year old white male. His father was a career Air Force serviceman, and he grew up in a strict military oriented home. Both parents were strict and his father believed in corporal punishment, and throughout John's formative childhood years, there was exerted upon him a severe castrating and malignant effect. John suffered because there were very few children on the bases where he lived with whom he could relate and his family was constantly moving from one base to another. This interfered with his ability to establish firm peer relationships or situations in which he could develop in a consistent manner. All of this resulted in feelings of instability, fear and anxiety, which persist to the present.

Because of the peculiar family configuration and the constant arguing of his parents, together with the erratic manner in which he developed, John became a "loner" and found that his only outlet was an enormous interest in electronics. This persisted during his military career when he was sent to isolated bases where he had no interaction with persons other than fellow servicemen. It was indeed unfortunate that in his young manhood, the same pattern continued as had been established during his early years.

Page Two  
George E. Goldstein, Esquire  
August 17, 1978

John was able to excel in the area of electronics and thereby gained the acceptance and admiration which had previously been lacking. The resulting ego gratification spurred him on to further experimentation and innovation which resulted in his gaining national notoriety as "Captain Crunch", the preeminent "phone-phreak". His research and experiments with the phone system were not on a malicious basis, nor were they for personal gain, but as an attempt to secure and maintain acceptance and praise from others as well as for his own internal intellectual approval. As a collateral result, he became extremely skilled as a computer programmer which is now his means of employment.

Mr. Draper is quite contrite insofar as his illegal conduct is concerned, and claims that he is no longer going to engage in it without prior official approval. He states that he is now designing computer programs both for business clients and the computer industry itself. Recent successes in this area have helped convince him that this type of activity is sufficiently ego-gratifying and remunerative so as to replace his need to attack the "system". So long as this continues, he presents little threat of lapsing into anti-social behavior so long as he is not threatened. This must be considered in light of the diagnosis and psycho dynamics summary which follows.

The reliability and validity of the data and my conclusions have been double checked through the use of independent Rorschach tests rendered by my associate, Gerald Weiss, M.A., Clinical Psychologist.

The essential element present in his personality is that of a paranoid type of organization which is in the process of deteriorating to a paranoid-schizophrenic psychosis. The existing personality has a veneer of normality which can be used by Mr. Draper to effectively hide an underlying psychotic process. This veneer of normality includes a surface amiability and an attempt to enlist the listener in helping whatever cause he is espousing at the moment. He does tend to pass himself off as the victim claiming that he has almost no control over all of the troubles that now beset him. It is as if he has been compelled to engage in the activity which resulted in his arrest. He claims that it began as a legitimate project, which when terminated, continued by him to determine whether it was feasible.

Page Three

George E. Goldstein, Esquire

August 17, 1978

He felt that he was working within the law, but nonetheless does admit that illegal application was possible through the programs he had devised.

One of the factors which assists John in warding off overt psychotic behavior is an extreme rage response which could assert itself as overt violence toward whomever his paranoid thought processes would define as his enemy at any particular time. The real object of this considerable amount of rage seems to be his father, men and authority in general. His allergy (or supposed allergy) to tobacco falls within this area and results from his father smoking to excess.

Classically this paranoid state displays itself in the usual suspicions about everything, as well as extreme wariness in giving responses and an attempt at ingratiating himself with his listener. One would expect a depressive pattern to be present, however to the best of our perception none seems to be present. The fact that there is no depressive pattern confirms our feeling that some kind of breakdown is already ongoing. Despite this, there is some resilience in his personality despite its serious problems. This allows him to live out internally in fantasy, many of his violent urgings. Also, strangely enough, some attempts at insight into his problems seem to be worked out unconsciously. Again, as is often the case in paranoid states, a confusion of the sexual role is present but no evidence of overt homosexuality was seen. The diagnosis therefor is one of pre-paranoid-schizophrenic psychosis deteriorating to full psychosis, and it is believed that if he is incarcerated he will have no outlet for his problems, and will quickly deteriorate into a complete psychotic state. An expected result of this would be his directing his rage towards his supposed oppressor, in this case the telephone system. If such were the case, there is little hope for him to maintain his progress as a productive member of society.

Treatment in this case requires an in depth analysis over an extended period of time, during which overt psychosis may be expected to occur. This could very well require hospitalization. The prognosis, even under the best conditions is only fair. Immediate treatment is indicated, and it is felt that non-directed psycho therapy over an extended period of time could very well result in marked improvement. Due to the aggression present because of the huge reservoir of violence and rage beneath the surface, and because of the tenuousness of his organization at present,

Page Four  
George E. Goldstein, Esquire  
August 17, 1978

any extra stress at the present time could easily be the provoking agent to exacerbate the psychotic process and provoke a violent outburst or suicidal attempt.

To summarize, what appeared at the surface as very energetic outpourings of dissocial behavior, were from a psychiatric standpoint defense mechanisms to protect against the more severe or serious consequences of overt psychosis. The consequences of the severe paranoid-schizophrenic reaction include the possibility of suicide or overt violence.

It is my professional recommendation that this person receive a course of psychotherapy over an extended period of time on a regular basis. If the stresses which occur while this therapy is employed are minimal, the prognosis is favorable, but if for any reason he is exposed to any kind of restricted or stressful or severely limited situation (including, but not necessarily limited to incarceration), the prognosis is severe. It would be expected that if Mr. Draper were incarcerated he would single out as the object of his anger the cause of his incarceration, the telephone system and it could be expected that because of the disease process, upon his release he would act accordingly to avenge himself.

