

**BEFORE THE GOVERNOR OF OHIO**

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**APPLICATION FOR EXECUTIVE CLEMENCY  
(COMMUTATION OF SENTENCE)**

**THOMAS NOE  
(A589-407)**

**Materials prepared by:**

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## MEMORANDUM IN SUPPORT OF CLEMENCY

**By this application for executive clemency, Thomas Noe respectfully requests, in the interests of justice, that his prison term be commuted, all for the reasons set forth below.**

### I. *Case history:*

This clemency application seeks commutation of the 18 year prison term (10 yrs. mandatory; 8 years non-mandatory) imposed on November 20, 2006 by the Lucas County Common Pleas Court in case no. CR-1348. That aggregated prison term was imposed on multiple felony convictions,<sup>1</sup> and ordered to run consecutively to a 27 month federal sentence previously imposed in United States District Court case no. 3:05-CR-00796 for violations of federal campaign finance laws.

The judgment of the Common Pleas Court was the result of a 53 count indictment filed on February 10, 2006. The case proceeded to a jury trial which resulted in the guilty verdicts noted below, and 11 verdicts of not guilty. Additionally, the court dismissed 12 counts prior to trial.

An appeal was taken in Ohio Court of Appeals, which affirmed the judgment of conviction, but remanded the case for re-sentencing on the term of post-release control. *State v. Noe*, (6<sup>th</sup> Dist) case nos. L-06-1393 & L-09-1193, 2009-Ohio-6978.

Leave to appeal was sought in the Supreme Court of Ohio in case no. 2010-02940. On June 9, 2010, the Court denied leave to appeal. 125 Ohio St. 3d 1447, 2010-Ohio-2510.

Collateral relief from the judgment of conviction was unsuccessfully sought in state and federal courts.

### II. *Statement of facts:*

The following is composed of two credible sources of factual information: (1) the opinion of the appellate court decision in *State v. Noe*, (6<sup>th</sup> Dist.) L-06-1393 &

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<sup>1</sup>These convictions include Engaging in a Pattern of Corrupt Activity (F-1), Aggravated Theft (F-3), Aggravated Theft (F-1), four counts of Money Laundering (F-3), four counts of Tampering with Evidence (M -1), and eighteen counts of Forgery (F-5).

L-09-1193, 2009-Ohio-6978; and (2) the executive summary of *Coingate: When Law and Fairness Collide* (Amazon Press 2017), undoubtedly the most recent and arguably most definitive account of the case authored by Garrison Walters, Ph.D. the former Interim Chancellor of the Ohio Board of Regents, retired Executive Director of the South Carolina Commission on Higher Education, and author of numerous books.

(1) *State v. Noe*, (6<sup>th</sup> Dist.) L-06-1393 & L-09-1193, 2009-Ohio-6978:

[¶2] The relevant facts are as follows. In 1997, the Ohio General Assembly permitted the Ohio Bureau of Workers' Compensation ("BWC") to diversify its large investment portfolio with alternative investments. To that end, and under the BWC's Emerging Managers Program, Thomas Noe [appellant], a rare coin dealer, submitted a proposal to the BWC to establish Capital Coin Fund, a limited liability company, with the primary purpose of buying and selling of rare coins. On March 31, 1998, the operating agreement creating Capital Coin Fund, Ltd. ("CCF I") was signed by the BWC and Thomas Noe. Under the terms of the agreement, the BWC was to provide \$25,000,000 as its capital contribution (in exchange for 250 units of interest) while Noe's company, Vintage Coins and Cards ("VCC"), and Delaware Valley Rare Coin Co., Inc., a Pennsylvania Company, as managing members of CCF I, each contributed \$5,000 (in exchange for one manager/member unit each.) Section 5.1 of the operating agreement provided that "the Managers, in their full and exclusive discretion, shall manage and control and make all decisions affecting the business and assets of the Company \* \* \*."

[¶ 3] On July 13, 2001, Capital Coin Fund, Ltd. II ("CCF II") was formed. As with CCF I, the BWC invested \$25,000,000; Thomas Noe as the sole manager, invested \$10,000 through VCC. Again, the purpose of CCF II was to buy and sell rare United States coins. CCF II also gave the manager authority to make unspecified "alternative investments."

[¶ 4] Thomas Noe believed that it was important to conceal the nature of the BWC investments from other coin dealers. Accordingly, Thomas Noe set up various companies to conceal the relationship. For CCF I, Noe created Rare Coin Enterprises ("RCE") in Maumee, Ohio, and in Broomall, Pennsylvania; Visionary Rare Coins in California; and Karl D. Hirtzinger, LLC, in Minnesota. For CCF II, Noe created Rare Coin Alliance in Delaware, Errors and Oddities in Florida, Spectrum Fund in

California, and Numismatic Professionals in Colorado. The entities involved in the criminal prosecution were those run by Noe in Maumee, Ohio. Such entities included CCF I, CCF II, VCC, and RCE.

[¶5] Following the organization of CCF I, the BWC began questioning some of the transactions that were being approved by Noe. In 2005, an official investigation commenced regarding the management of the Coin Funds. Based upon information obtained during the initial investigation, a search warrant for VCC, located in Maumee, Lucas County, Ohio was executed on May 26, 2005. Computers, voluminous paper records, coins and various other collectibles were seized.

[¶ 11] The state's theory at trial was that Noe transferred money from the coin funds to VCC and characterized the transfers as coin purchases when, in fact, no coins were purchased. Noe then used the money for his own benefit. Noe also wrote several checks from VCC to certain individuals; Noe endorsed the checks and deposited the proceeds into his personal checking account. Further, VCC employee Timothy LaPointe, at Noe's direction, created inflated inventories in order to deceive the BWC as to the amount of coins owned by the Coin Funds. Prior to agreed-on inspections, Noe and LaPointe would also borrow or obtain coins from various customers and coin dealers and create corresponding false inventories.

(2) *Coingate: Where Law and Fairness Collide* (Amazon Press 2017):

## THE COIN DEAL

Noe had been interested since the 1980s in developing a mutual fund-like investment vehicle for rare coins. An important dimension of Coingate was that many people consider that items such as rare coins can't be serious investments. In reality, though, the value of everything is determined not by abstract criteria but by individuals' choices. And individuals have long considered rare items such as art and coins, to have special value, with the result that there is a constant market for rare coins, one that includes frequent trading. The challenge for a mutual-fund like effort has been more in structuring and organizing than in marketing.

Noe's idea of a mutual fund-like investment wasn't original – there were several active funds in the 1990s – but his approach was unique. The plan was to have the managers – people like Noe who would buy and sell – benefit in the same

way as the investors, which is to say only when profits were made rather than through fees for the recovery of operating costs. As a result, managers had the same interest in success as investors. In fact, their interest would be even stronger because the managers couldn't recover their own operating costs until profits were made – in this respect the managers would be taking more risk than the investors.

Noe tried to sell his fund idea to a number of organizations, but wasn't successful until the late 1990s when the State of Ohio's Bureau of Workers' Compensation (OBWC) deemed the fund eligible for its new "emerging managers" program and agreed to put in \$25 million. The OBWC, which had some \$16-18 billion under management, saw the fund, known as Capital Coin Fund I, as a hedge against its traditional stock and bond trading.

The OBWC had a competition under the emerging managers program and proposals were reviewed and approved in public meetings. Noe's prospectus was notable in emphasizing that, while an investment in coins had considerable potential, there was also considerable risk. The prospectus stressed that this type of investment was not a good choice for those needing liquidity. In fact, the fund was to run for eleven years (1998-2009), with principal not returned until then. The coin fund was like a mutual fund in that the investors didn't directly own any coins; rather, they (OBWC) owned a share of the overall fund's value and therefore a share of the profits (or loss). However, the provision preventing withdrawal at any time made it more like a hedge fund. Profits could be distributed annually or earlier in smaller amounts entirely at the discretion of the managers.

Noe had a contract written by his lawyer and the OBWC largely accepted it. Some of the provisions later became highly controversial. Notably, Noe (and his partner "manager" in this initial fund, another coin dealer named Frank Greenberg), had the right to take loans from the fund as well as advances on profits. They were also allowed to self-deal, i.e., their own businesses could buy and sell to the coin fund. There was also an odd provision that gave the managers [*Ed.* two] years to repay an advance on profits if the advance was taken "knowingly in violation" of the contract.

