

## In The Supreme Court of Ohio

State *ex rel.*,

GERALD A WEST,

aka ANTHONY BAILEY,

Relator,

v.

OHIO DEPARTMENT OF  
REHABILITATION and  
CORRECTION, et al.

Respondents.

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Case No. 2023-1130

Original Action on Mandamus

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### RESPONDENTS' PRESENTATION OF EVIDENCE

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DAVE YOST (0056290)  
Ohio Attorney General

Gerald A West, #A332-116  
aka Anthony Bailey<sup>1</sup>  
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](mailto:Marcy.Vonderwell@OhioAGO.gov)

*Counsel for Respondents*

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<sup>1</sup> 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, 23<sup>rd</sup> Floor  
 Columbus, Ohio 43215  
 (614) 466-0380/FX: (877) 588-5487  
[Marcy.Vonderwell@OhioAGO.gov](mailto:Marcy.Vonderwell@OhioAGO.gov)  
[John.Bates@OhioAGO.gov](mailto: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

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:  
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:

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 8<sup>th</sup> 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



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

**EXHIBIT 1**

STATE OF OHIO

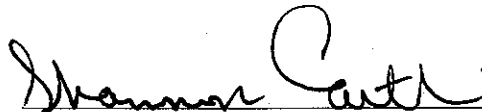
SS.

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 8<sup>th</sup> day of January, 2024.



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

  
Notary Public



# Department of Rehabilitation & Correction

Mike DeWine, Governor  
Annette Chambers-Smith, Director

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.



## Department of Rehabilitation & Correction

Mike DeWine, Governor  
Annette Chambers-Smith, Director

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

Revised Code Secs. 2362.12-2362.19-2362.23

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, is the following Judgment and Sentence, to-wit:

THE STATE OF OHIO

vs.

Gerald A. West

203255  
Indictment for Aggravated Burglary w/ot Theft w/ot  
Receiving Stolen Property w/ot  
Possessing Criminal Tools

The said Gerald A. West having plead guilty to the aforesaid indictment of Burglary R.C. 2911.12 Ct. 1 and Theft R.C. 2912.02 Ct. 2, OBP Cts. 3 and 4 polled

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

CRC 2949.19 DOLLARS

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

for 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 L. FURST, Clerk.

By \_\_\_\_\_ Deputy.

CC 152/1004

Printed from Onbase

EXHIBIT 3

005

STATE OF OHIO,  
CUYAHOGA COUNTY

STATE OF OHIO

Gerald A. West

PLAINTIFF

DEFENDANT

TO-WIT:

CR 203255

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.

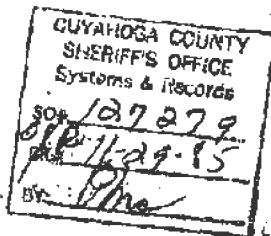
It is therefore, ordered and adjudged by the Court that said defendant,

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

Judge James P. Kilbane

ca/11-26-88 mw/11-26



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

DEPUTY CLERK



# CERTIFIED COPY OF SENTENCE

Revised Ohio Rev. Code 1926-1927-1928-1929-1930

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. 19 35

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 \_\_\_\_\_

ORC 2949.19

DOLLARS

STATE OF OHIO,  
CUYAHOGA COUNTY, SS.

RECEIVED FOR FILING

NOV 27 1985

IN THE COURT OF COMMON PLEAS

September TERM, 19 85

November 21, 1985 19

STATE OF OHIO

PLAINTIFF

TO-WIT: NO CR 202704

DEFENDANT

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

CUYAHOGA COUNTY  
SHERIFF'S OFFICE  
Systems & Records

SO# 127279

DATE 11-29-85

BY [Signature]

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

DEPUTY CLERK

7-1-64



221-539

STATE OF OHIO,  
CUYAHOGA COUNTY

SS.

IN THE COURT OF COMMON PLEAS

STATE OF OHIO

PLAINTIFF

VS.

