

JAN 31 2014

Arthur CLERK
OF COMMON PLEAS COURT

IN THE COURT OF COMMON PLEAS
ATHENS COUNTY, OHIO

STATE OF OHIO,

Plaintiff,

v.

PATRICK KELLY,

Defendant.

Case No.:

INDICTMENT

Criminal Rules 6 & 7

FOR THE FOLLOWING OFFENSES:

Theft in Office, R.C. 2921.41(A) (F-4) (3 Counts); Theft in Office, R.C. 2921.41(A) (F-5) (10 Counts); Theft, R.C. 2921.41(A) (F-5) (4 Counts); Engaging in a Pattern of Corrupt Activity, R.C. 2923.32(A)(1) (F-1) (1 Count); Money Laundering, 1315.55(A)(2) (F-3) (1 Count); Tampering With Evidence, R.C. 2921.12(A) (F-3) (1 Count); Tampering With Records, R.C. 2921.42(A) (F-3) (1 Count); Perjury, R.C. 2921.11(A) (F-3) (1 Count); Failure to Keep Cashbook, R.C. 311.11, 13 & 99(A) (F-UC); Obstructing Official Business, 2921.31(A) (M-2) (1 Count); Dereliction of Duty, 2921.44(E) (M-2) (1 Count).

THE JURORS OF THE GRAND JURY of the State of Ohio, within and for the body of the County aforesaid, on their oaths, in the name and by the authority of the State of Ohio, do find and present that:

Count 1: On or about April 14, 2009, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency obtained through the sale of Athens County property, without the consent of Athens County or any person authorized to give consent; and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 2: On or about July 8, 2009, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency obtained through the sale of Athens County property, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 3: On or about June 25, 2009, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency obtained through the sale of Athens County property, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 4: On or about October 1, 2009, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency obtained through the sale of Athens County property, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 5: On or about March 30, 2010, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency obtained through the sale of Athens County property, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 6: On or about July 20, 2010, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency obtained through the sale of Athens County property, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 7: On or about June 30, 2011, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency obtained through the sale of Athens County property, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 8: On or about May 11, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency obtained through the sale of Athens County property, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 9: On or about May 1, 2009 and continuing to July 31, 2011, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2) and/or (A)(3), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency from the Athens County Sheriff Cashbox, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner, or person authorized to give consent, and/or by deception, the amount of the currency valued at \$1,000 or more but less than \$7,500, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fourth degree, and against the peace and dignity of the State of Ohio.

Count 10: On or about January 12, 2009 and continuing to May 24, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public official commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(1) and/or (A)(2), to wit: the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency from the Athens County Sheriff Drug Fine Fund, Law Enforcement Trust Fund, and/or Furtherance of Justice Fund, without the consent of Athens County or any person authorized to give consent, and/or beyond the scope of the express or implied consent of the owner or person authorized to give consent, the amount of the currency valued at \$1,000 or more but less than \$7,500, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fourth degree, and against the peace and dignity of the State of Ohio.

Count 11: On or about January 22, 2008 and continuing to December 16, 2008, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public or party official commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(2), to wit: the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency from campaign donors and/or the political campaign fund "Kelly for Sheriff", beyond the scope of the express or implied consent of the donors and/or the political campaign fund "Kelly for Sheriff" or person authorized to give consent, the amount of the currency valued at \$1,000 or more but less than \$7,500, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, or is owned by a political party, or is part of a political campaign fund, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fourth degree, and against the peace and dignity of the State of Ohio.

Count 12: On or about August 23, 2008, in in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public or party official commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(2), to wit: the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency from campaign donors and/or the political campaign fund "Kelly for Sheriff", beyond the scope of the express or implied consent of the donors and/or the political campaign fund "Kelly for Sheriff" or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, or is owned by a political party, or is part of a political campaign fund, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 13: On or about October 4, 2012, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly did being a public or party official, commit a theft offense as defined in division (K) of 2913.01, to wit: Theft, in violation of 2913.02(A)(2), the defendant did, with purpose to deprive the owner of property or services, knowingly obtain or exert control over US currency from campaign donors, beyond the scope of the express or implied consent of the donors and/or the political campaign fund "Kelly for Sheriff" and/or "Re-Elect Kelly for Sheriff" or person authorized to give consent, when the defendant Patrick Kelly used his office in aid of committing the offense or permitted or assented to its use in aid of committing the offense, or said property or service involved is owned by this state, a county, a municipal corporation, a township, or any political subdivision, department, or agency of them, or is owned by a political party, or is part of a political campaign fund, in violation of the Ohio Revised Code Title 29, Section 2921.41(A)(1) or 2921.41(A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 14: On or about July 1, 2013 and continuing through September 30, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly, knowing he has no privilege to do so, and with purpose to defraud or knowing that he is facilitating a fraud, did falsify, destroy, remove, conceal, alter, deface, or mutilate any writing, computer software, data, or record, or utter any writing or record, knowing it to have been tampered with, said writing, data, computer software, or record is kept by or belongs to a local, state, or federal governmental entity, in violation of the Ohio Revised Code Title 29, Section 2913.42(A)(1) or 2913.42(A)(2), a felony of the third degree, and against the peace and dignity of the State of Ohio.