Noe explains the "loans and advances" section as essential to the intended role, which was to make cash available not just to the "managers" but also to other partners who could compete more effectively if they had resources available; in some cases, the coin fund managers acted as bankers in support of other traders' deals. The self-dealing provision was designed to prevent a situation in which coin

fund monies could be lent to other businesses but not to Noe and Greenberg's own companies. The two managers were concerned that they would lose their own customer base and be non-competitive once the fund had expired.

The fund initially did well, transferring a profit of nearly \$8 million to the state in the first seven years. As a result, OBWC invested another \$25 million in 2002. There were some problems, however. An internal auditor at the OBWC objected to the fact that OBWC did not have access to an independently audited list of coin fund inventory. The reason for this, provided in the contract, was that competitors could access the inventory records, including prices paid, by making a public records request to the OBWC. This would give potential buyers an unfair advantage – businesses of all kinds avoid disclosing what they pay for something they are selling, since buyers are likely to use that as leverage to get a lower price.

The internal audit also objected to the coin fund's ownership of non-coin assets: notably "collectibles" (such as sports and political memorabilia) and real estate. This too was permitted in the contract and allowed because Noe wanted to be able to invest money productively when the coin market was slow.

Negotiations between Noe and Greenberg and the OBWC led to a compromise that included external auditing of inventory, and allowed the OBWC to keep copies of the inventory but label them as trade secrets so they wouldn't be subject to public records inquiries. Importantly, however, the key provisions of the contract –allowability of collectibles, self-dealing, [Ed. two] years to repay if "knowingly in violation," and the ability to take loans and advances – were all reaffirmed in 2001.

## Chapter 2- Coingate Erupts

Although the OBWC coin fund investments with Noe were approved in open meetings and operated successfully for some seven years, the fact of an OBWC deal with Noe wasn't well known until the *Toledo Blade* published an article on the arrangement in early April of 2005.

The *Blade's* initial articles on Noe and the coin funds, beginning on April 7, weren't hatchet jobs but they conveyed a deep skepticism about the validity of the type of investment and about whether Noe's deal was political rather than truly

competitive. The *Blade* reinforced its skepticism in two ways. First, it regularly implied that the OBWC had become a coin collector, even though the Bureau had purchased shares in a trading company and didn't own a single coin. Second, the *Blade* focused on several trading problems that Noe had reported to the OBWC. One was the fact that a trader who had been loaned money had lost some \$800,000. Another was a dispute between Noe and an affiliate in Colorado that involved some stolen coins and also possible fraudulent behavior.

While the facts of the *Blade*'s articles weren't alarming, the tone was. The persistent suggestion was that some unknown Republican appointee had given Noe a vast amount of money to play with and that it had been mismanaged – and possibly lost. The *Blade* articles quickly became fodder for politicians. Democrats seized on the insinuations in the articles to proclaim that cronyism amongst Republicans in Columbus was costing the state millions and, in what became a favorite phrase, “harming injured workers.” The state's Inspector General announced an investigation.

The Republican governor, Bob Taft, initially defended Noe by pointing out that the OBWC investment had earned nearly \$8 million in profit to date. Although the *Blade* offered no substantive evidence that the coin funds were in trouble, the unremitting wave of suspicion the paper unleashed caused the attorney general (AG) to file suit to have the funds closed and monies returned to the OBWC as soon as possible.

After some weeks of turmoil, Noe, realizing that the pressure wasn't going to go away, agreed to close the funds and told his attorneys to negotiate an orderly closure. Noe's concern, initially shared by the AG and the OBWC, was that liquidation of the funds should occur over a period of time, probably on the order of a year, so that the funds' assets could be sold in a regular market rather than dumped at fire sale prices. The tide turned against this rational plan with two facts. First, it became known that the FBI was investigating Noe for campaign finance violations – specifically for giving money to others to give to the Bush presidential campaign. Noe had already donated the maximum amount for an individual but wanted to be a Pioneer, someone who gives and raises \$100,000.

The federal charges against Noe had the effect of turning his own party against him. Republican leaders realized he would be convicted at some point and wanted him off the radar well before the November, 2006 elections. In addition, the Republican Attorney General, who was in a fierce primary fight for his party's

gubernatorial nomination, realized that appearing to be weak in investigating members of his own party would make him vulnerable in the primary as well as the general election. The second fact changing the initial rational plan to close out the funds was that the *Blade*, which had never ceased publishing critical articles on Noe and the coin funds, ratcheted up the pressure by sending a reporter to California to interview the trader who had lost \$800,000 earlier. The thrust of the story was that the man, who had a previous felony charge and had served a prison sentence, was dishonest and unstable and that this was the kind of person who Noe was dealing with in investing state money. Nothing of importance in the story was actually new but, taken together with some earlier stories on the coin fund affiliate in Colorado, it was clear that the *Blade* wasn't going to let the Noe issue go. In fact, the story concluded with a quote from a Democrat mocking the Republican AG for inaction in what had now become known as "Coingate."

The news of the federal investigation appeared on April 27 and the *Blade* story on the trader in California was published on May 22nd. The next day, Monday, the AG's office tossed the agreed-upon schedule for completing an inventory of the coin funds' assets and insisted the process begin immediately. Noe's lawyers, including a criminal team he had hired a few days earlier, agreed and a schedule was established that would allow Noe's attorneys to be present at the four sites around the country where coins and collectibles were held.

But, even as an agreement was reached and lawyers dispersed to the various locations to oversee the audits, the AG, still facing withering media pressure and criticism from Democrats and his primary opponent, abandoned the new agreement and insisted that state investigators have immediate access to Noe's Maumee Ohio (Toledo area) business, Vintage Coins and Collectibles (VCC). Noe's lawyers did their best to accommodate but, because Noe's assistant hadn't yet completed an updated coin inventory for Maumee, the lawyers allowed investigators access only to collectibles until the inventory list was finished – requiring at most a few days. This action generated stories of Noe "refusing access" to state investigators.

At some point in mid-May various public entities interested in the coin funds created an informal "State Task Force" (STF) to coordinate their work. Members included the offices of the AG, the Inspector General (IG), the OBWC, federal prosecutors from northern and southern Ohio, the state highway patrol, and

prosecutors from Lucas and Franklin Counties (Toledo and Columbus). The STF had agreed to have the highway patrol organize surveillance of Noe's business and officers reported late night activity – including people removing boxes. The activity was described as highly suspicious. In fact, the boxes were part of a regularly scheduled auction run by a neighboring business, but the investigators hadn't investigated enough to know that.

Information from the surveillance, together with the inability to secure immediate access to the coin inventory, caused the STF to prepare a search warrant which was presented to and authorized by a judge on the morning of Thursday, May 26. With the warrant in hand, a large team of state law enforcement officials raided Noe's VCC office in Maumee. The resulting media event included a photo-op for the Inspector General who was shown carrying a box out of the store. What wasn't shown and reported was the fact that the law enforcement swarm actually stopped the work of other state investigators who had been admitted that morning and who were in the process of inventorying coins. In fact, at the time when the STF members told the judge a warrant was urgently needed, they knew that investigators had been admitted and that the inventory was already taking place.

### Chapter 3- Aftermath of the Search Warrant

The search warrant added as justification a statement attributed to Noe's new lawyer, William Wilkinson of the major national firm Thompson Hine, to the effect that there might be a "shortfall" of \$10-\$13 million in the coin funds. Wilkinson, who had been at work for only a few days and who had spoken only briefly with Noe, appears to have been referring to Noe's statement to him that *value* on the scale of \$10-13 million could be lost if the state seized the inventory and sold it off quickly.

But, because Wilkinson wasn't clear whether he meant loss in value or something more serious, the STF was acting within reason by interpreting it as referring to theft. This view was reinforced in the coming days by two factors: 1) the inventory did in fact show a disparity of more than \$10 million between coins listed as in inventory and coins actually present at VCC in Maumee; and 2) Noe's legal team failed to explain either the inventory problem or the shortfall statement but simply waited for criminal charges to appear.

In fact, as will be explained later, Noe was justified in that he had used his contractual right to take loans and advances from the coin funds and had left a clear and publicly accessible record of his debt. But he was also unjustified in that he had tampered with the records to hide these borrowings from the OBWC in the short-term. Noe was willing to admit and explain from the outset, but the defense lawyers successfully convinced him not to.

### III. *Tom Noe is a deserving candidate for executive clemency:*

(A) Remorse: Compared to the former successful Toledo businessman, prominent in politics, charitable activities and social life, Tom Noe is a repentant man. After being tarred by public notoriety and political pariahdom, 12 years of prison life has been a humbling experience.