CAUTION: Ordinarily, material of this type is only released under the restriction "Confidential, for Professional Use Only". In this instance, I strongly instruct that whoever reads this report treats it as strictly confidential and does not discuss it with Mr. Draper, nor with anyone who would make its contents known to him. The consequences of this material being made available to Mr. Draper would be tragic. Not only would it preclude any possibility of his receiving any help through psychotherapy, but it could easily tip the balance of the remaining semblance of organization. I would instruct you to request of the Judge that this report not be read in open court and that Mr. Draper not be present when it is read or discussed. Also, as part of his paranoid type system, he will have an inordinate desire to find out the contents of this report. I can only recommend and request that he not be allowed that information, but be directed to me or another board-certified psychiatrist to discuss his problems.

If I may be of further service, I am at your disposal.

Very truly yours,

Robert B. Blumberg,  
D.O., M.D., F.N.P.A.

RBB/kLr



## CURRICULUM VITAE

DR. ROBERT B. BLUMBERG

Home Address: 1706 Delancey Place, Phila., PA 19103  
Office Address: 1711 Delancey Place, Phila., PA 19103

Born: Philadelphia, PA 1926

Marital Status: Divorced, two children

### EDUCATION

- 1943        Central High School, Philadelphia, PA  
            Bachelor of Arts, Graduation with honors
- 1944        University of Pennsylvania, Philadelphia, PA  
            Completion of pre-med course
- 1947        Philadelphia College of Osteopathic Medicine,  
            Philadelphia, PA  
            D.O. Degree
- 1948        Chicago College of Medicine and Surgery, Chicago, ILL  
            M.D. Degree

### PROFESSIONAL EXPERIENCE

- 1948-49    Internship  
            Swedish Hospital, Brooklyn, New York
- 1949-53    Psychiatric Training  
            Kings County General Hospital, Brooklyn, New York  
            Bellevue Hospital, New York, New York  
            University of Pennsylvania, Philadelphia, PA  
            Washington School of Psychiatry, Washington D.C.
- 1953-55    Experimental Group Psychotherapy Project,  
            University of Pennsylvania
- 1950-56    Medical Director and Lecturer in Medical Sciences  
            Roosevelt School of Nursing, Philadelphia, PA
- 1954-56    Medical Director, Psychological Institute Mental Health  
            Clinic (now called Philadelphia Mental Health Clinic)
- 1955-58    Personal Psychoanalysis

Page Two  
Curriculum Vitae  
Dr. Robert B. Blumberg

- 1948-62     General Practice Medicine
- 1964-68     Practice of Group Psychotherapy
- 1965-70     Consulting Psychiatrist, Logan Park Convalescent Hospital
- 1972-74     Director, Suburban Help Advisory Center, sponsored by  
Northwestern Mental Health Center (now Northwestern  
Institute of Psychiatry)
- 1972-74     Consultant, Student Advisory Center, London, England  
(drug rehabilitation program)

CURRENT PROFESSIONAL ACTIVITY

- 1958-  
present     Private practice in psychiatry, specializing in treat-  
ing active, participating members of the community and  
their families, with assisting staff of six psycholog-  
ical specialists providing full range of testing, eval-  
uation and counseling services as required.
- 1958-  
present     Active Staff Member and Special Lecturer, Northwestern  
Institute of Psychiatry, 450 Bethlehem Pike, Fort  
Washington, PA
- Member, Medical Utilization Review, Education Program,  
and Special Events Committees, 1973-76  
Member, Credentials Committee, 1973-present
- 1964-  
present     Participating Psychiatrist, Veterans Administration  
Outpatient Program
- 1967-  
present     Participating Psychiatrist, Pennsylvania State Council  
of Civil Defense
- 1972-  
present     Consultant Psychiatrist, Walso Bureau (consultants to  
industry)
- 1974-  
present     Psychiatric Consultant, Renal Dialysis Center, Metro-  
politan Hospital, Philadelphia, PA
- 1975-  
present     Psychiatric Consultant, Wawa Psychiatric Hospital,  
Wawa, PA
- 1976-  
present     Member, Board of Directors, and Psychiatric Consultant,  
Women's Association for Women's Alternatives (feder-  
ally funded)

- 1977-present      Project Psychiatrist, federally funded experimental research project, entitled "Applications of Yoga to Addictive Populations," "HELP", 638 South Street, Philadelphia, PA
- 1977              Application in process, Visiting Consultant in Psychiatry, Metropolitan Hospital, Philadelphia, PA
- 1978              Board Certification in Specialty of Psychiatry
- 1978              Panel Psychiatrist 1199 National Benefit Fund for Hospital and Health Care Employees
- 1978              Life Fellow, National Psychiatric Association

MEMBERSHIPS

Philadelphia Osteopathic Society

Pennsylvania Osteopathic Medical Association

American Osteopathic Association

American College of Neuropsychiatrists

American Association for the Advancement of Science

SANE (A Citizen's Organization for a Sane World)

Alumni Associations of Central High School, University of Pennsylvania, and Philadelphia College of Osteopathic Medicine

OTHER PROFESSIONAL ACTIVITIES

Frequent lecturer on youth and drug problems to professional and civic groups, including the Retired Members Division, District 1199C, National Union of Hospital and Health Care Employees

Contributor to professional journals and magazines with book in preparation on philosophical and psycho-analytical implications of LSD effects.

PAUL N. McCLOSKEY, JR.  
12TH DISTRICT, CALIFORNIA

COMMITTEE ON  
GOVERNMENT OPERATIONS  
AND  
COMMITTEE ON  
MERCHANT MARINE  
AND FISHERIES

**Congress of the United States**  
**House of Representatives**  
Washington, D.C. 20515

205 CANNON BUILDING  
WASHINGTON, D.C. 20515  
(202) 225-5411

DISTRICT OFFICE:  
305 GRANT AVENUE  
PALO ALTO, CALIFORNIA 94306  
(415) 326-7383

September 25, 1978

Mr. Ron Barkin  
P.O. Box 4399  
Berkeley, CA 94704

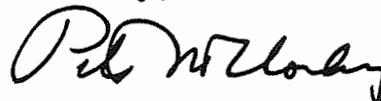
Dear Mr. Barkin:

John Draper has written me from his prison in Pennsylvania, expressing that I verify that he has been of great help to the staff of the Government Operations Subcommittee on Freedom of Information and Privacy.

