

In The Supreme Court of Ohio

State <i>ex rel.</i> ,	:	
GERALD A WEST,	:	
aka ANTHONY BAILEY,	:	
	:	Case No. 2023-1130
Relator,	:	
	:	
v.	:	Original Action on Mandamus
OHIO DEPARTMENT OF	:	
REHABILITATION and	:	
CORRECTION, et al.	:	
	:	
Respondents.	:	

RESPONDENTS' PRESENTATION OF EVIDENCE

DAVE YOST (0056290)
Ohio Attorney General

Gerald A West, #A332-116
aka Anthony Bailey¹
Ross Chillicothe Institution
PO Box 7010
Chillicothe, Ohio 45601

Pro se Relator

MARCY A. VONDERWELL (0078311)
Senior Assistant Attorney General
Criminal Justice Section
Corrections Litigation Unit
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215
(614) 644-7233/Fax: (866) 521- 9902
Marcy.Vonderwell@OhioAGO.gov

Counsel for Respondents

¹ Gerald A West is the legal name of Petitioner. However, in other court proceedings, Petitioner has referred to himself as Anthony Bailey. See *Gerald A. West, v. Warden Erdos*, Case No. 19-0825, Ohio Supreme Court, Complaint at 2 (“Relator’s [sic] Gerald A. West, who is incarcerated under the name Anthony Bailey is an inmate...”). ODRC lists Petitioner as Anthony Bailey in its Offender Search. See <https://appgateway.drc.ohio.gov/OffenderSearch/Search/Details/A332116> (last visited September 12, 2023).

Now comes the Respondents, the Ohio Department of Rehabilitation and Correction (“ODRC”) and the Ohio Adult Parole Authority (“APA”), by and through counsel, and respectfully submit the following as evidence:

Exhibit	Page No.
1. Affidavit of Chris Gerren.....	001
2. Affidavit of Shannon Castlin 04/13/2023 – BOSCO Sentence Computation Memorandum	002
3. 01/29/1985 – Journal Entries Cuyahoga Co. CCP, Case Nos. CR-85-203255/CR-85-202704.....	005
4. 05/10/1990 – Journal Entry Cuyahoga Co. CCP, Case No. CR-89-244462	009
5. 12/18/1996 – Journal Entry Cuyahoga Co. CCP, Case No. CR-96-341621	010
6. 08/23/2004 – Judgment in a Criminal Case USDC/NE, Case No. 5:03-CR-330.....	012
7. 08/06/2015 Special Minutes – R/W/A/L PAROLE.....	017
8. 07/07/2015 – Journal Entries Wayne County, Pennsylvania No. 99-2015-MD	018
9. Kellogg Mitigation Hearing.....	023

Respectfully submitted,

DAVE YOST
Ohio Attorney General

/s/ Marcy Vonderwell
MARCY VONDERWELL (0078311)
JOHN H. BATES (0061179)
Senior Assistant Attorneys General
Criminal Justice Section
Corrections Litigation Unit
30 E. Broad Street, 23rd Floor
Columbus, Ohio 43215
(614) 466-0380/FX: (877) 588-5487
Marcy.Vonderwell@OhioAGO.gov
John.Bates@OhioAGO.gov

Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Respondent's Presentation of Evidence* was filed electronically on January 9, 2024, and mailed to Relator Gerald A. West, #A332-116, Ross Correctional Institution, P.O. Box 7010, Chillicothe, Ohio 45601, via U.S. mail, postage prepaid.

/s/ Marcy A. Vonderwell

MARCY A. VONDERWELL (0078311)
Senior Assistant Attorney General

STATE OF OHIO :
:
:
: SS.
:
COUNTY OF FRANKLIN :

AFFIDAVIT

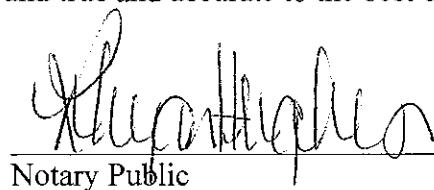
Now comes Chris Gerren, who deposes and states that he is a Parole Program Specialist for the Adult Parole Authority, Ohio Department of Rehabilitation and Correction ("ODRC"). In that capacity, he states that he has reviewed the attached documentation for inmate Anthony Bailey, aka Gerald West, Institutional No. 332-116, and avers that all of these are records kept in the ordinary course of business for the Adult Parole Authority.

Further Affiant sayeth not.



Chris Gerren
Parole Program Specialist
Adult Parole Authority
Ohio Department of Rehabilitation and Correction

Before me, personally appeared Chris Gerren on the 8th day of January, 2024, who swore or averred that the above information and true and accurate to the best of his information and belief.



Notary Public

My Commission Expires: 09/13/2027



Rhyan Hughes
Notary Public, State of Ohio
Commission #: 2022-RE-853776
My Commission Expires 09-13-2027

EXHIBIT 1

STATE OF OHIO

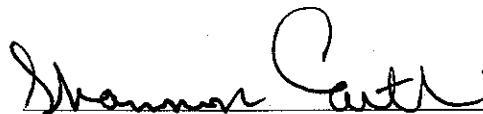
ss.