Any effort to discuss with him his epic fall from grace will quickly impress the person with the clarity with which Tom Noe can now see his mistakes and misdeeds, and the character issues which served to contribute to this classic story of undoing and downfall. Appended hereto is Tom Noe's full "Statement of Responsibility," which includes the self-examination that Tom Noe underwent shortly after his transfer to MCC in 2016:

"I began my own self-examination and owned up to the personal responsibilities of my actions. I reminded myself of the 4 stage grief process of Denial, Protest, Grief Proper, and Acceptance. After my own self-examination I realized that I was still stuck in the Denial and Protest stage of my conviction. Once I got over the denial and anger stage I could finally look in the mirror and recognize my shortcomings and the reasons for my own actions. I realized that of the 15 seeds of immaturity, I could relate to many of them; none more obvious than my *impatience, jealousy, false pride, self-obsession, resentfulness, and the violation of the rights of others*. I finally reached the level of conscious maturity by getting rid of *my child-like obsession of a life based on I-Self-Me* and finding a natural place of adult maturity based on We-Us-Ours. This change in conscious maturity not only helped me understand my own value as a human being and child of God, it helped me understand the unique and precious value of each and every human being. I finally realized the extreme pain, suffering and feeling of betrayal felt by those I hurt."

(emphasis supplied)

In short, Tom Noe is quick to tick-off the character-driven dynamics that led to his downfall, which have been addressed and confronted in his 12 years of deep reflection and personal growth. These include:

- Too much ambition;
- Too many shortcuts;
- Too little objectivity from which to view the questionable nature of rationalizations; and
- Too much willingness to overlook the gratuitous nature of self-righteous justifications.

Living, eating and sleeping for 12 years with hundreds of other similarly uniform-clad, numbered, and convicted men who are like clockwork counted – six times a day– has a grounding impact on anyone, especially a former high-flyer like Tom Noe. From this ground-level introspection, his “Statement of Responsibility” expresses his realization that an abuse of the public trust resulted from the deceptive failures to properly document financial transactions in a completely transparent manner, even though at the time he “absolved himself” of any wrong-doing. Not only can Tom Noe internally visualize his mistakes, he can forcefully verbalize his recognition of the corrosive toll in the public trust in our governing institutions that resulted from his criminal activity,<sup>2</sup> as well as to the heartbreaking private toll on his family and friends. The tears are real that others have witnessed rolling down Tom’s face in their conversations with Tom regarding his regrets, as noted in their letters of support.

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<sup>2</sup> Tom Noe’s three yet-maintained factual claims: (1) he did not swindle any of state funds that were invested his investment companies; (2) the state of Ohio realized profits that were yielded from the public money invested in his companies, and (3) the state of Ohio would have realized much greater profits had they unwound the investments in the timely manner provided for in the contracts with OBWC instead of the forced “fire-sale” that resulted from the politically-sound but financially disastrous decision made by state officials as a result of the media firestorm, have all been roundly reaffirmed in the well-documented conclusions of the 2017 publication of *Coingate: When Law and Fairness Collide*, supra. Incidentally, they are also in sync with the final conclusions of the nine-year investigation by the Ohio Inspector General, which reported that the *net profit* of the Capital Coins Funds was \$6,019,000, even following the millions of dollars in expenses resulting from the divestment/liquidation of the businesses, and supervision of litigation involving the funds by Development Specialists, the replacement fund management. Ohio Inspector General File # 2005-091, on page 92. (April 24, 2014)( appended).

(2) Rehabilitation:

“You either get busy living, or get busy dying,” or so observed the fictional character of “lifer” Andy Dufresne (Tim Robbins) in the movie *Shawshank Redemption* on the subject of “doing time” in prison. Since entering the Ohio Department of Rehabilitation and Correction in October, 2008, at age 54 to begin serving an 18 year prison term, Tom Noe chose the former.

As evidenced by the appended Institutional Adjustment Summary (12/20/2017), Noe has compiled a prodigious record of achievement by any fair measure. He is soon to celebrate his four year anniversary of achieving minimum (Level 1) security classification, earned in large part by remaining free of even a single misconduct report or reprimand. He has entered and completed a host of institutional programs addressing offense behavior (*e.g.*, Thinking for a Change; Values & Beliefs; Assess Your Moral Reasoning), self-improvement (*e.g.*, Responsible Family Skills), spiritual-based activities (*e.g.* *Kairos* Prison Ministry) and community service (CSEA Peer Literacy Tutoring; donation of over 1000 books to prison libraries).

Tom Noe has been active in many inmate organizations, such as the Vietnam Veterans Assn., NAACP, Red Cross (Vice-Chairman), and the Disaster Action Team (founder and Chairman), responsible for inmate training for fire drills and emergency evacuation procedures. He served for 8 years as the institutional quartermaster at the former HCI, responsible for the clothing of 480 inmates. He has been deeply involved in religious programming and activities. Upon his transfer to MCI in 2016, he was immediately assigned to the Marion Reintegration Center as a re-entry aide, working with inmates in intensive preparations for their imminent release into the community. He has been asked to teach institutional programs, such as Reentry Realities, and tutoring inmates who are students at the Marion Technical College.

The true sense of the character of Tom Noe, however, is not what he has achieved during his imprisonment, but rather what he has *contributed* to the prison community. This is in keeping with Tom’s personal “Bloom where you are Planted” philosophy. Not to be missed among the multitudes of support letters appended to this application, including many from community leaders, church hierarchy, and pillars of society who have stood by and stand by Tom, are the

letters included from the “lowliest of the lowly:” inmates and former inmates who were touched by Tom in some personal way that caused change in their behavior or thinking because of personal engagement with him. For example, the appended letter of Howard Patrick (A300-130) notes “. . . it is unusual for an inmate to write a letter in support of another inmate, but it even more unusual to find a role model for one’s life in prison. I certainly found one in Tom Noe and have fashioned my life after his example.”

Or, Ondre Brown (A671-157), a 24 year-old African- American man who who was “struggling with some school work.” But it wasn’t just helping him with schoolwork, “. . . but at any moment of time, even though this man has his own family to worry about, he made time for me. For example, if I was hungry he’ll offer me some food, if I needed to talk to someone and simply needed advice on everyday things that go on in this world, Tom was there. . . .When no one is looking, Tom Noe is a good person. I can only speak on the time I spent with Tom and based on what I witness everyday, it would have bothered my conscience if I didn’t take the time to write this letter to you , Governor, and state that Tom is more than ready to be a productive member of society and be where he needs to be, which is with his family and friends.”

Or, Anthony Watson (A401-132), a 47 year-old “ethnically different” from Tom: “I have been doing time since I was 15 (1986), and I have not met anyone like him. He is genuine, kind, and caring. He has taught me so much about finances, savings, insurance, retirement . . . he takes time out of his personal schedule to mentor me on Saturdays. We discuss a variety of issues regarding living positively, life, employment, family, marriage, business and recidivism. Tom is one of the best teachers that I have had the pleas [*sic*] of meeting and I have learned so much from him . . . we have different backgrounds, social upbringings and religious beliefs [but] we will be friends forever. Governor Kasich, please give Tom a second chance because he deserves it.”

Or Ryan Montgomery (A706-408), who describes how Tom helped him complete his programming requirements for release from prison: “During my four years of incarceration, I have met few men more gracious, caring and humble than Mr. Noe. Most importantly, I have met no one more dedicated to helping change themselves or others than Tom.”

There are more. Heartfelt letters from those who simply want to testify to what a positive force Tom has been in prison life.

(3) Community support:

The appended materials include an extraordinary outpouring of public support for Tom Noe's release from prison. Many dozens of appended support letters evidence community support that measures a mile wide and a mile deep.

One prominent theme evinced in many of the support letters is that Tom Noe has been sufficiently punished for his crimes. Most of the writers of these letters (not all) do not minimize the misdeeds for which he was convicted; they accept his culpability at face value. These supporters instead recognize several relevant observations: (1) Tom's release presents no risk to society; (2) Tom's punishment was excessively punitive in relation to the offense behavior; and (3) Tom's prison sentence was adversely impacted by the sensationalistic media attention devoted to it, and perhaps motivated by political sensitivities of the time.

As to the second point above (excessive punishment), no voice could have more credence than that of the former Ohio Attorney General whose office was responsible for the initial investigation and assistance with the prosecution of those criminal offenses: Jim Petro. Mr. Petro supported Tom's previous application for clemency in 2014, and in his appended letter (December 9, 2017) he does so again "with even greater cause." In the considered opinion of the top state law enforcement official at the time of Tom's prosecution:

"[H]is sentence of 18 years of imprisonment was excessive and unjust."