I am glad to confirm this, and in our search for a balance between privacy and freedom of information in the computer field, I am frank to say that John's advice is probably more valuable than any other witness we have had the privilege to hear.

Please advise if I can be of any assistance in putting John's talents and motivation to constructive use in the legislative process.

Sincerely,



Paul N. McCloskey, Jr.

PNMcC:tt

Congress of the United States  
House of Representatives  
Washington, D.C. 20515

August 15, 1978

TO WHOM IT MAY CONCERN

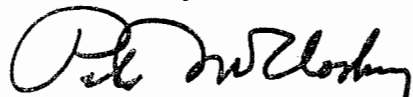
It is my understanding that the Court of Common Pleas of Monroe County, Pennsylvania, and the Federal District Court for the Northern District of California are presently considering conditions of probation for Mr. John T. Draper of Mountain View, California by reason of Mr. Draper's activities in connection with electronic and telephone communications and the confidentiality of communications systems.

Technology advances in communications and computer systems have presented new and puzzling problems of privacy and confidentiality to the Congress, and for some years my Subcommittee on Government Information and Individual Rights has been considering these problems.

In this connection, I have sought the advice of Mr. Draper on several occasions since he first attended a public constituent meeting in my congressional district several years ago. I consider Mr. Draper to be almost in the genius category; it has impressed me that his various encounters with the law have resulted more from his continuing lively curiosity into communications technology than from any venal intent. He continues to be of tremendous assistance to our Committee in our attempts to grasp the complex legal and technical problems raised by the new technology. It think it fair to say that by reason of Mr. Draper's assistance, our Subcommittee is close to a solution than we might otherwise have been.

I have some concern that any period of incarceration might permanently jeopardize what appears to be a fairly delicate balance in both Mr. Draper's mental health and his physical condition.

Sincerely,



Paul N. McCloskey, Jr.

FORTH INTEREST GROUP  
787 OLD COUNTY ROAD  
SAN CARLOS, CA. 94070

November 14, 1978

The Hon. Robert F. Peckham  
Judge of the U. S. District Court  
Northern District of California  
c/o Ron Barkin  
P.O. Box 4399  
Berkeley, Ca. 94704

Dear Judge Peckham:

I am writing concerning John Draper, whom I have known for several years. I want to note his outstanding contributions in the computer field.

Mr. Draper was instrumental in the formation of the Forth Interest Group, which is a professional association promoting a new development in the technology of computer programming. In March of this year Mr. Draper brought together several of the people who formed this group. In less than a year the Forth Interest Group has received national recognition for its publications, and developed a mailing list of several hundred programmers, engineers, and businessmen.

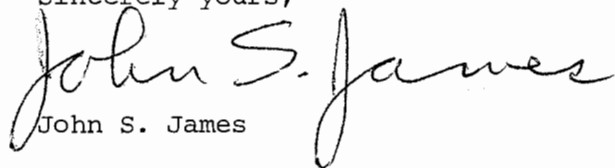
Other non-profit work by Mr. Draper has included speaking on computers and legislation at the recent Third West Coast Computer Faire, and also helping programmers and other technical people to improve their professional skills.

Currently Mr. Draper is employed developing a sound-processing system for musicians. He is also designing an electronic-music

synthesizer. Previous projects include shipboard collision-avoidance radar, cable TV enhancements, and improving communications security.

I have worked closely enough with Mr. Draper to know that his current interests are in serious, legitimate engineering projects, and not in playing with telephones. I don't know the details of his trouble in Pennsylvania, but apparently Mr. Draper used his home telephone for testing computer security, and made no effort to conceal what he was doing, suggesting that it was a misunderstanding of the law rather than an intentional violation. In any case he has paid for it. Mr. Draper now has important work to do, and I am convinced that he is determined to leave the problems of the past behind.

Sincerely yours,

A handwritten signature in cursive script that reads "John S. James". The signature is fluid and elegant, with the first letters of each name being capitalized and prominent.

John S. James



October 4, 1978

Hon. Robert F. Peckham  
c/o Mr. Ron Barken  
P.O. Box 4399  
Berkeley CA 94704

Dear Judge Peckham:

I am writing this letter to you on behalf of Mr. John T. Draper, who is currently on Federal Probation and in Northampton County Prison in Easton, Pennsylvania.

I am a senior information management consultant at SRI International, where I have engaged in computer related crime research for the past eight years. The FBI put me in contact with Mr. Draper (commonly known as Cap'n Crunch) several years ago preceding his second federal criminal conviction. Mr. Draper has been very helpful to me in several meetings I have had with him in which he informed me of technical methods of compromising telephone and on-line computer systems and the world of phone phreaks.

He is relatively harmless and is not a criminal as far as causing other persons any material loss, in my opinion. However, he is a dangerous person when his skills and knowledge can be used by criminal persons. He is somewhat immature and naive in his personal relations and can easily be conned by flattery or coerced by threat of harm.

I believe that Mr. Draper can be a responsible member of society and contribute greatly to telephonic and computer technology. But he must assume a new way of life free of contact with those who would use him for negative purposes. Computer related crime is growing, and career criminals are gaining an interest and capability in this sensitive technology, in part, by coercing computer and telephonic technologists. Placing Mr. Draper in prison is exactly where such criminals can take maximum advantage of his knowledge. He has informed me that this has happened in both Lompoc Prison and in the county prison.