COUNTRY OF FRANKLIN

AFFIDAVIT

Now comes Shannon Castlin, who deposes and states that she is the Correction Records Sentence Computation Auditor for the Ohio Department of Rehabilitation and Correction (“ODRC”). In that capacity, she states that she prepared the attached calculation of sentence dated April 13, 2023, for inmate Anthony Bailey, aka Gerald West, Institutional No. 332-116, from ODRC records kept in the ordinary course of business in response to a request from the Attorney General’s Office.

Further Affiant sayeth not.

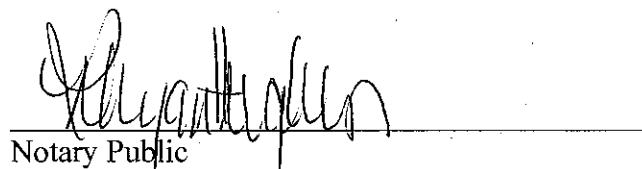


Shannon Castlin
Corrections Records Sentence Computation Auditor
Bureau of Sentence Computation

Before me, personally appeared Shannon Castlin, Corrections Records Sentence Computation Auditor, Bureau of Sentence Computation, and who swore that she prepared the attached document and who signed her name above in my presence on this 8th day of January, 2024.



Rhyan Hughes
Notary Public, State of Ohio
Commission #: 2022-RE-853776
My Commission Expires 09-13-2027



Notary Public

EXHIBIT 2

TO: Marcy A Vonderwell
Senior Assistant Attorney General

FROM: Shannon Castlin, Correction Records Sentence Computation Auditor *Shannon Castlin*
Bureau of Sentence Computation

SUBJECT: Anthony Bailey (Gerald West) A332-116

DATE: April 13, 2023

Pursuant to your request for sentence computation information on the above noted, I can provide the following.

Incarcerated person Bailey was admitted on 11/29/1985 on number R135-155 he was sentenced to the following cases:

CR202704	Cuyahoga County	Receiving Stolen Property	1-year 69 days jail credit
CR203255	Cuyahoga County	Burglary	3 to 15 years 69 days jail credit
CR203255	Cuyahoga County	Theft	1-year 69 days jail time credit

Case CR202704 and CR203255 were ordered concurrent with each other for a total of 3 to 15 years with 69 days jail time credit. He was released on parole on 8/11/1989. He had a maximum expiration of sentence at the time of parole of 9/16/2000.

While on parole incarcerated person Bailey returned to prison on 5/7/1990 and was given new number A221-539 with the following new added charges he committed while on parole:

CR244462	Cuyahoga County	Receiving Stolen Property	3-year firearm specification Consecutive to 2 to 10 years
CR244462	Cuyahoga County	Having Weapons Under Disability	3-year firearm specification Consecutive to 2 to 5 years

These counts are consecutive to each other and are also consecutive to the firearm specification for a total of 4 to 15 years consecutive to the 3-year firearm specification. The firearm specifications merged. These new charges were committed while incarcerated person Bailey was on parole so by law the new charges are automatically served consecutively with the charges incarcerated person Bailey was paroled on. The 15 years and the 3-year firearm specification were added to the previous maximum expiration date. Incarcerated person Bailey's new maximum expiration of sentence is 9/12/2018.

Incarcerated person Bailey was released on parole on 9/1/1995. He became a parole violator at large on 9/3/1996 and was a technical parole violator on 10/5/1996. He was given 32 days lost time by the Adult Parole Authority at that time it was added to his maximum sentence giving him a new maximum date of 10/14/2018.

While on parole Incarcerated person Bailey committed a new offense and was given number A332-116 with the following new charges:

CR341621 Cuyahoga County Receiving Stolen Property 1-year with 77 days jail time credit.

By law this sentence is to be ran consecutively to the maximum expiration of 10/14/2018 giving a new maximum sentence of 6/27/2019.

Incarcerated person Bailey was paroled on 5/19/2003. He became a parole violator in custody on 8/1/2003 and was returned to prison on 8/5/2015 as a county jail parolee and on 9/17/2015 he was returned as a parole violator. He was given 4386 days of lost time by the Adult Parole Authority. Incarcerated person Bailey's new maximum expiration of sentence now becomes 6/30/2031.

I have attached his sentencing documents for your review.

I hope this information has been helpful, please contact me with any questions or concerns.

CERTIFIED COPY OF SENTENCE

Record Case No. 2949.19-2941.25

At a term of the Court of Common Pleas, begun and held at the Court House in CLEVELAND within and for the County of CUYAHOGA and State of Ohio, on the 21st day of November A. D. 1985

Present, the Hon. James P. Kilbane Judge

In the Record and Proceedings of said Court, then and there had, among other things, in the following Judgment and Sentence, to-wit:

THE STATE OF OHIO

vs.

Gerald A. West

Indictment for Aggravated Burglary w/o Theft w/o Receiving Stolen Property w/o Possessing Criminal Tools

203255

The said Gerald A. West having pleaded guilty to the上述 indictment of Burglary R.C. 2911.12 Ct. 1 and Theft R.C. 2913.02 Ct. 2, O&P Cts. 3 and 4 rolled

and it appearing to the Court that said Gerald A. West

is but years of age, and is not known to have been previously sentenced to a State Prison in this or any other State; it is therefore ordered that he be and hereby is sentenced to the

OHIO STATE REFORMATORY

at Mansfield, there to be kept until legally discharged, and that he pay

the costs of this prosecution, taxed at

CR 2949.19 DOLLARS

I CERTIFY the above to be a true copy of said Judgment and Sentence.