....

"Tom Noe has clearly paid an extraordinarily excessive price for his criminal actions. I respectfully request your consideration of executive action, which can mitigate this injustice."

The essential point made by Mr. Petro is dramatically underscored by the subsequently published empirical data derived from the exhaustive sentencing research in *Coingate: When Law and Fairness Collide*, supra:

“Assuming comparable criminal allegations, there are no sentences even roughly similar to Noe’s. On the contrary, there is a huge archive of sentences that are radically different.”

....

“To save space in the printed version, the following list of comparable crimes and sentence contains just the basic information. Note that no one got anything like 18 years and the amounts lost were far greater. This list is just a precis of recent events; a comprehensive example would be much longer. To get more detail, please go to the website.” [Table appended]

*Coingate, supra at 224.*

#### IV. *Conclusion:*

In the appropriate observation of former Ohio Attorney General Jim Petro, “[o]ur system of justice provides and relies upon opportunities for parole, executive clemency, and pardons to correct missteps in which true justice is compromised by, as in this case, overly aggressive sentencing resulting in injustice.”

Executive intervention by the Governor in this case does not constitute an invasion of the separation of powers vis-a-vis the judiciary: the ten-year mandatory term of imprisonment imposed by the court expires in October, 2018. Therefore, executive clemency is not only justly warranted, it is timely.

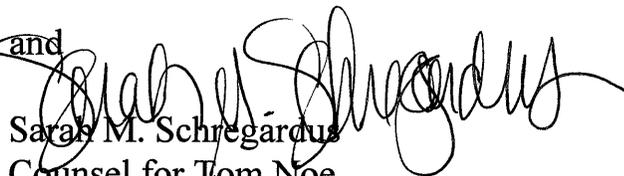
For all of the above-stated reasons, it is submitted that a commutation of the punishment of Tom Noe is in furtherance of the interests of justice; an act of executive grace committed in behalf of a repentant and deserving offender.

Respectfully submitted,



Barry W. Wilford

and



Sarah M. Schregardus  
Counsel for Tom Noe

# Ohio Parole Board Application for Executive Clemency

1. APPLICANT'S NAME: **Thomas William Noe** ALIAS: **N/A**

2. IF Confined:

INSTITUTION: <b>Marion Correct.</b>	INSTITUTION NUMBER: <b>589-407</b>	DATE ADMITTED: <b>10/23/2008</b>
PAROLE/PRC ELIGIBILITY DATE: <b>None</b>		EXPIRATION OF DEFINITE SENTENCE: <b>10/22/2026</b>
IF PREVIOUSLY INCARCERATED, LIST INSTITUTION NUMBER:		

3. IF NOT Confined:

**OR**

ADDRESS:	STREET	CITY	STATE	ZIP
DATE RELEASED ON PAROLE/PRC:		FINAL RELEASE DATE:		
DATE GRANTED COMMUNITY CONTROL/PROBATION:		DATE COMMUNITY CONTROL/PROBATION COMPLETED:		

4.

DATE OF BIRTH: <b>7/19/54</b>	AGE: <b>63</b>	SOCIAL SECURITY NUMBER:
TELEPHONE #: <b>N/A</b>	CELL PHONE #: <b>N/A</b>	EMAIL: <b>N/A</b>

5. TYPE OF CLEMENCY REQUESTED (SELECT ONE):  Pardon  Commutation  Reprieve

6. HAVE YOU APPLIED FOR CLEMENCY IN THE PAST?  YES  NO - If yes, when: 2014

7. ARREST RECORD:

COUNTY (CITY)	CASE NO.	CRIME	DATE CONVICTED	SENTENCE	REQUESTING CLEMENCY
USDC, Toledo, OH	3:05-CR-00796-	Illegal campaign	9/12/06	27 months	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	DAK	contraband; False			<input type="checkbox"/> Yes <input type="checkbox"/> No
		statement; Conspiracy			<input type="checkbox"/> Yes <input type="checkbox"/> No
Lucas County	G-4801-CR-	See attached indictment	11/20/06	17 years	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	0200601348-	(Tab 1) and Judgment			<input type="checkbox"/> Yes <input type="checkbox"/> No
	000	Entry (Tab 2)			<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes <input type="checkbox"/> No

8. MARITAL STATUS: **Divorced** SPOUSE'S NAME: **N/A** NO. OF DEPENDENTS: **0**

EDUCATION: **High School Diploma**

9. EMPLOYMENT HISTORY: (PAST FIVE YEARS)

EMPLOYER	ADDRESS	TELEPHONE NUMBER	EMPLOYMENT STATUS
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Incarcerated since November 13, 2006. Prior to incarceration, Noe was President of Thomas Noe, Inc. from 1981 until May 2005. He primarily dealt with rare coins.

10. COMMUNITY/VOLUNTEER SERVICE: (SEE INSTRUCTIONS)

Please see attached.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. NEED FOR CLEMENCY:

- EMPLOYMENT OPPORTUNITIES
- LICENSING/BOARD EXAMS/PUBLIC OFFICE
- VOLUNTEER OPPORTUNITIES
- DEPORTATION
- DISPARATE SENTENCE
- MEDICAL
- OTHER:

Please see attached

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. ATTACHMENTS: (LETTERS IN SUPPORT, COURT PAPERS, DIPLOMAS, ETC.) (SEE INSTRUCTIONS)

I HEREBY SWEAR THAT THE INFORMATION CONTAINED IN THIS APPLICATION AND THE ATTACHED DOCUMENTS IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE:

TR Wilbe  
APPLICANT'S SIGNATURE

1/23/18  
DATE

IF PREPARED BY ATTORNEY:

Barry W. Wilford & Sarah Schregardus  
ATTORNEY'S NAME  
492 City Park Avenue  
Columbus, OH ADDRESS 43215

Sarah Schregardus  
ATTORNEY'S SIGNATURE

1/29/18  
DATE

\* The application, along with the attachments will be provided to the sentencing court and/or prosecuting attorney's office in the county of conviction, if requested.

NOCKUS-011340

Lucas County Common Pleas Court

THE STATE OF OHIO vs.

Thomas W. Noe

INDICTMENT FOR

ENGAGING IN A PATTERN OR CORRUPT ACTIVITY-\$2923.32 (A) (1); GRAND THEFT-\$2913.02 (A) (2), (B) (1) and (B) (2) (5 counts); AGGRAVATED THEFT-\$2913.02 (A) (2), (B) (1) and (B) (2) (6 counts); MONEY LAUNDERING-1315.55 (A) (1) and/or (A) (3) (11 counts); TAMPERING WITH RECORDS-\$2913.42 (A) (1), (2) (B) (4) (4 counts); TAMPERING WITH RECORDS-\$2913.42 (A) (1), (2) and (B) (3) (d) (4 counts); FORGERY-\$2913.31 (A) (1) and/or (A) (3) (22 counts)

A TRUE BILL.

Sherrill L. ... FOREPERSON OF THE GRAND JURY

Julia R. Bates

PROSECUTING ATTORNEY

FILED LUCAS COUNTY

FEB 10 P 3 24

COMMON PLEAS COURT FERNIE QUILTER CLERK OF COURTS

STATE OF OHIO, LUCAS COUNTY, SS. HERNIE QUILTER, Clerk of the Court of Common Pleas in and for said County, do hereby certify that the within and foregoing is a full, true and correct copy of the original indictment, together with the instruments thereon, now on file in my office.

Witness my hand and seal of said Court at Toledo, Ohio, this 15 day of Feb, 2006.

J. HERNIE QUILTER, Clerk. Deputy.

## INDICTMENT

THE STATE OF OHIO,  
Lucas County, } ss.

