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Bibliographic Cover Sheet

Title **Fine for fraud on phone calls**

Date 1972-11-29

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Abstract John Thomas Draper, aka Captain Crunch, fined \$1000 and placed on five years probation.

Keywords John Thomas Draper; Captain Crunch

Notes Includes good quality photo of Draper.

Source Alan Rubinstein

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John Thomas Draper

Fine for fraud on phone calls

By JOHN STANTON

John Thomas (Capt. Crunch) Draper, 29, a Los Gatos electronic engineer, was fined \$1,000 and placed on five years probation this morning for defrauding the Pacific Telephone Company by using a homemade device to make free long distance calls.

The sentence was imposed by Federal Judge Robert F. Peckham in U.S. District Court in Palo Alto.

Draper was scheduled to go on trial by jury this morning, but instead pleaded nolo contendere (no contest) to a felony charge of fraud by wire. Six other counts were dismissed by Peckham.

Draper was arrested last May in his Los Gatos home on charges he used a multi-frequency signal device to make free long distance telephone calls.

His Captain Crunch nickname was given him by "phone freaks" because he reportedly used a whistle from a cereal box to simulate the sounds in the telephone company's signaling equipment used in long distance calls.

U.S. Dept. Dist. Atty. Paul Fitzpatrick told Judge Peckham that he used the device himself in a test to make free telephone calls to Hawaii, Australia, and Great Britain "with the phone company looking over my shoulder and with their permission."

Fitzpatrick also said federal investigators found cassette recordings of various tones in Draper's bedroom. Three cassettes had prerecorded tones of 50 to 60 different telephone numbers most of them out of state.

Investigators also found books with names and telephone numbers all over the world, Fitzpatrick said.

Draper's attorney, public defender

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Draper's attorney, public defender Frank Uphouse, told Peckham that Draper "has a fantastic mind in the field of electronics, but outside the field of electronics he is somewhat naive."

Uphouse assured Peckham that Draper would not get into any more trouble because he now has a job in the field of electronics and is also going to school to learn more about electronics.

"The trouble started in idle hours," Uphouse said. "Someone with John Draper's mind has to be doing something in electronics."

Peckham scolded Draper for his "electronics gymnastics" and said that although he may have thought of them as a prank or frivolity, he has ended up being convicted of a felony.