BY: 3 to 15 years under Ct. 1 and for a term of 1 year under Ct. 2. Cts. 1 and 2 to run concurrent with each other and concurrent with CR 202704

Given under my hand and the seal of said Court, this day of NOV 27 1985

GERALD A. WEST, Clerk.

By _____ Deputy _____

AT 192-004

STATE OF OHIO, vs.
CUVANHO COUNTY

STATE OF OHIO

vs.

Gerald A. West

IN THE COURT OF COMMON PLEAS
OF CUYAHOGA COUNTY, OHIO

September 21, 1985 TERM, 1985

PLAINTIFF TO-MIT: CR 203255

NO.

DEFENDANT INDICTMENT Aggravated Burglary, Theft, Receiving
Stolen Property, Possession Criminal
Tools

JOURNAL ENTRY

Now comes the Prosecuting Attorney on behalf of the State of Ohio and defendant,
Gerald A. West in open court with his/her counsel present and was
fully advised of his/her constitutional rights. Count one amended to Burglary, RC 2911.12

Thereupon, said defendant retracts his/her former plea of not guilty heretofore
entered, and for plea to said indictment says he/she is guilty of Burglary, RC 2911.12
as charged in the first count of the amended indictment, and guilty of Theft, RC 2913.0,
as charged in the second count,
On recommendation of the Prosecuting Attorney remaining counts are nolle prosequi.

which plea/pleas, on the recommendation of the Prosecuting Attorney is/are accepted
by the court.

Thereupon, the court inquired of the defendant if he/she had anything to say
why judgment should not be pronounced against him/her and having nothing but what
he/she had already said and showing no good and sufficient cause why judgment should
not be pronounced.

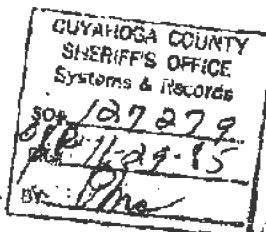
It is therefore, ordered and adjudged by the Court that said defendant,
Gerald A. West be imprisoned and confined in the Ohio State Reformatory, Mansfield, Ohio
for a term of three (3) years to fifteen (15) years under count one and for a term
of one (1) year under count two, counts one and two are to run concurrent with
each and concurrent with CR 202704.

JUDGE

James P. Kilbane

Judge James P. Kilbane

CR 202704



ATTEST: A TRUE COPY

GERALD E. FUERST

DEPUTY CLERK



CERTIFIED COPY OF SENTENCE

Serial Date Rec'd. 08/15/2017 00:00:00

At a term of the Court of Common Pleas, begun and held at the Court House in CLEVELAND within and for the County of CUYAHOGA and State of Ohio, on the 21st day of November A. D. 1965

Present, the Hon. James P. Kilbane, Judge.

In the Record and Proceedings of said Court, then and there had, among other things, is the following Judgment and Sentence, to-wit:

THE STATE OF OHIO

vs.

Gerald West

} Indictment for Receiving Stolen Property

202704

The said Gerald West having plead guilty to the indictment of Receiving Stolen Property R.C. 2913.51

and it appearing to the Court that said Gerald West

is but _____ years of age, and is not known to have been previously sentenced to a State Prison in this or any other State; it is therefore ordered that he be and hereby is sentenced to the

OHIO STATE REFORMATORY

at Mansfield, there to be kept until legally discharged, and that he pay

the costs of this prosecution, taxed at

CR 2949.19 DOLLARS

STATE OF OHIO, ss.
CUYAHOGA COUNTY

RECEIVED FOR FILING

NOV 27 1985

IN THE COURT OF COMMON PLEAS

September

TERM, 19 85

November 21, 1985

STATE OF OHIO

vs.

Defendant: Gerald E. Fuerst, Clerk, OSR

CR 202704

TO-WIT: CR 202704

NO CR 202704

INDICTMENT

RECEIVING STOLEN PROPERTY,

MOTOR VEHICLE

Gerald West

JOURNAL ENTRY

Now comes the Prosecuting Attorney on behalf of the State of Ohio and defendant, Gerald West, in open court with his/her counsel present and was fully advised of his/her constitutional rights.

Thereupon, said defendant retracts his/her former plea of not guilty heretofore entered, and for plea to said indictment says he/she is guilty of Receiving Stolen Property, motor vehicle, RC 2913.51, as charged in the indictment.

which plea/pleas, on the recommendation of the Prosecuting Attorney is/are accepted by the court.

Thereupon, the court inquired of the defendant if he/she had anything to say why judgment should not be pronounced against him/her; and having nothing but what he/she had already said and showing no good and sufficient cause why judgment should not be pronounced.

It is therefore, ordered and adjudged by the Court that said defendant, Gerald West be imprisoned and confined in the Ohio State Reformatory, Mansfield, Ohio for a term of one (1) year and that he pay the cost of this prosecution for which execution is awarded.

Said sentence to be served concurrently with that sentence imposed in counts one (1) and two (2) in case CR 203255.

James P. Kilbane, Judge
n 11/26/85 hac same

JUDGE

James P. Kilbane

CUYAHOGA COUNTY
SHERIFF'S OFFICE
Systems & Records

SO# 127279
OSR 11/29/85
BY *DR*

ATTEST: A TRUE COPY
GERALD E. FUERST,
CLERK OF COURTS

ME
DEPUTY CLERK

7-1-64



STATE OF OHIO,
CUYAHOGA COUNTY

SS.