*Of the January, Term of 2006, A.D.*

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, during the time period beginning March 31, 1998, and continuing through May 26, 2005, in Lucas County, Ohio, did, while employed by or associated with any enterprise, conduct or participate in, directly or indirectly, the affairs of the enterprise through a pattern of corrupt activity in violation of **§2923.32(A)(1) OF THE OHIO REVISED CODE, ENGAGING IN A PATTERN OF CORRUPT ACTIVITY, BEING A FELONY OF THE FIRST DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

**FORFEITURE PROVISIONS.** THE JURORS OF THE GRAND JURY further find and present the following real and personal property was used in the course of or intended to be used in the course of a violation of Revised Code Section 2923.32 (A) (1) or that the real and/or personal property was derived from or realized through conduct in violation of Revised Code Section 2923.32 (A)(1), and that THOMAS W. NOE'S interest therein is subject to forfeiture pursuant to Revised Code Section 2923.32 (B)(3):

1. The building and property known as 3509 Briarfield Boulevard,  
Maumee, Ohio, more particularly described as :

A parcel of land being part of Lot 6 of Briarfield Business Park as recorded in Volume 129, Pages 18, 19 and 20 Lucas County Plat Records, in Monclova Township, Lucas County, Ohio, said parcel of land being bounded and described as follows:

Beginning at the northwesterly corner of said Lot 6 of Briarfield Business Park; thence in a Northeasterly direction along the northerly line of said Lot 6 of Briarfield Business Park having an assumed bearing of North 78° 31' 23" East, a distance of 504.71 feet to the intersection of the easterly line of said Lot 6 of Briarfield Business Park; thence South 00° 41' 26" East along said easterly line of Lot 6 of Briarfield Business Park, a distance of 231.30 feet to a point; thence South 85° 07' 44" West along a line, a distance of 474.54 feet to the intersection of the westerly line of said Lot 6 of Briarfield Business Park, said point of intersection being a point on a curve; thence in a northerly to northwesterly direction, along an arc of curve to the left, an arc distance of 173.01 feet to the Point of Beginning, said arc of curve to the left having a radius of 1,500.68 feet, a central angle of 06° 36' 20", a chord distance of 172.91 feet and a chord bearing of North 08° 10' 26" West.

2. The business formerly known as Vintage Coins and Cards and presently known as Vintage Coins and Collectibles, a division of THOMAS W. NOE, Inc., and doing business at 3509 Briarfield Boulevard, Maumee, Ohio.
3. 5 and 89/1000 shares of voting stock in Numismatic Guaranty Corporation of America standing in the name of Thomas Noe, and 1 and 4686/10,000 shares of non-voting stock in Numismatic Guaranty Corporation of America standing in the name of Thomas Noe.

**INCIDENTS OF CORRUPT ACTIVITY.** THE JURORS OF THE GRAND JURY further find and present that THOMAS W. NOE has committed the incidents of corrupt activity as alleged in Counts Two through Fifty-Two of this Indictment, inclusive, and said incidents of corrupt activity are hereby incorporated by reference as if fully restated herein. ♪

**THE ENTERPRISE.** THE JURORS OF THE GRAND JURY further find and present that the enterprise includes, but is not limited to, two or more of the following people and/or

entities associated-in-fact:

1. THOMAS W. NOE;
2. Timothy LaPointe;
3. Vintage Coins and Collectibles, formerly known as Vintage Coins and Cards;
4. Visionary Rare Coins;
5. Rare Coin Enterprises (RCE);
6. Rare Coin Alliance (RCA);
7. Errors and Oddities;
8. Spectrum Fund I;
9. Capital Coin Fund Limited;
10. Capital Coin Fund Limited II;
11. Numismatic Professionals; and/or,
12. Others unknown and/or as yet unidentified.

THE JURORS OF THE GRAND JURY further find and present the following individuals and entities, as far as is known at the time of this Indictment, were probably unwitting participants in the aforementioned enterprise:

1. Robert Bisanz
2. National Gold Exchange
3. Spectrum Numismatics
4. Lee S. Minshull
5. John Russ
6. Robert B. Lecce
7. Brian Hendleson

8. Henry J. Gailliott

9. Ohio Bureau of Workers' Compensation

**COMMENCEMENT OF ASSOCIATION.** THE JURORS OF THE GRAND JURY further find and present that **THOMAS W. NOE** was employed by or associated with the Enterprise beginning on or about March 31, 1998.

**ENTERPRISE LIABILITY.** THE JURORS OF THE GRAND JURY further find and present that **THOMAS W. NOE** is criminally liable as a principal offender, jointly and severally, for the incidents of corrupt activity committed by the other members of the Enterprise.

SECOND COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 1st day of April, 1998, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was Five Thousand (\$5,000.00) Dollars or more and less than One Hundred Thousand (\$100,000.00) Dollars, in violation of §2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, **GRAND THEFT, BEING A FELONY OF THE FOURTH DEGREE**, contrary to the form of the statute in such case made an and provided, and against the peace and dignity of the State of Ohio.

THIRD COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and

present that **THOMAS W. NOE**, on or about the 1st day of April, 1998, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, checks number 3388, 3394, 3395 in the total amount of \$95,000.00, in violation of §1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, **MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FOURTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 3rd day of April, 1998, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was Five Thousand (\$5,000.00) Dollars or more and less than One Hundred Thousand (\$100,000.00) Dollars, in violation of §2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, **GRAND THEFT, BEING A FELONY OF THE FOURTH DEGREE**, contrary to the form of the statute in such case made an and provided, and against the peace and dignity of the State of Ohio.

FIFTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, and the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 3rd day of April, 1998, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, checks number 3020, 3021, 3022 and 3023 in the total amount of \$21,000.00, in violation of **§1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

SIXTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 1st day of April, 1998, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was One Hundred Thousand (\$100,000.00) Dollars or more, in violation of **§2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, AGGRAVATED THEFT, BEING A**

**FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

SEVENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 1st day of April, 1998, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, a payment to the line of credit of Vintage Coins and Cards in the total amount of \$396,470.66, in violation of §1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

EIGHTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 4th day of April, 1998, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was Five Thousand (\$5,000.00) Dollars or more and less than One Hundred Thousand (\$100,000.00)

Dollars, in violation of §2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, GRAND THEFT, BEING A FELONY OF THE FOURTH DEGREE, contrary to the form of the statute in such case made an and provided, and against the peace and dignity of the State of Ohio.

NINTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, on or about the 4th day of April, 1998, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, a payment to the line of credit of Vintage Coins and Cards in the total amount of \$50,000.00, in violation of §1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, on or about the 31st day of March, 1998, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of

the owner or person authorized to give consent, and the value of the property or services stolen was One Hundred Thousand (\$100,000.00) Dollars or more, in violation of **§2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, AGGRAVATED THEFT, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

ELEVENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 31st day of March, 1998, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, check number 3387 in the total amount of \$135,000.00, in violation of **§1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWELFTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, during the time period beginning May 1, 1998, and continuing through September 15, 2003, in Lucas County, Ohio, with purpose to deprive the owner of

property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was One Hundred Thousand (\$100,000.00) Dollars or more, in violation of §2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, AGGRAVATED THEFT, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made an and provided, and against the peace and dignity of the State of Ohio.

THIRTEENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, during the time period beginning May 1, 1998, and continuing through September 15, 2003, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, in the total amount over \$100,000.00, in violation of §1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FOURTEENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and

present that **THOMAS W. NOE**, on or about the 1st day of August, 2001, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was Five Thousand (\$5,000.00) Dollars or more and less than One Hundred Thousand (\$100,000.00) Dollars, in violation of **§2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, GRAND THEFT, BEING A FELONY OF THE FOURTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FIFTEENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 1st day of August, 2001, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, check number 8561 in the total amount of \$10,000.00, in violation of **§1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

SIXTEENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 1st day of August, 2001, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was One Hundred Thousand (\$100,000.00) Dollars or more, in violation of **§2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, AGGRAVATED THEFT, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

SEVENTEENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 1st day of August, 2001, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, a payment to the line of credit of Vintage Coins and Collectibles in the total amount of \$393,000.00, in violation of **§1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING**,

**BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

EIGHTEENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 1st day of August, 2001, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was Five Thousand (\$5,000.00) Dollars or more and less than One Hundred Thousand (\$100,000.00) Dollars, in violation of §2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, GRAND THEFT, BEING A FELONY OF THE FOURTH DEGREE, contrary to the form of the statute in such case made an and provided, and against the peace and dignity of the State of Ohio.

NINETEENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 1st day of August, 2001, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, check number 8569 in the total amount

of \$17,000.00, in violation of §1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTIETH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 22nd day of August, 2001, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on of corrupt activity, to wit, a transfer to Capital Coin Fund Limited in the total amount of \$786,000.00, in violation of §1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTY-FIRST COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 15th day of March, 2005, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of

the owner or person authorized to give consent, and the value of the property or services stolen was Five Hundred Thousand (\$500,000.00) Dollars or more and less than One Million (\$1,000,000.00) Dollars, in violation of §2913.02(A)(2), (B)(1) and (B)(1) OF THE OHIO REVISED CODE, AGGRAVATED THEFT, BEING A FELONY OF THE SECOND DEGREE, contrary to the form of the statute in such case made an and provided, and against the peace and dignity of the State of Ohio.