Mr. Draper would be safer for society if he were kept out of prison, required to disassociate himself from contact with phone phreaks and systems hackers (including related clubs, associations and stores), prohibited from having any telephone services except through an employer, prohibited from

**SRI International**

333 Ravenswood Ave. • Menlo Park, CA 94025 • (415) 326-6200 • Cable: SRI INTL MNP • TWX: 910-373-1246



Hon. Robert F. Peckham  
October 4, 1978  
Page 2

possession of any related equipment and carry with him a letter from the FBI requiring him to report all contacts by others seeking his technical assistance except for legitimate purposes in his employment. He could easily find employment in computer software development where it would not be necessary to have in his personal possession any technical electronic equipment and have access to computers and telephones only in his employer's facilities under controlled conditions.

I hope this is of assistance to you in reaching the best decision for society and for Mr. Draper.

Very truly yours,

*Donn B. Parker*

Donn B. Parker  
Manager  
Computer Security Programs

DBP:ps

1041 Barbara Avenue  
Mountain View, CA 94040  
November 16, 1978

Judge Robert F. Peckham  
U.S. District Court  
San Jose, California

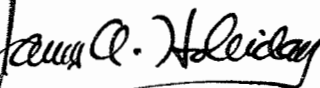
Your Honor:

I am writing in regard to the case of John Draper, who has been my friend and associate for over two years. I am a technical writer by profession, employed by Four-Phase Systems Inc., a local computer manufacturer. In my association with Mr. Draper I have had many occasions to pursue topics of mutual interest in the field of computer technology, and to profit from his teaching.

My profession often calls on me to evaluate the work of computer technologists. In my professional opinion John Draper is a highly talented and motivated computer programmer and engineer, whose skills could represent a significant contribution to the electronics industry and to society as a whole. Further imprisonment of Mr. Draper would not only deprive society of his contributions but would not even serve to rehabilitate him. The circumstances of prison life would only dull his motivation and mental powers and might lead to the perversion of his talents into antisocial channels. He would be called on by other inmates to impart his knowledge once his reputation became known, and this could only be to the detriment of society.

My recent discussions with Mr. Draper have convinced me of his sincere desire to turn his attention away from telephone electronics and towards general computer technology where his talents are in high demand and the rewards are very lucrative.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "James A. Holliday". The signature is fluid and cursive, with a large initial "J" and "H".

James A. Holliday

Receiving Studios  
931 Pardee St.  
Berkeley, Ca. 94710  
August 14, 1978

Judge Thompson  
c/o George Goldstein  
126 Pine Ford Rd.  
Pottstown, Pa. 19464

Dear Sir:

John Draper is currently working under contract with the Recording Studios to design an automated audio mixing console. He is the key person in this project, in which we have invested ten thousand dollars in equipment alone. If he is unavailable the project will have to be scrapped, and the time, energy, and money invested would be largely wasted.

We have found John Draper to be an honest person and a good citizen, and we think that he should remain free.

Sincerely yours,

*Steven Kehrer*  
Steven Kehrer  
Partner, Receiving Studios

23 June 1978

Hon. Harold A. Thompson  
Courthouse  
Stroudsburg, Pennsylvania

Your Honor:

I would like to take this opportunity on behalf of Mr. John Draper to furnish the following character references.

Mr. Draper is a highly articulate bright young man whose level of genius causes him great consternation. Recently, he was employed by us as a computer consultant and evaluator of computer equipment. In this capacity, he discharged his responsibilities in a most professional manner.

Since his arrest, I have been in touch with him and in the course of our conversation, Mr. Draper expressed his regrets for actions which he now realizes were outside the realm of legal conduct. It became evident that Mr. Draper had matured sufficiently and would in all probability never repeat this violation. Looking at Mr. Draper, I can see immediately that he is a bit different, however, he certainly doesn't look like a public enemy or criminal.

The only other observation I was able to make during our association was his steadfast concern with regard to cigarette smoke; as I later found out, he is highly allergic and fearful of sustained reactions.

I truly hope these comments will enable you to see your way clear to offer Mr. Draper an alternative to incarceration.

Very truly yours,

Jack Braunstein  
Vice President

JB:r

# TRANS-HIGH CORPORATION

116 East 27th Street, N.Y., N.Y. 10016 • TEL. (212) 481-0120

June 22, 1978

Judge Thompson  
c/o George Goldstein  
126 Pineford Road  
Pottstown, Pa. 19464

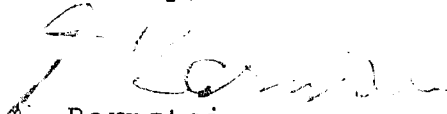
Dear Judge Thompson:

On behalf of myself and our company, I would like to offer a character reference for Mr. John Draper who faces sentencing in your court.

We employed Mr. Draper recently as a consultant for our future planning of computer and communication equipment. We found him to be an honest, serious and dedicated individual, highly knowledgeable in this field. His employment with us was satisfactory and we would hire him again if a similar opening occurred.

Mr. Draper is sincerely sorry for what he realizes now, were serious breaches of the law. I feel that he would never repeat these actions and has learned his lesson. He is not a criminal type. He wants to find employment in the computer programming field and be a good citizen. I believe he should be given this chance and not be sent to prison.

Cordially,

  
A. Bernstein  
President

Ab/mj



July 26, 1978

Mr. George Goldstein  
126 Pineford Road  
Pottstown, Pennsylvania 19464

Dear Mr. Goldstein,

John Draper has asked that I write to you and to Judge Robert F. Peckham to aid you to understand why Mr. Draper came to have developed certain of his computer programs that enable him to dial-access computers having telephone links. This letter is sent to you in the hope that you will deliver it to Judge Peckham on my behalf.