IN THE COURT OF COMMON PLEAS

STATE OF OHIO
vs.
GERALD A. WEST

PLAINTIFF

DEFENDANT

TO-INT: APRIL 20
NO. CR-746-62

MAY TERM, 19 90

10 90

INDICTMENT REC STL PROPP MV W/SPECS, REC.
STOL. PROPP. W/SPECS, CARR. CONC
WEAP. W/SPECS, HAVE WEP UNDR DI
H/SPECS

JOURNAL ENTRY

THE DEFENDANT HEREIN HAVING, ON A FORMER DAY OF COURT BEEN FOUND GUILTY
BY A JURY OF RECEIVING STOLEN PROPERTY, R. C. 2913.51 AS CHARGED IN COUNT ONE
AND GUILTY OF HAVING WEAPON WHILE UNDER DISABILITY, R. C. 2923.13 AS CHARGED I
COUNT FOUR AND FURTHER THAT DEFENDANT DID HAVE A FIREARM ON OR ABOUT HIS PERSON
OR UNDER HIS CONTROL AS TO BOTH COUNTS. WAS THIS DAY IN OPEN COURT WITH HIS/HE
COUNSEL PRESENT.

THEREUPON, THE COURT INQUIRED OF THE SAID DEFENDANT IF HE/SHE HAD
ANYTHING TO SAY WHY JUDGMENT SHOULD NOT BE PRONOUNCED AGAINST HIM/HER; AND
HAVING NOTHING BUT WHAT HE/SHE HAD ALREADY SAID AND SHOWING NO GOOD AND
SUFFICIENT CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT SAID DEFENDANT,
GERALD A. WEST, IS SENTENCED TO LORAIN CORRECTIONAL INSTITUTION FOR A TERM OF
TWO (2) TO TEN (10) YEARS AND THREE (3) YEARS ACTUAL FOR GUN SPECIFICATION ON
COUNT ONE AND FOR A TERM OF TWO (2) TO FIVE (5) YEARS AND THREE (3) YEARS
ACTUAL FOR THE GUN SPECIFICATION ON COUNT FOUR TO RUN CONSECUTIVE TO COUNT ONE.
THE GUN SPECIFICATION SENTENCES ARE MERGED. ATTORNEY GERALD SMITH APPOINTED FOR
APPEALS. FOUND INDIGENT. TRANSCRIPTS AT STATE'S EXPENSE. PAY COSTS.

RECEIVED FOR FILING

June
MAY 10 1990
GERALD E. FURST

CD 05/03/90 08:14

JUROR

John E. Corrigan

JOHN E. CORRIGAN

Other *LCI m 5-10-90*

NOT SENT TO:

Sheriff

Defendant



Printed from Onbase

EXHIBIT 4

STATE OF OHIO, } ss.
CUYAHOGA COUNTY }

IN THE COURT OF COMMON PLEAS

STATE OF OHIO
vs.
ANTHONY BAILEY

PLAINTIFF }
vs.
DEFENDANT }

TO-UNIT: DECEMBER 09
NO. CR 341621

SEPTEMBER TERM NO. 96
19 96

INDICTMENT B. S. P. (MOTOR VEHICLE), FAIL
COMPLY W/ORDR-SIGNAL

332-116

JOURNAL ENTRY

THE DEFENDANT HEREIN HAVING, ON A FORMER DAY OF COURT ENTERED A PLEA OF GUILTY TO RECEIVING STOLEN PROPERTY, RC. 2919.51 F-3 AS CHARGED IN THE INDICTMENT, WAS THIS DAY IN OPEN COURT WITH HIS/HER COUNSEL PRESENT.

THEREUPON, THE COURT INQUIRED OF THE SAID DEFENDANT IF HE/SHE HAD ANYTHING TO SAY WHY JUDGMENT SHOULD NOT BE PRONOUNCED AGAINST HIM/HER; AND HAVING NOTHING BUT WHAT HE/SHE HAD ALREADY SAID AND SHOWING NO GOOD AND SUFFICIENT CAUSE WHY JUDGMENT SHOULD NOT BE PRONOUNCED.

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT SAID DEFENDANT, ANTHONY BAILEY, IS SENTENCED TO THE LORAIN CORRECTIONAL INSTITUTION FOR TERM OF ONE (1) YEAR AND TO PAY COURT COSTS. DEFENDANT IS GIVEN CREDIT FOR JAIL TIME SERVED. SHERIFF TO CALCULATE TIME AND PROVIDE INFORMATION TO THE DEPARTMENT OF REHABILITATION AND CORRECTIONS.

DEFENDANT'S ORAL MOTION TO WITHDRAW GUILTY PLEA IS HEREBY DENIED.

\$2,100.00 OF MONEY SEIZED TO BE PAID TO PROBATION DEPARTMENT SO THAT VICTIM MAY BE REIMBURSED. PAY COURT COSTS.

12-09-96
SENT PAK 12/10/96 14:23

JUDGE

PEGGY FOLEY JONES

FILED

DEC 18 1996

GERALD E. FUERST
CLERK OF COURTS
CUYAHOGA COUNTY, OHIO

TO BE SENT TO:

Sheriff _____
Defendant _____

12-09-96 14:23

ATTEST: A TRUE COPY:
GERALD E. FUERST
CLERK OF COURTS


DEPUTY CLERK

CERTIFIED COPY OF SENTENCE
Revised Code Secs. 2949.12-2947.09-2947.23

At a term in the Court of Common Pleas, Begun and held at the Court House in CLEVELAND within and for the County of CUYAHOGA and the State of Ohio, on the 12 day of Dec, A.D., 1996

Present, The Honorable W. H. Gray Judge.