TWENTY-SECOND COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, on or about May of 2005, in Lucas County, Ohio, knowing the person had no privilege to do so, and with purpose to defraud or knowing that the person was facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing computer software, data, computer data, or record, and the writing, data, computer software, or record is kept by or belongs to a local, state, or federal governmental entity, in violation of §2913.42(A)(1), (2) and (B)(4) OF THE OHIO REVISED CODE, TAMPERING WITH RECORDS, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTY-THIRD COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, on or about May of 2005, in Lucas County, Ohio, knowing the person had no privilege to do so, and with purpose to defraud or knowing that the person was facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing

computer software, data, computer data, or record, and the writing, data, computer software, or record is kept by or belongs to a local, state, or federal governmental entity and the value is more than One Hundred Thousand (\$100,000.00) Dollars, in violation of §2913.42(A)(1), (2) and (B)(3)(d) OF THE OHIO REVISED CODE, TAMPERING WITH RECORDS, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTY-FOURTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, on or about June 2002, in Lucas County, Ohio, knowing the person had no privilege to do so, and with purpose to defraud or knowing that the person was facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing computer software, data, computer data, or record, and the writing, data, computer software, or record is kept by or belongs to a local, state, or federal governmental entity, in violation of §2913.42(A)(1), (2) and (B)(4) OF THE OHIO REVISED CODE, TAMPERING WITH RECORDS, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTY-FIFTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, on or about June 2003, in Lucas County, Ohio, knowing the person had no privilege to do so, and with purpose to defraud or knowing that the person was facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing

computer software, data, computer data, or record, and the writing, data, computer software, or record is kept by or belongs to a local, state, or federal governmental entity, in violation of **§2913.42(A)(1), (2) and (B)(4) OF THE OHIO REVISED CODE, TAMPERING WITH RECORDS, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTY-SIXTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about June 2004, in Lucas County, Ohio, knowing the person had no privilege to do so, and with purpose to defraud or knowing that the person was facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing computer software, data, computer data, or record, and the writing, data, computer software, or record is kept by or belongs to a local, state, or federal governmental entity, in violation of **§2913.42(A)(1), (2) and (B)(4) OF THE OHIO REVISED CODE, TAMPERING WITH RECORDS, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTY-SEVENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about June 2002, in Lucas County, Ohio, knowing the person had no privilege to do so, and with purpose to defraud or knowing that the person was facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing computer software, data, computer data, or record, and the writing, data, computer software, or

record and the value is more than One Hundred Thousand (\$100,000.00) Dollars, in violation of §2913.42(A)(1), (2) and (B)(3)(d) OF THE OHIO REVISED CODE, TAMPERING WITH RECORDS, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTY-EIGHTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, on or about June 2003, in Lucas County, Ohio, knowing the person had no privilege to do so, and with purpose to defraud or knowing that the person was facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing computer software, data, computer data, or record, and the writing, data, computer software, or record and the value is more than One Hundred Thousand (\$100,000.00) Dollars, in violation of §2913.42(A)(1), (2) and (B)(3)(d) OF THE OHIO REVISED CODE, TAMPERING WITH RECORDS, BEING A FELONY OF THE THIRD DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

TWENTY-NINTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that THOMAS W. NOE, on or about June 2004, in Lucas County, Ohio, knowing the person had no privilege to do so, and with purpose to defraud or knowing that the person was facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing computer software, data, computer data, or record, and the writing, data, computer software, or record and the value is more than One Hundred Thousand (\$100,000.00) Dollars, in violation of

**§2913.42(A)(1), (2) and (B)(3)(d) OF THE OHIO REVISED CODE, TAMPERING WITH RECORDS, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTIETH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, during the time period beginning September 16, 2003, and continuing through May 26, 2005, in Lucas County, Ohio, with purpose to deprive the owner of property or services, did knowingly obtain or exert control over either the property or services beyond the scope of the express or implied consent of the owner or person authorized to give consent, and the value of the property or services stolen was One Million (\$1,000,000.00) Dollars or more, in violation of **§2913.02(A)(2), (B)(1) and (B)(2) OF THE OHIO REVISED CODE, AGGRAVATED THEFT, BEING A FELONY OF THE FIRST DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-FIRST COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, during the time period from September 16, 2003 through May 26, 2005, did conduct or attempt to conduct a transaction knowing that the property involved in the transaction was the proceeds of some form of unlawful activity with the purpose of committing or furthering the commission of corrupt activity, and/or did conduct or attempt to conduct a transaction with the purpose to promote, manage, establish, carry on, or facilitate the

promotion, management, establishment, or carrying on of corrupt activity, to wit, a payment to the line of credit of Vintage Coins and Collectibles in the total amount of \$393,000.00, in violation of **§1315.55(A)(1) AND/OR (A)(3) OF THE REVISED CODE, MONEY LAUNDERING, BEING A FELONY OF THE THIRD DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-SECOND COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 4th day of February, 1999, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 4451, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-THIRD COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 28th day of April, 1999, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 4880, that the offender knew to have been forged, in

violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-FOURTH COUNT

THE JURORS OF THE GRAND JURY<sup>4</sup> of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 11th day of May, 1999, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 4940, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-FIFTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 7th day of April, 2000, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 6481, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-SIXTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 7th day of May, 2000, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 5769, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-SEVENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 28th day of July, 2000, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 7007, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-EIGHTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas

County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 29th day of August, 2000, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 7144, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

THIRTY-NINTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 22nd day of September, 2000, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 7249, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FORTIETH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 5th day of October, 2000, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any

writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 7316, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FORTIETH-FIRST COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 17th day of October, 2000, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 7371, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FORTY-SECOND COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 24th day of November, 2000, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 7548, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY,**

**BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

**FORTIETH-THIRD COUNT**

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 19th day of November, 2001, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 8977, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

**FORTY-FOURTH COUNT**

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 30th day of November, 2001, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 9034, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FORTY-FIFTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 12th day of February, 2002, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 9316, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FORTY-SIXTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 25th day of March, 2002, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 9490, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FORTY-SEVENTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and

present that **THOMAS W. NOE**, on or about the 30th day of April, 2002, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 9626, that the offender knew to have been forged, in violation of §2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FORTY-EIGHTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 11th day of June, 2002, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 9797, that the offender knew to have been forged, in violation of §2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FORTY-NINTH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 3rd day of July, 2002, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any

writing to wit, check number 9878, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FIFTIETH COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 7th day of March, 2003, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 10973, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FIFTY-FIRST COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 13th day of August, 2003, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 11671, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such

case made and provided, and against the peace and dignity of the State of Ohio.

FIFTY-SECOND COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 10th day of February, 2004, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 12533, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

FIFTY-THIRD COUNT

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for Lucas County, Ohio, on their oaths, in the name and by the authority of the State of Ohio, do find and present that **THOMAS W. NOE**, on or about the 9th day of July, 2004, in Lucas County, Ohio, with purpose to defraud or knowing that the person was facilitating a fraud, did forge any writing of another without the other person's authority and/or utter, or possess with purpose to utter, any writing to wit, check number 13303, that the offender knew to have been forged, in violation of **§2913.31(A)(1) and/or (A)(3) OF THE OHIO REVISED CODE, FORGERY, BEING A FELONY OF THE FIFTH DEGREE**, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the State of Ohio.

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Julia R. Bates  
Lucas County Prosecutor

FILED  
LUCAS COUNTY

2009 JUN 25 P 2:20

COMMON PLEAS COURT  
BERNIE QUILTER  
CLERK OF COURTS

IN THE COMMON PLEAS COURT, LUCAS COUNTY, OHIO

STATE OF OHIO  
Plaintiff.

v.

THOMAS W NOE  
Defendant.

\* CASE NO:  
\* G-4801-CR-0200601348-000  
\*  
\* NUNC PRO TUNC  
\* JUDGMENT ENTRY  
\*  
\* JUDGE CHARLES WITTENBERG  
\*  
\*

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Nunc pro tunc filed this date pursuant to a remand from the Sixth District Court of Appeals decided June 5, 2009 to comply with Crim.R.32(C).