I have known Mr. Draper since the fall of 1974 when I met him at a meeting of people who owned their own computers. At that time he had attracted notoriety as "Captain Crunch" and I began to follow his career with some interest. I had been employed by Basic Computing Arts in 1971-1972 where I had assisted in the development of a computer security system. In April 1977 my client, Peter Mikutta, President of Telemation Gesellschaft fur Datenubertragung mbH & Co., Frankfurt, W. Germany, had sent me to Atlanta, Georgia to select certain data line analysers for export to West Germany. During this trip I saw demonstrations of equipment that analyze data signals moving over telephone equipment lines in to, and out of computer equipment. I realized that with Mr. Draper's knowledge of the telephone system and Mr. Mikutta's International reputation, that a business could be founded that could serve as computer security specialists. There is great concern over the question of the security of computer records kept on machines to which outside access can be made. My plan was to involve other of my associates in this business and to pursue the market for computer security consulting. It was my plan to use Mr. Draper's considerable skill in this endeavor. When I reported my selections to Mr. Mikutta, I included a business plan, and suggested that Mr. Draper be included in the plan. Mr. Mikutta and his associates thought well of the plan and advised me to contact Mr. Draper and see if he was interested.

I contacted Mr. Draper and explained my plan to him, and asked him to write a computer program to access telephone linked computer systems, and to have it ready to demonstrate to Mr. Mikutta and his associates. Mr. Draper agreed and in time demonstrated the necessary program and equipment to me. Mr. Mikutta and his associates decided to decline my plan. I advised Mr. Draper that Mr. Mikutta was no longer interested and the matter was dropped.

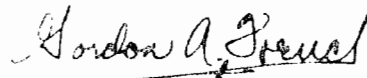
It is important to note here that my plan required the utmost in internal security among those involved in the plan. Because of this, at the time I contacted Mr. Draper, I spent a great deal of time interviewing him about his philosophy, morality, and circumspection. The risk of having a convicted felon on the staff balanced against the fact that he had the imagination and skill to penetrate phone linked computer systems was of great concern to me and Mr. Mikutta. We wanted

to be absolutely sure that Mr. Draper was properly motivated, and would not take any action that would embarrass or compromise the endeavor. The result of my interview with Mr. Draper convinced me that he could be trusted to work with us. To the best of my knowledge Mr. Mikutta's decision to abandon the plan did not relate to Mr. Draper in any way, but was predicated on the relative difficulty of establishing ourselves in the field.

I have continued my acquaintance with Mr. Draper since these events occurred. I believe him to be of good character and trustworthy. I am of the opinion that Mr. Draper, if allowed the opportunity to do so, could make substantial contributions to the issue of computer security. He has, in my opinion, very considerable and extraordinary talents.

It is my opinion that Mr. Draper should be allowed to continue to develop these very special skills so that the computer industry can benefit from them.

Very truly yours,

A handwritten signature in cursive script that reads "Gordon A. French". The signature is written in dark ink and is positioned above the typed name.

Gordon A. French

GAF/ep

PRESIDENT: HONORABLE ROBERT F. PECKHAM, U. S. District Judge  
RAMON E. XAVIER, Clerk  
ROBERTA/ROGERS, LARRY WHITE Court Reporter

GE NO. CR-76-223 RFP (SJ) : U. S. A. VS. JOHN THOMAS DRAPER

Intf(s) Plaintiff(s)	Attorney(s)	Defendant(s) Respondent(s)	Attorney(s)
U. S. A.	DONALD AYER	JOHN THOMAS DRAPER	RONALD BARKIN
	ART HONDA, Prob. Off.		

FILED  
NOV 24 12 31 PM '78  
WILLIAM WHITAKER  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CAL. S.D.

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☒ Trial    ☐ Further Trial    ☐ Court    ☐ Jury    ☒ Evidentiary and PROBATION REVOCATION

1-lb	Ex-2sr	Exhibit No.	Id	By	Description	Motions	Witness	PROCEEDINGS
						~	Defendant advised of charges and right to counsel.	
✓	✓					~	Ordered upon stipulation of parties - defendant was convicted of charges for possession of devices for theft of tele communications services and that exhibit's Exhibits No's 1, 2 and 3 may be received in evidence.	
✓		1		11/24	Sentence			
✓		2		11/24	Order			
✓		3		11/24	Information			
	✓						Dr. Adam Osborne	
	✓	A		11/24	Brochure - also took MK3870 Single-chip Microcomputer (with hardware)			
	✓	B		11/24	The Beginner's Book - an introduction to Microcomputers - Vol. O.			
						~	Court to file its response in 7 days and reply due in 4 days. Mr. Honda to draft contents of memo to counsel.	
						~	Continued to Dec. 15, 1978 @ 10:00 AM for further proceedings in S.F.	



1 RONALD S. BARKIN  
2 Attorney at Law  
3 3050 Shattuck Avenue  
4 Berkeley, California  
5 (415) 848-4752

6 Attorney for Probationer

FILED

DEC 12 1978

WILLIAM L. WHITTAKER, CLERK

25

7 UNITED STATES DISTRICT COURT

8 FOR THE

9 NORTHERN DISTRICT OF CALIFORNIA

10 THE UNITED STATES

11 vs.

12 JOHN THOMAS DRAPER

) DOCKET NO. CR-72-973-RFP (SF)  
) CR-76-223-RFP (SJ)

) DECLARATION OF RONALD S. BARKIN  
)  
)

14 I, RONALD S. BARKIN, declares as follows:

15 Attached hereto, regarding the above entitled matter is  
16 the original of a three (3) page report prepared by O'Neil S.  
17 Dillon, M.D. I have sent a copy of this report to Arthur Honda,  
18 Mr. Draper's probation officer and advised him that Dr. Dillon  
19 is authorized to speak with Mr. Honda and answer any questions  
20 to the best of Dr. Dillon's ability. If the Court feels that  
21 examining Dr. Dillon in person would be beneficial in more fully  
22 understanding Mr. Draper's situation, Mr. Draper might be in  
23 position of borrowing enough money to pay for Dr. Dillon's time  
24 and would make the effort to bring Dr. Dillon to Court.