In the Record and Proceedings of said Court, then and here had, among other things, is the following Judgment and Sentence, to wit:

Indictment for

2913.51 R.S.P. (MOTOR VEHICLE) 01
2981.331 FAIL COMPLY WORDS-SIGNAL 01

CKDK 34161 0023143 BAILEY ANTHONY 1008-07-01/66 MALE 1 PLACE

AKA: WEST Gerald

NOW COMES THE PROSECUTING ATTORNEY ON BEHALF OF THE STATE OF OHIO AND THE DEFENDANT, ANTHONY BAILEY, IN OPEN COURT WITH HIS/HER COUNSEL PRESENT AND WAS FULLY ADVISED OF HIS/HER CONSTITUTIONAL RIGHTS. DEFENDANT ALSO KNOWN AS JERRY WEST, ATTORNEY TONY BONDRA, PROSECUTOR TOM REIN, PRESENT.

THEREUPON, SAID DEFENDANT RETRACTS HIS/HER FORMER PLEA OF NOT GUILTY
HERETOFORE ENTERED, AND FOR PLEA TO SAID INDICTMENT SAYS HE/SHE IS GUILTY OF
REMOVING STOLEN PROPERTY, (MOTOR-VEHICLE), ORC 2919.51 (FELONY-3) AS CHARGED
IN COUNT ONE OF THE INDICTMENT, WHICH PLEA/PLEAS, ON THE RECOMMENDATION OF THE
PROSECUTING ATTORNEY IS/ARE ACCEPTED BY THE COURT. PROBATIONABLE OFFENSE.
(1 1/2 - 2 YEARS TIME/\$5000.00 FINE)

ON RECOMMENDATION OF THE PROSECUTOR. COUNT TWO IS DISMISSED.

IT IS THEREFORE, ORDERED AND ADJUDGED BY THE COURT THAT SAID DEFENDANT, ANTHONY BAILEY, IS SENTENCED TO THE LORAIN CORRECTIONAL INSTITUTION FOR TERM OF ONE (1) YEAR AND TO PAY COURT COSTS. DEFENDANT IS GIVEN CREDIT FOR JAIL TIME SERVED. SHERIFF TO CALCULATE TIME AND PROVIDE INFORMATION TO THE DEPARTMENT OF REHABILITATION AND CORRECTIONS.

DEFENDANT'S ORAL MOTION TO WITHDRAW GUILTY PLEA IS HEREBY DENIED.

\$2,100.00 OF MONEY SEIZED TO BE PAID TO PROBATION DEPARTMENT SO THAT VICTIM MAY BE REIMBURSED. PAY COURT COSTS.

JUDGE: 303-P FOLEY JONES

..PAK 12/10/96 14:23

I CERTIFY the above to be a true copy of the said Judgment and Sentence. Given under my hand and seal of said Court this 1st day of December, 1996.

GERALD E. EVERETT, Clerk, By

Pursuant to the within order and sentence of the Court, I did convey the
within named _____ to _____ on _____, 1996.

GERALD T. MCFARL, Sheriff. By _____ Deputy Sheriff _____

Form 245B (Rev. 12-80) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT

NORTHERN

District of

OHIO

UNITED STATES OF AMERICA
v.
GERALD A. WEST

JUDGMENT IN A CRIMINAL CASE

Case Number: 5:03cr330

USM Number: 54421-060

Charles Fleming
Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) _____

pleaded nolo contendere to count(s) _____ which was accepted by the court.

was found guilty on count(s) 1 of the indictment after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section
18 USC 2113(a) & (d)Nature of Offense
Armed Bank RobberyOffense Dated
5/1/04Count
1

The defendant is sentenced as provided in pages 3 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found guilty on count(s) _____

The defendant has been found not guilty on count(s) _____

Count(s) _____ is are dismissed on the motion of the United States.

The defendant must notify the United States attorney for this district within 30 days of any changes of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

5/13/04
Date of imposition of sentence

Signature of Judge

I hereby certify that this instrument is a true and correct copy of the original as file in my office.
Affidavit of Clerk
U.S. District Court
Northern District of Ohio

David Aaron Polster, U.S. District Judge
Name and Title of Judge5/13/04
Date

AO 248B (Rev. 12/03) Judgment in Criminal Case
Sheet 1 - Page _____DEFENDANT: Donald A. West
CASE NUMBER: S:04cr130

Judgment - Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

146 months. The defendant is given credit for time served in federal custody.

The court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The execution of the sentence is deferred and bond continued. The defendant shall surrender:

at _____ a.m. p.m. on _____

as notified by the United States Marshal or the designated institution.

as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on 2-3-2005 to EEC Carlson
Colonyville, Inc., with a certified copy of this judgment.