On November 20, 2006 defendant's sentencing hearing was held pursuant to R.C. 2929.19. Court reporter LYNETTE SHINDORF, defense attorney JOHN MITCHELL and WILLIAM WILKINSON and the State's attorney JEFF LINGO and JOHN WEGLIAN were present as was the defendant THOMAS W NOE, who was afforded all rights pursuant to Crim.R. 32. The Court has considered the record, oral statements, any victim impact statement and presentence report prepared, as well as the principles and purposes of sentencing under R.C. 2929.11, and has balanced the seriousness and recidivism factors under R.C. 2929.12.

The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 1, Engaging in Pattern of Corrupt Activity, a violation of R.C. 2923.32(A)(1), a felony of the 1st degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 2, Aggravated Theft, a violation of R.C. 2913.02(A)(2)(b)(1)&(B)(2) a felony of the 3rd degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 30, Aggravated Theft, a violation of R.C. 2913.02(A)(2)(B)(1)&(B)(2) a felony of the 1st degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and

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convicted by this Court of Ct. 7, Money Laundering in violation of R.C. 1315.55(A)(1) and/or(A)(3) a felony of the 3rd degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 13, Money Laundering in violation of R.C. 1315.55(A)(1) and/or(A)(3) a felony of the 3rd degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 17, Money Laundering in violation of R.C. 1315.55(A)(1) and/or(A)(3) a felony of the 3rd degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 20, Money Laundering in violation of R.C. 1315.55(A)(1) and/or(A)(3) a felony of the 3rd degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 22, the lesser included offense of Tampering with Records in violation of R.C. 2913.42(A)(1),(2)&(B)(4) and/or 2913.42(A)(1),(2)&(B)(3)(d) a misdemeanor of the 1st degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 24, the lesser included offense of Tampering with Records in violation of R.C. 2913.42(A)(1),(2)&(B)(4) and/or 2913.42(A)(1),(2)&(B)(3)(d) a misdemeanor of the 1st degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 25, the lesser included offense of Tampering with Records in violation of R.C. 2913.42(A)(1),(2)&(B)(4) and/or 2913.42(A)(1),(2)&(B)(3)(d) a misdemeanor of the 1st degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 26, the lesser included offense of Tampering with Records in violation of R.C. 2913.42(A)(1),(2)&(B)(4) and/or 2913.42(A)(1),(2)&(B)(3)(d) a misdemeanor of the 1st degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 32, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 33, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 34, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 35, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 36, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 37, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 38, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 39, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 40, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 41, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 42, Forgery in violation of R.C.

2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 43, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 44, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 45, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 46, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 48, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 49, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree. The Court finds on November 13, 2006 the defendant was found guilty by a jury and was convicted by this Court of Ct. 52, Forgery in violation of R.C. 2913.31(A)(1)and /or(A)(3) a felony of the 5th degree.

Jury found defendant not guilty as to Counts 3,5,9,11,15,19,23,27,28,29 and 31. Further, as to Counts 4,6,8,10,12,14,16,18,21,47,50, and 53 were not for determination by the jury and or were nollied from previous rulings by the Court.

It is ORDERED that defendant serve a term of 10 years in prison as to Count 1. Said sentence is a mandatory term pursuant to R.C. 2929.13(F), 2929.14(D)(3) or 2925.

Defendant is ordered to serve 4 years in prison as to Count 2, to be served consecutively to count 1 but concurrently with all remaining counts.

Defendant is ordered to serve 8 years in prison as to Count 30. Said sentence is ordered to be served consecutively to the sentence imposed in Count 1.

Further, defendant is ordered to serve 6 months in prison as to counts 22, 24, 25, & 26. Each count is ordered to be served concurrently to each other, but consecutive to count 1.

Further, defendant is ordered to serve 4 years in prison as to counts 7, 13, 17, & 20. Each count is ordered to be served concurrently to each other, but consecutive to count 1.

Further, defendant is ordered to serve 11 months in prison as to counts 32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,48,49 & 52. All counts to be served concurrently with each other, but consecutive to count 1.

Defendant's total amount of incarceration at state level is 18 years. Said state level incarceration shall be served consecutively to the sentence imposed by Judge Katz from the United States District for the Northern District of Ohio, Western Division.

Court further finds that defendant shall pay a fine of \$20,000.00 as to count 1, a fine of \$10,000.00 as to count 2; a fine of \$20,000.00 as to count 30; a fine of \$10,000.00 as to each count of 7,13,17 and 20; a fine of \$1,000.00 as to each count of 22,24,25, and 26 and a fine of \$2,500.00 as to each count of 32,33,34,35,36,37,38,39,40,41,42,43,44,45,46,48,49and 52.

Defendant given notice of appellate rights under R.C. 2953.08 and post release control notice under R.C. 2929.19(B)(3) and R.C. 2967.28. Defendant does not wish this Court to appoint counsel for purposes of appeal. Defendant will retain private counsel.

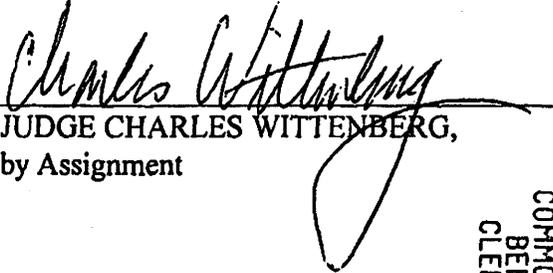
Defendant found ineligible for shock incarceration under R.C. 5120.031 or intensive program prison under R.C. 5120.032.

Defendant is therefore ORDERED conveyed to the custody of the U.S. Marshals for transport to the appropriate federal prison. Upon completion of defendant's federal prison sentence, defendant is ordered conveyed to the Ohio Department of Rehabilitation and Corrections. Credit for 1 day is granted as of this date along with future custody days while defendant awaits transportation to the appropriate state institution.

Defendant found to have, or reasonably may be expected to have, the means to pay all or part of the applicable costs of supervision, confinement, assigned counsel, and prosecution as authorized by law. Defendant ordered to reimburse the State of Ohio and Lucas County for such costs. This order of reimbursement is a judgment enforceable pursuant to law by the parties in whose favor it is entered. Defendant further ordered to pay the cost assessed pursuant to R.C. 9.92(C), 2929.18 and 2951.021.

Defendant ordered remanded into the custody of Lucas County Sheriff for immediate transportation to appropriate federal institution.

Matter scheduled for restitution hearing on November 27, 2006 at 10:30 a.m.. At request of counsel and without objection from the State of Ohio, defendant's presence is waived at said hearing.

  
JUDGE CHARLES WITTENBERG,  
by Assignment

FILED  
LUCAS COUNTY  
7:59 JUN 25 P 2:20  
COMMON PLEAS COURT  
BERNIE OULTER  
CLERK OF COURTS



engaging in a pattern of corrupt activity, two counts of aggravated theft, four counts of money laundering, 18 counts of forgery, and four counts of tampering with records, sentenced appellant to a total of 18 years of incarceration and a \$139,000 fine. The court also ordered restitution in the amount of \$13,747,000, and repayment of the costs of his prosecution in the sum of \$2,979,402.89. For the reasons that follow, we find that appellant's convictions are affirmed but that the matter must be remanded for a postrelease control hearing in accordance with R.C. 2929.191.

{¶ 2} The relevant facts are as follows. In 1997, the Ohio General Assembly permitted the Ohio Bureau of Workers' Compensation ("BWC") to diversify its large investment portfolio with alternative investments. To that end, and under the BWC's Emerging Managers Program, appellant, a rare coin dealer, submitted a proposal to the BWC to establish Capital Coin Fund, a limited liability company, with the primary purpose of buying and selling of rare coins. On March 31, 1998, the operating agreement creating Capital Coin Fund, Ltd. ("CCF I") was signed by the BWC and appellant. Under the terms of the agreement, the BWC was to provide \$25,000,000 as its capital contribution (in exchange for 250 units of interest) while appellant's company, Vintage Coins and Cards ("VCC"), and Delaware Valley Rare Coin Co., Inc., a Pennsylvania Company, as managing members of CCF I, each contributed \$5,000 (in exchange for one manager/member unit each.) Section 5.1 of the operating agreement provided that "the Managers, in their full and exclusive discretion, shall manage and control and make all decisions affecting the business and assets of the Company \* \* \*."

{¶ 3} On July 13, 2001, Capital Coin Fund, Ltd. II ("CCF II") was formed. As with CCF I, the BWC invested \$25,000,000; appellant, as the sole manager, invested \$10,000 through VCC. Again, the purpose of CCF II was to buy and sell rare United States coins. CCF II also gave the manager authority to make unspecified "alternative investments."