25 I, RONALD S. BARKIN, declare that the foregoing is true  
26 and correct to the best of my knowledge and information.

27 Executed this 8th day of December, 1978, at Berkeley,  
28 California.

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31 RONALD S. BARKIN, Declarant  
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PROOF OF SERVICE BY MAIL

I am a citizen of the United States, over 18 years of age, and not a party to the within entitled action; I am employed at and my business address is 3050 Shattuck Ave., Berkeley, California. On this date I served the attached document by placing a true copy thereof enclosed in a sealed envelope with postage fully prepaid in the United States mail at Berkeley, Calif. addressed as shown below. I declare under penalty of perjury that the foregoing is true and correct. Executed at Berkeley, California on 12-8-78

Rose M. Patterson

ROSE M. PATTERSON

DONALD B. AYER  
Assistant United States Attorney  
175 West Taylor  
San Jose, California

O'NEIL S. DILLON, M. D.  
PSYCHIATRY  
2486 SHATTUCK AVENUE, SUITE 229  
BERKELEY, CALIFORNIA 94704  
—  
TELEPHONE 848-2442

December 6, 1978

Mr. Ron Barkin  
P.O. Box 4399  
Berkeley, Ca 94704

Re : John Thomas Draper

Dear Mr. Barkin,

I met with Mr. John Draper for psychiatric evaluation on 11/21 and 11/28/78. He is facing sentencing for an arrest associated with owning equipment capable of stealing telecommunications. My understanding is that he had pleaded guilty to these charges. A psychiatric evaluation was done by Doctor Blumberg on August 17, 1978. He felt Mr. Draper was suffering from a psychotic illness of a paranoid type with a danger of acute psychotic decompensation if incarcerated.

Mr. Draper is a 35 year old, single man, who has become nationally known as "Captain Krunch." He has the knowledge and skill to use telecommunications illegally and has been arrested a number of times for this. He has spent three months in prison. During this incarceration, he was easily intimidated by hard-core criminals trying to get useful information from him. He gave fake technical information that he says was checked and he was confronted with lying and then felt forced to divulge accurate facts. As he had severed his relationship with the "phone freak" world prior to this time, he felt forced to re-contact these people to get the information he was being forced to obtain. He did suffer physical abuse as part of this extortion experience.

He has a rather checkered work career, but has been able to work in the computer and telecommunications industry to support himself. He currently is so worried about being accused of stealing telecommunications that he no longer connects any of his equipment to a telephone - even for legitimate uses. He describes no malignant intent in terms of revenging himself on the Telephone Company, etc., nor does he show evidence of wanting to use his knowledge for illegal profit. He is most fascinated with computers, electricity, power, etc., and is more involved with the fascination of understanding these processes and being able to affect them. He describes being lured into illegal telephone calls by people trying to incriminate him. He does feel rather under pressure currently, is fearful of prison separating him from his only life concern (electronics), and if he loses contact with the field he will never be able to "catch up again."

His past history is covered by Doctor Blumberg in his report. He has not been in psychiatric treatment and has not had an arrest record associated with that of a hardened criminal. His life has been rather peripatetic and centered around electronics.

Re : John Thomas Draper  
December 6, 1978  
Page 2.

He has been rather odd and a loner from early on, coming from a chaotic and insecure family nexis.

Mental Status:

Mr. Draper is a casually dressed, white man, who is quite tense, fearful, guarded and wary of seeing me. He shows rather severe anxiety of being "trapped" and has numerous paranoid delusions of being especially picked out for persecution because of his power and knowledge. He, of course, has some basis in reality for these concerns because of his problem with the Telephone Company. He shows grandiosity, omnipotence, fear of total inferiority and concrete thinking. He reveals no overt sociopathic trends, wishes to revenge himself on others, or manipulative characteristics. He is fearful of being forced to give up his electronics work completely because of psychotic fears of retaliation for his efforts, but plaintively states that this is the only thing that interest him.

Diagnosis:

In my opinion, Mr. Draper is suffering from chronic paranoid schizophrenia with paranoid delusions, severe anxiety, and easy suggestibility by others. He is not primarily a criminally disordered sociopath. He does have a superego (conscience) functioning that prevents malicious criminal behavior in most situations.

Discussion:

Mr. Draper's severe emotional illness is one that leaves him quite vulnerable to acute decompensation if placed in stressful situations such as jail. His loss of contact with electronics would hamper his ability to control his psychosis. His illness leaves him easily influenced by others, easily intimidated, and a prey to unscrupulous use by true criminals.

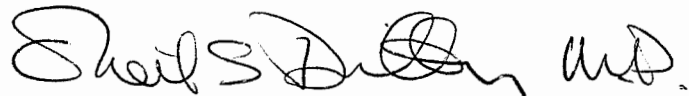
His judgement is rather poor and I do believe he gets himself into difficult situations by bragging or being fascinated by processes and/or equipment having to do with computers, electronics, "big business," etc. He is like a child in many respects and is not primarily concerned with malicious intent of using his knowledge for self-aggrandizement. He has had periods of using his skills to productive advantage to him and his employers. I think his ability to do so again is quite high. He is aware of how vulnerable he is to being influenced by those around him. He has broken off his contacts with "phone freaks" and has developed his contacts with people involved in computer work. He is trying very hard to sever relationships with people that lead to trouble for him. Because his illness makes him very dependent on those around him, he is in danger of becoming criminalized if in prison with his dependence on hard-core criminals. He could possibly be enslaved in prison and afterwards by extortion to work for criminal organizations.

Re : John Thomas Draper  
December 6, 1978  
Page 3.