By Karen P. Clark
Probation Officer
DEPARTMENT OF JUSTICE
UNITED STATES GOVERNMENT

AO 245B (Rev. 1-26-93) Judgment and Sentence

Sheet 3 - Supervised Release

The defendant must report to the probation office in the district in which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)

The defendant shall register with the state or offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments absent of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

SUPERVISED RELEASE

STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and shall other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reason.
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time of day or night and shall permit confinement in plain view of the probation officer.
- 11) The defendant shall notify the probation officer within forty-eight hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court, and
- 13) As directed by the probation officer, the defendant shall notify [redacted] that may be designated by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

AO 252 (Rev. 12-20) Judgment in a Criminal Case
Page 5 - Judgment Entered Pursuant to Plea Agreement

DEFENDANT:
CASE NUMBER:
Gerald A. W.
5:03-cv-330

Criminal Monetary Penalties

The defendant must pay the total criminal monetary penalties under the schedule of payments in Section 6.

卷之三

100 *Journal*

四

1

1

100

lack of information on consumers' behaviour when it comes to the choice of food products.

If the defendant makes a motion for a new trial, he or she shall recite the following: "I, the defendant, do hereby move for a new trial, unless the same is denied, and I do hereby waive my right to a trial by jury."

Name of Person

Total Length

Distribution Committee

INTRODUCTION

TOTAL

卷之三

* Findings for the total amount of loans are required under Chapters 109A, 110, 110A, and 113A of Title I of the offenses committed on or after September 13, 1994, but before April 13, 1995.

AO 245B (Rev. 1-2003) Judgment in a Criminal Case
Sheet 6 - Schedule of PaymentsDEFENDANT: Gerald A. West
CASE NUMBER: 5:03cr330Judgment - Page 1 of 1

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

A Lump sum payment of \$ due immediately, balance due
 not later than _____, or
 in accordance with C, D, E, or F below; or

B Payment to begin immediately (may be combined with C, D, or F below); or

C Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or

D Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or

F Special instructions regarding the payment of criminal monetary penalties:
A special assessment of \$200 is due in full immediately as to count 1.

PAYMENT IS TO BE MADE PAYABLE AND SENT TO THE CLERK, U.S. DISTRICT COURT.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.



State of Ohio
Adult Parole Authority
770 West Broad Street
Columbus, Ohio 43222

SPECIAL MINUTES - R/W/A/L Parole/TRC

Whereas, Anthony Bailey No. 332-116 received a sentence of 7-30 + 3 (GUN) years and was paroled on 5-19-03; and,

Whereas, he/she was declared a Violator at Large effective 8-1-03; and,

Whereas, the Superintendent of the Adult Parole Authority field offices has recommended that he/she be restored to parole while at large effective 8-5-15;

and, Whereas, the Adult Parole Authority has carefully considered all of the factors brought to its attention concerning this case;

now, Therefore; by the virtue of the authority vested in the Adult Parole Authority by Section 2967.15 of the Ohio Revised Code, he/she is hereby restored to parole status, effective 8-5-15, to continue under the supervision of the Parole Supervision Section.

Witness my hand and seal this 6TH day of August, 2015 at Columbus, Ohio.

Institution: <u>LOKOT</u>	Unit Code: <u>A0401-Cleveland</u>
---------------------------	-----------------------------------

Chlt, Adult Parole Authority: <u>C. Wink</u>	Date: <u>8-6-15</u>
--	---------------------

Record Office Use Only

Old Max Date: <u>7-12-2019</u>	Lost Time (In Days): <u>4384</u>	New Max Date: <u>7-15-2031</u>
Record Officer's Initials: <u>Stacy Ell</u>	Date: <u>8-7-2015</u>	

DRC3635 E (08/08)

*CEPREN
6/14/15
1/16/16*
EXHIBIT 7

IN THE COURT OF COMMON PLEAS OF THE 22ND JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF WAYNE

COMMONWEALTH

VS.

GERALD WEST
Federal No. 54421-060

NO. 89-2015-MD

ORDER

AND NOW, to wit, this 7 day of July 2015, it is hereby the order of this Court that the Defendant, GERALD WEST, should be transported by the CUYAHOGA COUNTY, OHIO Police Department, CUYAHOGA COUNTY, OHIO Sheriff's Department, OHIO State Police, or the Attorney General's Office, and/or other agents of the said DEPARTMENT to be returned to CUYAHOGA COUNTY, OHIO for the purpose to answer the PROBATION/PAROLE VIOLATION WITH A CHARGE OF BURGLARY detainer lodged against him upon the completion of all local charges, commitments and detainers arising from the jurisdictions within the Commonwealth of Pennsylvania.

BY THE COURT:


RAYMOND L. HAMILL, P.J.

cc. District Attorney
Steven Burlein, Esq.
Jodi Garner, Ohio Dept. of Rehabilitation & Correction
Karen Vinton
United States Penitentiary-Canaan

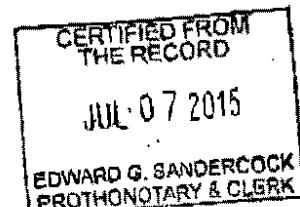


EXHIBIT 8

IN THE COURT OF COMMON PLEAS OF THE 22ND JUDICIAL DISTRICT
COMMONWEALTH OF PENNSYLVANIA
COUNTY OF WAYNE

COMMONWEALTH

VS.