{¶ 4} Appellant believed that it was important to conceal the nature of the BWC investments from other coin dealers. Accordingly, appellant set up various companies to conceal the relationship. For CCF I, appellant created Rare Coin Enterprises ("RCE") in Maumee, Ohio, and in Broomall, Pennsylvania; Visionary Rare Coins in California; and Karl D. Hirtzinger, LLC, in Minnesota. For CCF II, appellant created Rare Coin Alliance in Delaware, Errors and Oddities in Florida, Spectrum Fund in California, and Numismatic Professionals in Colorado. The entities involved in the criminal prosecution were those run by appellant in Maumee, Ohio. Such entities included CCF I, CCF II, VCC, and RCE.

{¶ 5} Following the organization of CCF I, the BWC began questioning some of the transactions that were being approved by appellant. In 2005, an official investigation commenced regarding the management of the Coin Funds. Based upon information obtained during the initial investigation, a search warrant for VCC, located in Maumee, Lucas County, Ohio was executed on May 26, 2005. Computers, voluminous paper records, coins and various other collectibles were seized.

{¶ 6} On February 13, 2006, a fifty-three count indictment was filed against appellant. Specifically, appellant was indicted on one count of engaging in a pattern of corrupt activity, 11 counts of theft, 11 counts of money laundering, eight counts of tampering with records, and 22 counts of forgery. On February 15, 2006, appellant entered a not guilty plea as to all the counts.

{¶ 7} On February 27, 2006, appellant filed an affidavit in the Supreme Court of Ohio requesting that the assigned trial judge, Honorable Thomas J. Osowik, and all the judges of the Lucas County Court of Common Pleas, be disqualified from presiding over his case. In his memorandum in support, appellant chronicled his lengthy involvement with the Ohio Republican Party and, particularly, the Lucas County Republican Party. Appellant specified that this involvement included his and his wife's active campaigns against all democratic judicial candidates, Judge Osowik included. In response, Judge Osowik stated that he felt no bias or prejudice against appellant and that he could fairly and impartially serve on the case. The Administrative Judge, Honorable James D. Bates, filed a response to appellant's affidavit indicating that, if Judge Osowik should be disqualified, the remaining Lucas County judges were able to preside over the case. On March 8, 2006, the court denied the affidavit of disqualification. See *In re Disqualification of Osowik*, 117 Ohio St.3d 1237, 2006-Ohio-7224.

{¶ 8} On May 19, 2006, appellant filed a motion to change venue; appellant argued that the "overwhelmingly negative pre-trial publicity," chiefly articles and editorials published in *The Toledo Blade*, prevented him from having a fair trial in Lucas

County. Following extensive briefing and a hearing on the issue on July 6, 2006, the trial court denied appellant's motion.

{¶ 9} On May 26, 2006, appellant filed a motion to dismiss Count 1 of the indictment. On June 21, 2006, appellant filed a motion to consolidate Counts 4, 6, 8, 10, 12, 14, 16, 18, and 20 into one count of theft, Count 2. The trial court denied appellant's motion to dismiss Count 1, but granted appellant's motion to consolidate. The state entered a nolle prosequi as to Count 21.

{¶ 10} A jury trial commenced on October 10, 2006. Following extensive voir dire, 12 jurors and four alternate jurors were seated. The state presented the testimony of 53 witnesses and numerous exhibits. The state issued a nolle prosequi as to four forgery counts where the witness died prior to trial.

{¶ 11} The state's theory at trial was that appellant transferred money from the coin funds to VCC and characterized the transfers as coin purchases when, in fact, no coins were purchased. Appellant then used the money for his own benefit. Appellant also wrote several checks from VCC to certain individuals; appellant endorsed the checks and deposited the proceeds into his personal checking account. Further, VCC employee Timothy LaPointe, at appellant's direction, created inflated inventories in order to deceive the BWC as to the amount of coins owned by the Coin Funds. Prior to agreed-on inspections, appellant and LaPointe would also borrow or obtain coins from various customers and coin dealers and create corresponding false inventories.

{¶ 12} At the conclusion of the state's case-in-chief, appellant raised a Crim.R. 29(A) motion for acquittal. As to the theft, money laundering, and tampering with records charges, appellant argued that because no evidence was presented to demonstrate what "consent" was given by the Coins Funds to appellant, the elements of theft, and the charges predicated on theft, were not supported by sufficient evidence. Further, as to the forgery counts, appellant contended that the activity alleged was not illegal because appellant did not intend to defraud the individuals who were listed as payees and whose signatures he signed. Appellant further argued that the state failed to establish the existence of an enterprise with regard to the engaging in a pattern of corrupt activity charge. Following the arguments of the parties, the trial court denied the motion. The state then rested; the defense did not present any witnesses and rested.

{¶ 13} Following deliberations, on November 13, 2006, the jury returned a verdict finding appellant guilty of engaging in a pattern of corrupt activity (with a special verdict of forfeiture as to appellant's NGC stock), two counts of theft, four counts of money laundering, four lesser-included counts of tampering with records, and 18 counts of forgery. The jury acquitted appellant of seven counts of money laundering and four counts of tampering with records.

{¶ 14} On November 27, 2006, appellant was sentenced to 10 years of imprisonment on Count 1, engaging in a pattern of corrupt activity, four years of imprisonment for Count 2, theft, eight years of imprisonment for Count 30, theft, six months of imprisonment on each of four counts of tampering with records, four years of

imprisonment on each money laundering count, and 11 months in prison for each of 18 forgery counts. The sentences for Counts 1 and 30 were ordered to be served consecutively. The remaining sentences were ordered to be served consecutive to Count 1 but concurrently to all the other counts for a total of 18 years of imprisonment. Appellant was also ordered to pay fines totaling \$139,000.

{¶ 15} On November 27, 2006, a hearing was held on the state's motion for restitution and financial sanctions. In its December 8, 2006 judgment entry, the court ordered that appellant pay \$13,747,000 to the victim, the state of Ohio, and that he pay the costs of prosecution which totaled \$2,979,402.89. This appeal followed.

{¶ 16} Appellant has set forth the following seven assignments of error for our consideration:

{¶ 17} "Assignment of Error No. 1: The state failed to present any evidence on at least one element of each offense charged in the indictment in violation of Mr. Noe's rights under the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution and Article I, Sections 9, 10, and 16 of the Ohio Constitution.

{¶ 18} "Assignment of Error No. 2: The trial court violated Mr. Noe's right to a fair trial as guaranteed by the Sixth Amendment to the United States Constitution and Article I, Section 10 of the Ohio Constitution by holding this trial in Lucas County, Ohio, an area overwhelmingly saturated with negative publicity about Mr. Noe and his alleged guilt.

3rd.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
PROBATION OFFICE

GREG L. JOHNSON  
CHIEF PROBATION OFFICER  
801 W. SUPERIOR AVENUE, SUITE 3-100  
CLEVELAND 44113-1850

FAX 419.213.5799  
1946 N. 13<sup>th</sup> Street, Suite 292  
Toledo, OH 43604  
REPLY TO Toledo

January 15, 2009

Hocking Correctional Facility  
Attn: Inmate Records  
P.O. Box 59  
Nelsonville, Ohio 45764

RECEIVED

JAN 21 2009

H.C.F.  
RECORD OFFICE

RE: NOE, Thomas  
W/M, DOB 09/19/1954  
SSN: 283-54-8039  
State Number: A589407

Dear Sir:

Mr. Noe was sentenced in U.S. District Court in Toledo, Ohio, by the Honorable David A. Katz to serve 27 months with the Bureau of Prisons and a two-year term of supervised release to follow. His federal custody term ended on October 27, 2008, and he continues to serve a state sentence at your institution.

Upon his release from state custody, Mr. Noe must report to the U.S. Probation Office at 1946 N. 13<sup>th</sup> Street, Suite 292, Toledo, Ohio 43604, to commence his term of supervised release. Failure to do so could result in a warrant for his arrest. His case is in an inactive status with our office.

Please notify our office two months prior to Mr. Noe's release. Also, please keep us apprized in the event he escapes, dies, or is transferred to any other facility while serving his sentence.

**Please note, this is NOT a notice of a detainer. The defendant is not wanted for custody, only for community supervision.**

Sincerely,



Eric Corns  
Supervising U.S. Pretrial Services & Probation Officer  
419.213.5772

cc: Thomas Noe