GERALD A WEST

DEFENDANT

TO-WIT: APR 11 1990  
NO. CR-244362

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

MAY 10 1990

GERALD E. FURST

JUDGE

JOHN E CORRIGAN

CD 05/03/90 08:14

SENT TO:

Sherrif

Other

LCI M 5.10.90

Defendant

STATE OF OHIO,  
CUYAHOGA COUNTY

SS.

IN THE COURT OF COMMON PLEAS

SEPTEMBER TERM TO 96

TO-WIT: DECEMBER 09  
NO. CR 341621

19 91

STATE OF OHIO

PLAINTIFF

VS.

ANTHONY BAILEY

DEFENDANT

INDICTMENT R. 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. 2913.51 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.

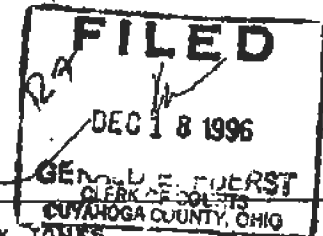
\$2,100.00 OF MONEY SEIZED TO BE PAID TO PROBATION DEPARTMENT SO THAT VICTIM MAY BE REIMBURSED. PAY COURT COSTS.

12-09-96

SENT FAX 12/10/96 14:23

JUDGE

PEGGY FOLEY JONES



WAS SENT TO:

Sheriff

Defendant

From: 10213 m12-19-96

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

*[Signature]*  
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 9 day of Dec, A.D., 1996

Present, The Honorable P. Foley Jones 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  
2921.331 FAIL COMPLY W/ORDER-SIGNAL 01

CXDK 341621 0023143 BAILEY ,ANTHONY DOB-07/01/66 MALE BLACK

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 RECEIVING 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 NOLLED.

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: 308-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 DEC 12 day of 1996

GERALD E. FURST, Clerk, By \_\_\_\_\_

Deputy

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

GERALD T. McFAUL, Sheriff. By \_\_\_\_\_ Deputy Sheriff

FD-302 (Rev. 12-13-83) 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 Robbery

Offense Ended  
8/1/03

Count  
1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☐ The defendant is \_\_\_\_\_ ☐ is ☐ are discharged on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change 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.

8/12/04

Date of Imposition of Sentence

Signature of Judge

I hereby certify that this instrument is a true and correct copy of the original on file in my office.  
Attest: Carl M. Smith, Clerk  
U.S. District Court  
Northern District of Ohio

Don Aaron Palmer, U.S. District Judge  
Name and Title of Judge

Date

AD 241B (Rev. 12/03) Judgment in Criminal Case  
Sheet 1 — Imprisonment

Judgment — Page 2 of 4

DEPENDANT: Gerald A. West  
CASE NUMBER: 5:04cr130

### 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 granted credit for time served in Federal custody.

- ☐ The court makes the following recommendations to the Bureau of Prisons:
- ☒ The defendant is returned 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 2-2-2005 to FBI Colman  
Colman, IL, with a certified copy of this judgment.

K. J. [Signature]  
UNITED STATES MARSHAL

By [Signature]  
UNITED STATES JUDGE

AD 1453 (Rev. 11/83) Judgment in a Criminal Case  
 Sheet 3 — Supervised Release

Judgment Page 1 of 1

DEPENDANT: Gerald A. West  
 CASE NUMBER: 5:03cr330

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of:  
 3 years.

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 possess another federal, state or local weapon.

The defendant shall not unlawfully possess a controlled substance. 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 not possess a firearm, destructive device, or any other dangerous weapon. (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 sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)

☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

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

### 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 meet 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 reasons;
- 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 substances, 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 persons engaged in criminal activity and 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 or place or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) The defendant shall not enter into any agreements 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 third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to condition the defendant's compliance with such notification requirements.

AO 245B (Rev. 12-07) Judgment in a Criminal Case  
Form 5 — Criminal Monetary Penalties

Judgment — Page 4 of 1

DEFENDANT: Gerald A. West  
CASE NUMBER: 5:03cr330

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS \$ 100 Assessment \$ 0 Fine \$ 0 Restitution

☐ The determination of restitution is deferred until \_\_\_\_\_ An Amended Judgment in a Criminal Case (AO 245C) will be entered after such federal action.