GERALD WEST
Federal No. 54421-060

NO. 99-2015-MD

WAIVER OF EXTRADITION

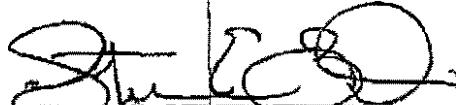
AND NOW, this 1 day of July, 2015, I, GERALD WEST, hereby, in open court waive my right to contest my return to the State of OHIO, by Writ of Habeas Corpus or otherwise; I hereby consent to return to the CUYAHOGA COUNTY, State of OHIO, to answer the sentence imposed for a PROBATION/PAROLE VIOLATION WITH THE CHARGE OF BURGLARY detainer lodged against me in said state, without issuance or service of a Governor's Requisition for Extradition from the Governor of OHIO on the Commonwealth of Pennsylvania, provided however that such return and delivery shall not take place until I am released from all commitments and detainers arising from jurisdictions within the Commonwealth of Pennsylvania.

I do hereby understand and agree that the signing of this waiver of rights and voluntary consent to return to the State of OHIO is a waiver of my legal rights in regard to formal extradition, and that the same is given of my own free will and accord and is given without compulsion, interference, persuasion, force or duress by anyone, and with a full understanding of my legal rights in this regard and do exonerate the United States Penitentiary-Canaan, Wayne County, Wayne County Prison, Wayne County Sheriff's Department, and the District Attorney's Office of Wayne County, Pennsylvania from any blame, compulsion or interference

In this connection.


GERALD WEST

AND NOW, this 7th day of ~~June~~ July, 2016, I, GERALD WEST certify that the above was read to me and that this agreement has been made without compulsion and threat of force on the part of the authorities and upon my own free desire.


GERALD WEST

ATTORNEY FOR DEFENDANT

EXECUTED IN OPEN COURT BEFORE:


RAYMOND L. HAMILL, P.J.
COURT OF COMMON PLEAS OF
WAYNE COUNTY, PENNSYLVANIA

Griffith, Eric

From: Griffith, Eric
Sent: Friday, July 24, 2015 9:39 AM
To: 'Deanna Moore'
Cc: Michelle Tice; Mary Cook
Subject: RE: Order from PTS website

Confirmed...please activate this extradition.

Thanks
Eric Griffith

-----Original Message-----

From: Deanna Moore [mailto:dmoore@prisonertransport.net]
Sent: Friday, July 24, 2015 9:29 AM
To: Griffith, Eric
Cc: Michelle Tice; Mary Cook
Subject: RE: Order from PTS website

QUOTE ONLY UNTIL YOU CONFIRM...

Quote # 110830
Miles 412
\$ 953.20

Deanna Moore, Client Services
Prisoner Transportation Services
Phone: 866-388-8488
Fax: 615-352-9737
Web: www.prisonertransport.net

-----Original Message-----

From: eric.griffith@odrc.state.oh.us [mailto:eric.griffith@odrc.state.oh.us]
Sent: Friday, July 24, 2015 8:13 AM
To: Orders
Subject: Order from PTS website

===== This is a request for quote =====

Order Date, Time: Friday 24th of July 2015 08:13 AM
Requester: ERIC GRIFFITH
Requesting Agency: OHIO DEPARTMENT OF REHABILITATION AND CORRECTION
Requesting Agency Phone Number: 614-752-1214
Requesting Agency Email Address: eric.griffith@odrc.state.oh.us

Prisoner: BAILEY, ANTHONY
AKA: GERALD WEST, FED REG. #54421-060
Race: Black
Gender: Male
Height: 5'10"

Weight: 160
Hair Color: Black
Eye Color: Brown

Date of Birth: 07/06/1966
SSN: 272-75-2294
Inmate Number: A332116

Booking Number:
Offense: BURGLARY, WEAPON UNDER DISABILITY, RSP

Release Date:

Waiver:

Date Signed: 07/07/2015

IntCom:

Form6:

Deadline Date: 08/04/2015

Return Date:

Warrant:

History of Violence/Escape: FED OFFENSE IS ARMED BANK ROBBERY

Time Left to Serve:

Prior Offenses:

Holding Agency: UNITED STATES PENITENTIARY CANAAN, PA
Contact Name: MR. FAUSNAUGHT OR MS. ALOGNA
Phone Numbers: 570-488-8000, EXT 8575 OR 8578
Facility Address: 3057 EASTON TURNPIKE, WAYMART, PA 18472
24 Hour Phone Number:
Email Address:

Destination Agency: LORAIN CORRECTIONAL INSTITUTION
Contact Person: RECORDS
Phone Numbers: 440-748-1049
Facility Address: 2075 South Avon Beldon Road, GRAFTON, OH 44044
24 Hour Phone Number: 440-748-1049
Email Address:

Additional Comments: THIS OFFENDER MUST BE PICKED UP ON 8/4/2015 BETWEEN THE HOURS OF 8AM-2PM.



Ohio Department of Rehabilitation and Correction

1050 Freeway Drive, North
Columbus, Ohio 43229

George V. Voinovich, Governor

Reginald A. Wilkinson, Director

**Mr. Anthony Bailey, 332116
Southeastern Correctional Institution
5900 B.I.S. Road
Lancaster, OH 43130**

October 9, 1998

Dear Mr. Bailey:

Enclosed please find the results of the mitigation hearing held pursuant to the *Kellogg* consent decree rejecting your application for return to parole status. Attached is a copy of the hearing officer's report and a copy of the minutes of the Ohio Parole Board indicating the Board's decision in your case. Copies of these documents have been sent to the representative of the Ohio Public Defenders Office, Mr. Steve Larson, Esq.