I feel his chance of being able to be helped by outpatient psychiatric treatment is good. I would recommend initially weekly meetings with the possibility of spreading the sessions over 2-3 weeks as his situation dictated. He needs to travel a certain amount in his job as a contract programmer. Supportive psychotherapy is indicated and would be addressed to helping him deal with his vulnerabilities that have lead him into trouble in the past. His potential for stabilizing his life in a productive fashion is also good. He will remain always a rather "different" sort of person, but could lead a reasonable life using his knowledge productively. He would require intermittent psychiatric contact of a supportive nature for many years.

Thank you for asking me to see Mr. Draper. If you have any further questions, please contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "O'Neil S. Dillon", followed by the letters "M.D." in a similar script.

O'Neil S. Dillon M.D.

ONSD/em



HONORABLE ROBERT F. PECKHAM, U. S. District Judge  
RAMON E. XAVIER, Clerk  
ROBERTA ROGERS, Court Reporter

CASE NO. CR-76-223 RFP TITLE: U. S. A. VS. JOHN THOMAS DRAPER

Plntf(s) Libelant(s)	(SJ) Attorney(s)	Defendant(s) Respondent(s)	Attorney(s)
1. U. S. A.	DONALD AYER	A. JOHN THOMAS DRAPER	RONALD BARKIN
2.		B.	
3.	ART HONDA, PROB OFF	C.	
4.		D.	
5.		E.	
6.		F.	

( ) Trial      (X) Further Trial      (X) Court      ( ) Jury      (X) Evidentiary Hrg.  
PROBATION REVOCATION PROCEEDINGS

PROBATION REVOCATION PROCEEDINGS						
Pl-Lb	Rf-Rsr	Exhibit Ex. No.	Id	Ev	Description	Witness
					after hearing the parties Court directed the deft to undergo and submit to a psychological examinat- ion by an independent psychiatrist which shall be appointed by the Court at the expense of the U.S., at the University of California Medical Center. Court directed Ant Honda, probation officer to designate the psychiatrist and to prepare the appropriate Order.	
					~ Ord. continued to Jan 22, 1979 @ 3:00 p.m. for hearing on report & for judgment.	

FILED

DEC 20 1978

WILLIAM L. WHITAKER, CLERK

27

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
Plaintiff; )

Docket No. CR 76-223 RFP (SJ)

-VS-

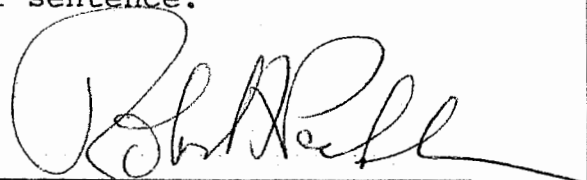
JOHN THOMAS DRAPER, )  
Defendant. )

ORDER DESIGNATING PSYCHIATRIST

ON MOTION OF THE COURT and good cause  
appearing, it is hereby ordered that Harry W. Schloetter, Chief  
U.S. Probation Officer of this Court, select and designate a  
psychiatrist for the purpose of having this defendant examined  
to assist the Court in determining of sentence.

Date

Dec 19, 1978



CHIEF UNITED STATES DISTRICT JUDGE



01/17/79

FILED

JAN 17 1979

WILLIAM L. WHITTAKER, CLERK

28  
/


UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
Plaintiff; )  
-vs- ) Docket No. CR 76-223 RFP (SJ)  
JOHN THOMAS DRAPER, )  
Defendant. )  
\_\_\_\_\_ )

ORDER DESIGNATING PSYCHOLOGIST

ON MOTION OF THE COURT and good cause  
appearing, it is hereby ordered that Harry W. Schloetter,  
Chief U. S. Probation Officer of this Court, select and  
designate a psychologist for the purpose of having this  
defendant tested to assist the Court in determining of  
sentence.

Date JAN 17 1979

  
CHIEF UNITED STATES DISTRICT JUDGE

20  
01/19 X

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
PROBATION OFFICE

HARRY W. SCHLOETTER  
CHIEF PROBATION OFFICER

U. S. COURT HOUSE  
450 GOLDEN GATE AVENUE  
BOX NUMBER 36057  
SAN FRANCISCO 94102  
415-556-0200

January 19, 1979

175 W. TAYLOR STREET  
SAN JOSE 95110  
408-275-7671

FILED

JAN 22 1979

PLEASE REPLY TO:

San Jose, California

WILLIAM L. WHITTAKER, CLERK

John T. Draper  
2538 Chilton Avenue  
Berkeley, CA 94704

Re: Docket No. CR 76-223 RFP (SJ)

Dear John:

Your hearing before Judge Peckham has now been set for February 23, 1979 at 10:00 a.m. at the U. S. Courthouse, 175 West Taylor Street, San Jose, California, 95110. Please call if you have any questions.

Very truly yours,

ARTHUR M. RONDA  
U. S. Probation Officer

AMH:bfb

cc: Ronald S. Barkin  
Attorney at Law  
3050 Shattuck Avenue  
Berkeley, CA 94705

Donald B. Ayer  
Assistant U. S. Attorney  
675 North First Street, Sixth Floor  
San Jose, CA 95112

David Kessler, M. D.  
Langley Porter Institute  
401 Parnassus Street  
San Francisco, CA 94122

U. S. District Court Clerk's Office  
450 Golden Gate Avenue  
San Francisco, CA 94102

PRESIDENT: HONORABLE ROBERT F. PECKHAM, U. S. District Judge  
RAMON E. XAVIER, Clerk  
~~ROBERTA ROGERS~~, LARRY WHITE Court Reporter

CASE NO. CR-76-223 RFP TITLE: U. S. A. vs. JOHN THOMAS DRAPER  
(SJ)

Plntf(s) Libelant(s)	Attorney(s)	Defendant(s) Respondent(s)	Attorney(s)
1 U. S. A.	DONALD AYER, ESQ.	1 JOHN THOMAS DRAPER	RONALD BARKIN
2		2	
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FILED  
MAR 9 2-27 PM '79  
WILLIAM J. WHITTAKER  
U.S. DISTRICT COURT  
NO. DIST. OF CA., S.D.

