

ORIGINAL

IN THE SUPREME COURT OF OHIO

12-0226

In re: :  
:  
William Charles Helbley, Jr. :  
Attorney Reg. No. 0041660 :  
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ENTRY OF FELONY CONVICTION

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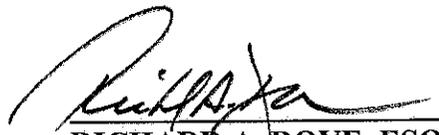
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FILED  
FEB 06 2012  
CLERK OF COURT  
SUPREME COURT OF OHIO

**IN THE SUPREME COURT OF OHIO**

In re: :  
: **ENTRY**  
**William Charles Helbley, Jr.** :  
Registration No. 0041660 : **Gov. Bar R. V(5)**

Pursuant to Rule V, Section 5 of the Supreme Court Rules for the Government of the Bar of Ohio, the Court is hereby notified of the felony conviction of **William Charles Hilbley, Jr.** to Conspiracy to Commit Wire Fraud, in violation of 18 U.S.C. 371, in the United States District Court, Northern District of Ohio, Case No. 4:10CR370-003, on the 12<sup>th</sup> day of January, 2012.

  
\_\_\_\_\_  
**RICHARD A. DOVE, ESQ.**  
**Secretary, Board of Commissioners**  
**on Grievances and Discipline of**  
**the Supreme Court of Ohio**

**UNITED STATES DISTRICT COURT**  
 NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA

v.

William Helbley

**JUDGMENT IN A CRIMINAL CASE**

Case Number: 4:10CR370-003

USM Number: 56361-060

John F. McCaffrey  
 Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count(s) 1 of the Indictment
- pleaded nolo contendere to count(s) \_\_\_\_\_  
 which was accepted by the court.
- was found guilty on count(s) \_\_\_\_\_  
 after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 371	Conspiracy to Commit Wire Fraud	01/2006	1

See additional count(s) on page 2

The defendant is sentenced as provided in pages \_\_\_\_\_ 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) \_\_\_\_\_
- Count(s) 9,11-13,19-21,23,29-31,41,43-45  is  are dismissed on the motion of the United States.

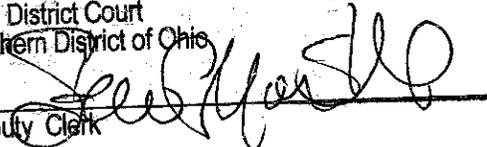
It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant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

January 12, 2012

Date of Imposition of Judgment

I hereby certify that this instrument, document no. 89, filed on 01/20/12 is a true and correct copy of the electronically filed original.

Attest: Geri M. Smith, Clerk  
 U.S. District Court  
 Northern District of Ohio

By:   
 Deputy Clerk

/s/ Patricia A. Gaughan

Signature of Judge

Patricia A. Gaughan, United States District Judge

Name of Judge

Title of Judge

January 20, 2012

Date

DEFENDANT: William Helbley  
CASE NUMBER: 4:10CR370-003

### PROBATION

The defendant is hereby sentenced to probation for a term of :

3 years as to Count 1.

The defendant shall not commit another federal, state or local crime.

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 placement on probation 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, ammunition, 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 comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. *(Check, if applicable.)*
- The defendant shall participate in an approved program for domestic violence. *(Check, if applicable.)*

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

### 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 in a manner and frequency directed by the court or the probation officer;
- 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 comply with the Northern District of Ohio Offender Employment Policy which may include participation in training, education, counseling and/or daily job search as directed by the pretrial services and probation officer. If not in compliance with the condition of supervision requiring full-time employment at a lawful occupation, the defendant may be directed to perform up to 20 hours of community service per week until employed, as approved or directed by the pretrial services and probation officer.
- 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 at home 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 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 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 confirm the defendant's compliance with such notification requirement.

"Upon finding of a violation of probation or supervised release, I understand that the court may (1) revoke supervision, (2) extend the term of supervision, and/or (3) modify the conditions of supervision. These conditions have been read to me. I fully understand the conditions and have been provided a copy of them."

Dated: \_\_\_\_\_

Defendant

U.S. Probation Officer

DEFENDANT: William Helbley  
CASE NUMBER: 4:10CR370-003

### **SPECIAL CONDITIONS OF SUPERVISION**

#### **Location Monitoring Program**

The defendant shall participate in the Location Monitoring Program for a period of 8 months, to commence no later than 30 calendar days from sentencing. The defendant shall be required to remain in his residence unless given permission in advance by the probation officer to be elsewhere. The defendant may leave his residence to work and receive medical treatment and to attend religious services. The defendant shall consent to be monitored by the form of location monitoring indicated below and shall abide by all of the requirements established by the pretrial services and probation office related to the use of this location monitoring technology; and submit to random drug/alcohol tests as specified by the pretrial services and probation officer. The defendant may participate in the Discretionary Leave under terms set by the pretrial services and probation officer. The participant shall pay the costs of participation in the location monitoring program, based on their ability to pay as directed by the pretrial services and probation officer.

- Location monitoring technology at the discretion of the officer

#### **Financial Disclosure**

The defendant shall provide the probation officer with access to any requested financial information.

#### **Financial Windfall Condition**

The defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

#### **Community Service**

The defendant shall perform 50 hours of community service as directed by the probation officer.

DEFENDANT: William Helbley  
 CASE NUMBER: 4:10CR370-003

**CRIMINAL MONETARY PENALTIES**

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

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ 100.00	\$	\$ 381,827.00

- The determination of restitution is deferred until \_\_\_\_\_. An *Amended Judgement in a Criminal Case (AO 245C)* will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Argent Mortgage 2677 North Main Street, Suite 150 Santa Ana, CA 92795		\$263,029.00	
AEGIS 11200 Westheimer Road, Suite 900 Houston, TX 77042		\$44,292.00	
First Franklin (Bank of America) Mail Code AZ1-200-20-35 201 East Washington, St. 20th Fl. Phoenix, AZ 85004		\$68,000.00	
Concorde Acceptance, c/o Gilbert J. Barteau 10857 Fernald Avenue Dallas, TX 75218		\$6,506.00	
<b>TOTALS</b>	\$0.00	\$381,827.00	

- See page 5A for additional criminal monetary conditions.
- Restitution amount ordered pursuant to plea agreement \$ \_\_\_\_\_
- 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(g).
- 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 losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: William Helbley  
CASE NUMBER: 4:10CR370-003

### SCHEDULE OF PAYMENTS

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

- A  Lump sum payment of \$ \_\_\_\_\_ due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance  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 \$ 100.00 is due in full immediately as to count(s) 1 of the Indictment. PAYMENT IS TO BE MADE PAYABLE AND SENT TO THE CLERK, U.S. DISTRICT COURT.
  - Restitution payments shall be made at a minimum rate of not less than 10 % gross monthly income.

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.