Thank you for your consideration.

Respectfully,

**Donald A. Cataldi, Hearing Officer
Ohio Parole Board**

cc. Files
Enclosures (2)



Ohio Quality Corrections . . .
... Quality Services through Partnership



EXHIBIT 9



Ohio Department of Rehabilitation and Correction

1050 Freeway Drive, North
Columbus, Ohio 43229

George V. Voinovich, Governor

Reginald A. Wilkinson, Director

ADULT PAROLE AUTHORITY COLUMBUS, OHIO

INMATE NAME: Anthony Bailey

INMATE NO. 332-116

MEETING DATE: 10-9-98

MINUTES OF THE OHIO PAROLE BOARD

(Pursuant to the consent decree of *Kellogg, et al. v. Shoemaker, et al.*, No. 2:90-CV-606
(June 3, 1996).

PAROLE BOARD MEMBERS ACCEPTING IN FULL THE RECOMMENDATION OF THE HEARING OFFICER

W. H. Hause
Raymond G. Gots
John D. Belter
D. M. Upper
John C. Miller
Harold D. Mathews

Upon review of the materials presented on the
above meeting date, the Ohio Parole Board hereby
declares the above named inmate to be a parole
violator and revokes parole on the old number of
221-539 to the end of the definite
end of the stated term, or first hearing on the
inmate's new number of 332-116
until which time that the Parole Board deems the
release to be consistent with Ohio Rev. Code §§
2967.03, 2967.13, 2967.26 and other
applicable provisions of the Ohio Revised Code.

1

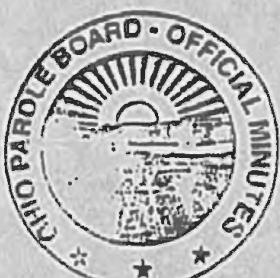


Ohio Quality Corrections...
...Quality Services through Partnership



THE MINUTES LISTED ON THIS AND THE PRIOR PAGE ARE HEREBY APPROVED, SUBJECT TO ANY SUBSEQUENT ACTION BY THE OHIO PAROLE BOARD.

AUTHORIZING SEAL/SIGNATURE



VALIDATED ON BEHALF
THE OHIO PAROLE BOARD
Margaret J. Phee
CHAIR # DATE 10-9-98

SUMMARY SHEET

TOTAL ACTIONS: 1

TOTAL HEARINGS: 1



Ohio Department of Rehabilitation and Correction

1050 Freeway Drive, North
Columbus, Ohio 43229

George V. Voinovich, Governor

Reginald A. Wilkinson, Director

Digest of Mitigation Hearing for Inmate Anthony Bailey, #332-116

Date and Starting Time of Hearing: October 2, 1998, 9:55 a.m.

Institution: Southeastern Correctional Institution.

Witness(es) and Relationship to Inmate: None.

Attorney Certification: None.

Documents Submitted: None.

Summary of Mitigation:

Testimonial:

After a reading of the opening statement for the Kellogg Mitigation Hearings, the following testimony was presented:

Mr. Bailey is thirty-two years old. His highest attained educational level is thirteen years. His marital status is single. He has no dependent children.

He was originally paroled in 1995 to Cleveland. While on parole he was employed by SFU221's Restaurant in Cleveland on a full-time basis.

He was on parole about eleven months before he was charged with new felonious activity. He ultimately pled guilty to the charge of receiving stolen property. This charge was one year (EDS was June 1997.)

He feels there are mitigatory circumstances sufficient to warrant release.

He feels the amount of time already served is a sufficient penalty for the new felonious misconduct.

He feels that, other than the new felony conviction, he has demonstrated his ability to complete a parole.

He further feels he had a good working relationship with his parole officer.

Parole plans are to Cleveland, Ohio where his relatives reside.

It is anticipated that employment would be available.



Ohio Quality Corrections . . .

. . . Quality Services through Partnership

OIS
tP

Anthony Bailey, #332-116
Page #2

He will again see the Parole Board in June 1999.

APA Recommendation

Hearing Officer Recommendation:

Based upon the oral and/or written testimony presented today and a review of the inmate's entire record, it is the finding of this hearing officer that the substantive mitigation presented today is insufficient to warrant that inmate Anthony Bailey either be paroled or continued on parole.

Therefore, it is the recommendation of this hearing officer to the parole board that the parole of inmate Anthony Bailey be revoked, and that inmate Anthony Bailey be continued in prison until which time that the parole board deems the inmate's release to be consistent with the applicable provisions of Ohio Revised Code §§ 2967.03, 2967.13 and 2967.26.

Respectfully submitted,



Walter A. Hoff, Chief Hearing Officer
Ohio Parole Board

WAH/mlp

cc. Files

Acknowledgment

As of 10/2 1998, I have officially been certified as an appropriate member of the class of inmates as defined by Kellogg vs. Shoemaker. Accordingly, I have been interviewed by staff members of the State Public Defender's Office.

As of this date I am prepared to go forward with my Kellogg Mitigation Hearing. I do not need additional time to prepare my case; I do not request personal attendance of witnesses and I waive formal notice provisions as otherwise applicable to this hearing. I waive the opportunity to cross-examine potentially adverse witnesses and do not wish an opportunity to examine the written report which summarizes my activities while on parole.

x Anthony P. Bailey

33216

x Walter D. Wolff
Witness

/mlp