☐ The defendant must make restitution (including community restitution) in the following payment in the manner listed below.

(If the defendant makes a partial payment, such payee shall receive an appropriate payment, unless specified otherwise in the judgment and/or pre-arrest payment delinquency notice. However, payment to 18 U.S.C. § 3612(f), all suspended victims must be paid before the United States is paid.

Name of Person

Total Amount

Restitution Ordered

Payment Received

TOTALS

\$

\$

- ☐ Defendant must ordered payment to plus expenses \$ \_\_\_\_\_
- ☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(d).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
  - ☐ the interest requirement is waived for the ☐ fine ☐ restitution.
  - ☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

\* Findings for the total amount of fines are required under Chapters 109A, 110, 110A, and 112A of Title 18 for offenses committed on or after September 13, 1994, but before April 13, 1996.

AO 145B (Rev. 12/83) Judgment in a Criminal Case  
Sheet 6 — Schedule of Payments

Judgment — Page 6 of 6

DEFENDANT: Gerald A. West  
CASE NUMBER: 5:03cr330

### 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 \$100 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 <sup>in custody</sup> 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 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 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 6<sup>TH</sup> day of August, 2015 at Columbus, Ohio.

Institution: <u>LOROI</u>	Unit Code: <u>Cleveland</u> <u>A0901</u>
Chief, Adult Parole Authority: <u>[Signature]</u>	Date: <u>8-6-15</u>

**Record Office Use Only**

Old Max Date: <u>7-12-2019</u>	Lost Time (In Days): <u>4386</u>	New Max Date: <u>7-15-2031</u>
Record Officer's Initials: <u>[Signature]</u>	Date: <u>8-7-2015</u>	

DRC3535 E (08/08)

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. 09-2015-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

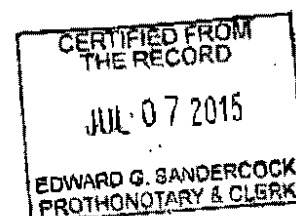


EXHIBIT 8

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. 98-2015-MD

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WAIVER OF EXTRADITION

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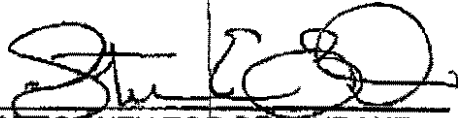
AND NOW, this 1 day of July, 2015, I, GERALD WEST, hereby, in open court waive my right to contest my return to the State of OHIO, by Writ of Habeas Corpus or otherwise; I hereby consent to return to the CUYAHOGA COUNTY, State of OHIO, to answer the sentence imposed for a PROBATION/PAROLE VIOLATION WITH 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 7<sup>th</sup> day of July, 2015, 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](http://www.prisonertransport.net)

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

**From:** [eric.griffith@odrc.state.oh.us](mailto: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](mailto: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

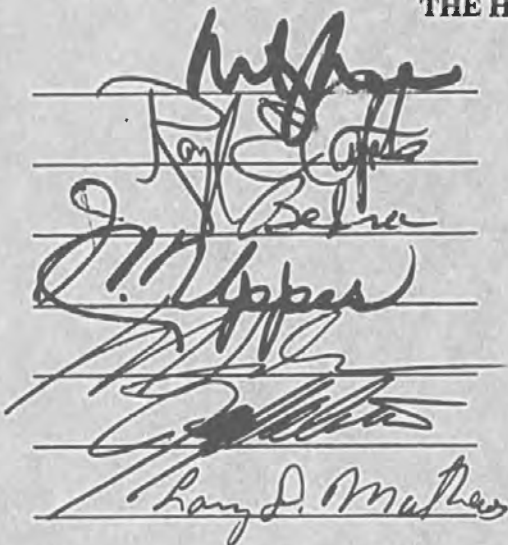
INMATE NO. 332-116

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



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  
violation 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 L. Ghee*  
CHAIR # DATE 10-9-88

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



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 reparaoled 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. Enley

332/16

x Walter D. Hoff  
Witness

/mlp