Count 15: On or about July 1, 2013 and continuing through September 30, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly, knowing that an official proceeding or investigation is in progress, or is about to be or likely to be instituted, did alter, destroy, conceal, or remove any record, document, or thing, with purpose to impair its value or availability as evidence in such proceeding or investigation or make, present, or use any record, document, or thing, knowing it to be false and with purpose to mislead a public official who is or may be engaged in such proceeding or investigation, or with purpose to corrupt the outcome of any such proceeding or investigation, in violation of the Ohio Revised Code Title 29, Section 2921.12(A)(1) or 2921.12(A)(2), a felony of the third degree, and against the peace and dignity of the State of Ohio.

Count 16: On or about September 30, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant Patrick Kelly, did in any official proceeding, knowingly make a false statement under oath or affirmation, or knowingly swear or affirm the truth of a false statement previously made, when either statement is material, in violation of the Ohio Revised Code Title 29, Section 2921.11(A), a felony of the third degree, and against the peace and dignity of the State of Ohio.

Count 17: On or about May 8, 2013 and continuing through May 14, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant Patrick Kelly, without privilege to do so and with purpose to prevent, obstruct, or delay the performance by a public official of any authorized act within the public official's official capacity, did do any act that hampers or impedes a public official in the performance of the public official's lawful duties, in violation of the Ohio Revised Code Title 29, Section 2921.31(A), a misdemeanor of the second degree, and against the peace and dignity of the State of Ohio.

Count 18: On or about April 14, 2009 and continuing to May 11, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant Patrick Kelly, being the elected Sheriff of Athens County, did fail to keep in the office of the Sheriff a cashbook, in which, on receipt by him of any money in his official capacity, Patrick Kelly should have made an entry of the date, the amount thereof, the title of the cause, and the name and number of the writ or process on which such money was received as required by Section 311.11 of the Ohio Revised Code, and Sheriff Kelly did willfully fail to comply with Section 311.11 of the Ohio Revised Code in violation of Section 311.13, Section 311.99(A), and Section 2901.02(E), an unclassified felony, and against the peace and dignity of the State of Ohio.

Count 19: On or about January 22, 2008 and continuing through October 4, 2012, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant Patrick Kelly, did conduct or attempt to conduct a transaction or transactions knowing that the property involved in the transaction is the proceeds of some form of unlawful activity with the intent to conceal or disguise the nature, location, source, ownership, or control of the property or the intent to avoid a transaction reporting requirement under Section 3415.53 of the Ohio Revised Code, or federal law, in violation of Ohio Revised Code Section 1315.55(A)(2) & 1315.99(C), a felony of the third degree, and against the peace and dignity of the State of Ohio.

Count 20: On or about October 2, 2012 and January 23, 2012 in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant Patrick Kelly, did being a public servant, recklessly fail to perform a duty expressly imposed by law with respect to the public servant's office, or recklessly do any act expressly forbidden by law with respect to the public servant's office, in violation of Ohio Revised Code Section 2921.44(E), a misdemeanor of a second degree, and against the peace and dignity of the State of Ohio.

Count 21: On or about April 14, 2009 and continuing through May 11, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code where proper venue is placed in the County of Athens, the defendant Patrick Kelly, did with purpose to deprive the owner of property or services, Athens County, knowingly obtain or exert control over property, to wit: US Currency obtained through the sale of Athens County property, without the consent of the owner or person authorized to give consent and/or beyond the scope of the express or implied consent of the owner or person authorized to give consent, the value of said property being more than \$1000.00, but less than \$7,500.00 in violation of Ohio Revised Code Section 2913.02(A)(1) or (A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 22: On or about May 1, 2009 and continuing through July 31, 2011, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code where proper venue is placed in the County of Athens, the defendant Patrick Kelly, did with purpose to deprive the owner of property or services, Athens County, knowingly obtain or exert control over property, to wit: US Currency from the Athens County Sheriff Cashbox, without the consent of the owner or person authorized to give consent and/or beyond the scope of the express or implied consent of the owner or person authorized to give consent, and/or by deception, the value of said property being more than \$1000.00, but less than \$7,500.00 in violation of Ohio Revised Code Section 2913.02(A)(1) or (A)(2) or (A)(3), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 23: On or about January 12, 2009 and continuing through May 24, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code where proper venue is placed in the County of Athens, the defendant Patrick Kelly, did with purpose to deprive the owner of property or services, knowingly obtain or exert control over property, to wit: Athens County Sheriff Drug Fine Fund, Law Enforcement Trust Fund, and Furtherance of Justice Fund, without the consent of the owner or person authorized to give consent and/or beyond the scope of the express or implied consent of the owner or person authorized to give consent, the value of said property being more than \$1000.00, but less than \$7,500.00 in violation of Ohio Revised Code Section 2913.02(A)(1) or (A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 24: On or about January 22, 2008 and continuing through December 16, 2008, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code where proper venue is placed in the County of Athens, the defendant Patrick Kelly, did with purpose to deprive the owner of property or services, to wit: US currency from campaign donors to the "Kelly for Sheriff" campaign fund and the political campaign fund "Kelly for Sheriff", knowingly obtain or exert control over said property with the consent of the owner or person authorized to give consent, and/or beyond the scope of the express or implied consent of the owners, or person authorized to give consent, the value of said property being more than \$1000.00, but less than \$7,500.00 in violation of Ohio Revised Code Section 2913.02(A)(1) or (A)(2), a felony of the fifth degree, and against the peace and dignity of the State of Ohio.