( ) Trial (x) Further Trial (x) Court ( ) Jury (x) Evidentiary in  
(PROBATION REVOCATION PROCEEDINGS)

Pl-Lb	Ref-Rsr	Exhibit Ex. No.	Id	Ex	Description	Motions	Witness
	✓					~ Motion for Court to issue a gag order on the press on grounds of possible exploitation should his whereabouts be known, is denied.	
						~ Hearing of psychiatrist and psychological reports and for judgement upon finding that defendant has violated probation.	
						~ Ordered probation is revoked Sentence: One (1) year imprisonment. Court recommends deft. serve sentence under the work release program in Alameda County, or San Francisco County or Santa Clara County. Determining placement shall be dictated on deft's place of residence on page 2	

PRESIDENT: HONORABLE ROBERT F. PECKHAM, U. S. District Judge  
 RAMON E. XAVIER, Clerk  
 ROBERTA ROGERS, LARRY WHITE Court Reporter

CASE NO. CR-76-223 RFP TITLE: U. S. A. vs. JOHN THOMAS DRAPER

(SJ)

Plntf(s) Libelant(s)	Attorney(s)	Defendant(s) Respondent(s)	Attorney(s)
1. U. S. A.	DONALD AYER, ESQ.	A. JOHN THOMAS DRAPER	RONALD BARKIN
2.		B.	
3.		C.	
4.		D.	
5.		E.	
6.		F.	

( ) Trial (x) Further Trial (x) Court ( ) Jury (x) Evidentiary Hr  
 (PROBATION REVOCATION PROCEEDINGS)

Pl-Lb	Ex-3sr	Exhibit Ex. No.	Id	Ev	Descript- ion	Motions	Witness
						employment.	
						Orcl. of new wage in	
						psychotherapy and comply	
						WITH rules and regulations	
						of the work program	
						Left to receive credit for	
						time here to be served.	
						Left shall be permitted to	
						attend the computer fair	
						in San Francisco on MAY	
						11, 12 and 13, 1979.	
						Execution of judgment is	
						stayed until MAR 23, 1979.	

DEFENDANT

JOHN THOMAS DRAPER

DOCKET NO.

CR-76-223 RFP (SJ)

## JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

In the presence of the attorney for the government  
the defendant appeared in person on this dateMONTH DAY YEAR  
March 9th. 1979

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☐ RONALD S. BARKIN, ESO.

(Name of counsel)

PLEA

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

There being a finding/verdict of

☐ NOT GUILTY. Defendant is discharged☒ GUILTY. Entered in Criminal Docket

1979

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

The defendant having heretofore been committed to the custody of the Attorney General for a term of 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 jailtype institution for a term of 4 MONTHS, and that the remainder of the sentence be suspended, and the defendant is placed on probation for a period of 5 years, and now being found in violation of probation, IT IS ORDERED that probation be revoked.

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

ONE (1) YEAR.

SENTENCE  
OR  
PROBATION  
ORDER

IT IS ORDERED that the defendant is to be granted credit for such time as he has heretofore served.

THE COURT RECOMMENDS that the defendant shall serve his sentence under the Work Furlough Program at the Alameda County Work Furlough Center, or under the San Francisco Work Furlough Program, or Santa Clara County Work Furlough Program, in accordance with defendant's place of employment.

SPECIAL  
CONDITIONS  
OF  
PROBATION

IT IS ORDERED that the defendant shall comply with all the rules and regulations of the Work Furlough Program.

IT IS FURTHER RECOMMENDED that the defendant receive psychiatric counseling.

IT IS FURTHER RECOMMENDED that the defendant be permitted to attend the Computer Fair in San Francisco on May 11, 12 and 13, 1979.

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  
RECOMMEN-  
DATION

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

HONORABLE ROBERT F. PECKHAM

Date

March 9, 1979

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE  
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 Drake

NO. CR-76-223 RFP (SS)

VOLUNTARY SURRENDER ORDER

33  
A

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 March 23, 1979,  
during which period defendant shall remain  
at large on defendant's present cognizance.

2. Defendant shall immediately report to the United States  
~~HERE IN THIS COURTROOM~~  
~~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 March 23, 1979

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: March 9, 1979

Robert H. Pugh  
United States District Judge

United States District Court **FILED**

FOR THE

NORTHERN DISTRICT OF CALIFORNIA

MAR 1 1979

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

WILLIAM L. WHITTAKER, CLERK

No. CR-76-223 RFP (SJ)

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TAKE NOTICE that the above-entitled case has been set for re above at  
2:00 p.m., on FRIDAY, March 9th., 1979, at Courtroom No. 1,  
United States Courthouse, 175 West Taylor St., San Jose, Ca. 95110.

Date February 27, 1979

WILLIAM L. WHITTAKER

Clerk.

By

R. Xavier,

Deputy Clerk.

To

Donald B. Ayer, Esq.,  
Assistant United States Attorney  
675 North First St., Suite 602  
San Jose, Ca. 95112

8 463 7221

Ronald S. Barkin, Esq.,  
Attorney at Law  
3050 Shattuck Avenue  
Berkeley, Ca. 94705

848 4752

Mr. Art Honda  
United States Probation Officer  
U. S. Courthouse  
175 West Taylor St.,  
San Jose, Ca. 95110

8 463 7658

Glen E. Robinson  
United States Marshall  
United States Courthouse  
450 Golden Gate Ave., 20th. Floor  
San Francisco, Ca. 94102