Count 25: On or about January 22, 2008 and continuing through September 30, 2013, in the County of Athens, or by some manner enumerated in Section 2901.12 of the Ohio Revised Code whereby proper venue is placed in the County of Athens, the defendant, Patrick Kelly 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, to wit: theft in office, in violation of R.C. 2921.41(A)(1)&(A)(2), being felonies of the fourth and fifth degree, tampering with records, in violation of R.C. 2913.42(A)(1), being a felony of the third degree, tampering with evidence, in violation of 2921.12(A)(1) or (A)(2), being a felony of the third degree, perjury, in violation of 2921.11(A), being a felony of the third degree, and Money Laundering, in violation of R.C. 1315.55(A)(2), being a felony of the third degree, and theft, in violation of R.C.

2913.02(A)(1)&(A)(2)&(A)(3); including, but not limited to the acts alleged in Counts One through Sixteen, Count Eighteen and Nineteen, and Counts Twenty One through Twenty-Four of this indictment, as if fully rewritten herein, and Incidences One through Four, the "corrupt activity" being defined in R.C. 2923.31(I)(2), in violation of the Ohio Revised Code Title 29, Section 2923.32(A)(1) a felony of the first degree, and against the peace and dignity of the State of Ohio.

The Enterprise: The enterprise includes Patrick Kelly, in his capacity as a political candidate for Sheriff of Athens County, and/or as the elected Sheriff of Athens County, individuals associated with the campaign committees to elect and re-elect Patrick Kelly for Sheriff, Pearl Graham, McKee's Scrapyard, and/or other individuals and/or businesses, illicit and/or licit, known and/or yet unidentified. Patrick Kelly would engage in the incidences of corrupt activity alone, and/or while being aided and abetted by members of the enterprise who facilitated the incidences of corrupt activity. Specifically, but not limited to, members of the campaign committees to elect and re-elect Patrick Kelly for Sheriff would funnel money through a personal bank account or not report various cash donations on the campaign committees finance reports or deposit cash donations into the campaign bank account. Also, Patrick Kelly used personal contacts, including, Pearl Graham to aid him in removing Athens County property and selling it to McKee's scrapyard. McKee's scrapyard would pay Patrick Kelly for the property. Pearl Graham was paid out of the proceeds from the sale of the property to McKee's scrapyard, and he transported various property items.

Specification: The Grand Jurors further find and specify that at least one of the incidences of corrupt activity is a felony of the first, second or third degree.

Incidences of Corrupt Activity: The incidences of corrupt activity are Counts One through Twenty-Four of this Indictment, as if fully rewritten herein, and the following:

Incident One: The defendant, using his public office, used public funds to pay for various meals that were not proper expenditures from the public account. Such action constitutes Theft in Office, in violation of Revised Code 2921.41(A)(2), a felony of the fifth degree.

Incident Two: The defendant, using his public office, used public funds to pay for personal apparel. Such action constitutes Theft in Office, in violation of Revised Code 2921.41(A)(2), a felony of the fifth degree.

Incident Three: The defendant, using his public office, did steal copper wire from the Athens County garage and failed to deposit any funds received for the wire. Such action constitutes Theft in Office, in violation of Revised Code 2921.41(A)(2), a felony of the fifth degree.

Incident Four: The defendant, using his public office, transferred salvage title of a vehicle not properly forfeited or owned by the Athens County Sheriff's Office.

Mike DeWine
Ohio Attorney General

By: Mike DeWine
Special Assistant Prosecuting Attorney

This bill of indictment found upon testimony sworn and sent before the Grand Jury sitting in Athens County, Ohio, whereupon the Grand Jury returned a TRUE BILL.

John Young
Foreperson of the Grand Jury

By: Mike DeWine
Special Prosecuting Attorney – Athens County
For: MIKE DEWINE
Attorney General of Ohio

State of Ohio)
) ss:
Athens County)

I, the undersigned, Clerk of Court of the Common Pleas in and for said County, do hereby certify that the foregoing is a full, true and correct copy of the original indictment, with the endorsements thereon, now on file in my office.

Witness my hand and the seal of said Court, at Athens County, Ohio, this 31st day of January, 2014.

Ann Trout, Clerk of Courts

By: Cindy Dupler
Deputy Clerk