

IN THE SUPREME COURT OF OHIO

In re: :
Application of : Case No. 2014-1555
Joseph V. Libretti, Jr. :

APPLICANT'S CITATION TO RELEVANT AUTHORITY

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Now comes Applicant pursuant to S.Ct.Prac.R. 16.08 and submits citation to authority in the form of Applicant's most recent updates to his bar application. The updates address Employment, Business, Litigation, and Immunity. Copies are attached hereto.

Respectfully submitted,

/s/ Deborah Zaccaro Hoffman, Esq.
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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the above Citation has been served the 17th day of June 2015 by email (and U.S. mail as to the Bar Admissions Committee) upon the following:

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*Fifteen Attorneys And Law Professors in
support of Joseph V. Libretti*

Respectfully submitted,

/s/ Deborah Zaccaro Hoffman
Deborah Zaccaro Hoffman (0071599)
Counsel for Applicant

Supplements to Answers to the Character Questionnaire, Pursuant to Supreme Court Rules for the Government of the Bar of Ohio, Rule (I), Section 2(F).

I. Supplement to Employment

- a. In August of 2014 I began a 150 hour externship with the Cuyahoga County Court of Common Pleas, Probate Division. I completed the externship in December of 2014. Staff Attorney Anne McCafferty supervised me. She can be reached at (216) 443-3287. As an extern I assisted judges, magistrates, and the staff attorney in analyzing motions to dismiss and motions for summary judgment, conducted necessary research, and drafted recommendations as to whether the motions should be granted or denied. I also completed research projects on statutory interpretation.
- b. Over the Fall 2014 semester I completed several research and writing projects for Attorney David Grant. He can be reached at Grant & O'Malley, 1370 Ontario St. #1350, Cleveland, OH 44113 (216) 241-6868.
- c. As of January, 2014 I am continuing my employment with the Cuyahoga County Public Defender's Office.
- d. CMBA's Brief in Response to Applicant's Objections and Brief and to Brief of Amici Curiae, p. 38 (hereinafter "CMBA Brief") identified Mr. Dan McGlade, President of Energy Transportation, Inc., as a potential employer; however, I cannot pursue that opportunity as I have learned that Mr. McGlade is selling Energy Transportation, Inc. in March of 2015.

II. Supplement to Litigation

I filed a civil complaint against defendants alleging violations of my civil rights for the search of my residence in 2010 and the seizure of my bank accounts and IRAs in 2011. The government conceded the funds were legally earned and subsequently returned them. I will discuss more about the seizure and return of the funds in the section below regarding allegations of tax evasion involving those funds, which was not found when the IRS audited the records. The defendants are currently Steven Woodson and Taylor Courtney. Case no. 2:14-cv-00107-S. Ex. A.

Also, I had a divorce case in 1987 that I should have listed on the initial Application. It is Case No. 1987 DR 1969 between myself and Toni Cambruzzi and occurred in Jefferson County, Colorado.

III. Supplement to Question 23(C) Engaging in Business

a. JPL Marketing, LLC

In the interest of full disclosure, I would also like to further clarify my status as an unsecured creditor of JPL Marketing, an Arizona LLC, in late 2010 and early 2011. Based on the CMBA's Brief it appears that there may be a continuing misperception that I had an ownership interest in JPL Marketing, LLC. I was not a member in JPL Marketing, LLC. A letter from JPL's owner substantiating that fact was included in my May 6, 2014 Supplement to my Character and Fitness Application, and I am including it here again for convenient reference. Ex. B. JPL Marketing, LLC was formed under the laws of the State of Arizona. If it is helpful in evaluating the truthfulness of my response,

I have attached a copy of A.R.S. § 29-731, which explains how a person becomes a member of an LLC. Ex. C.

b. Allegations of Tax Evasion 2008-2013

The CMBA's Brief (pp. 24-27) alleges that I did not declare income related to Spice from 2008-2013, and therefore engaged in tax evasion for each of those years. For clarity, I will address each of those years in turn below. Additionally, CMBA's Brief at page 27 suggests that my deposits of \$44,400 into my Key Bank account between November 5, 2010 and December 3, 2010, and my bank balance of \$132,000 as of April, 2011 indicated that I evaded taxes.

I should first mention that the federal government, including the IRS, audited my financial records from 2007 through March of 2011. Please see the attached sample document (Ex. D), one of hundreds of unredacted documents that can be produced for inspection if desired, indicating that it was produced by the bank in response to an order in the 2011 criminal case in which I was ultimately acquitted. I was unaware of the examination at the time the records were seized and obtained these records when my attorney made a discovery request. After the records were thoroughly examined, I was not assessed a penalty or prosecuted for tax evasion and the funds that had been seized were returned to me (Ex. E, docket entries 43 and 225). I later requested a private letter ruling from the IRS waiving the penalty for an untimely rollover as to that portion of the funds that had been in tax-deferred accounts when they were seized, again bringing myself to the attention of the tax authorities. My request for ruling was granted (Ex. F) and I have heard nothing further from the IRS since. I have already been audited, and can

always be audited again, but the information I have provided in this Supplement is the best information I have at the present time and is as truthful and complete as I can make it.

i. Alleged tax evasion in 2008

CMBA's Brief alleged that I evaded taxes for 2008 by failing to declare income earned from Spice. CMBA Brief at 25. I had no Spice-related income in 2008 as I had no involvement with Spice in 2008. All income I had in 2008 was declared. This is consistent with my testimony at the panel hearing.

ii. Alleged tax evasion for 2009

CMBA's Brief also alleged that I evaded taxes for 2009. CMBA Brief at 25. While I allowed Brian Hohlios to use my credit card in 2009 to finance his Spice business, I did not obtain income from my involvement that year. Although his business was profitable that year, none of those profits were distributed to me in 2009. All income I had in 2009 was declared. As mentioned above, the federal government thoroughly examined my records for 2009 and I was not assessed a penalty or prosecuted for tax evasion. All of my seized funds were returned to me.

iii. Alleged tax evasion in 2010

CMBA's Brief also alleged that I evaded taxes for 2010. This is incorrect.

As I explained in my panel hearings, on June 2, 2010, the federal government seized the records necessary to prepare an accurate 2010 tax return. I consulted an

attorney and was advised to file my 2010 tax return declaring my W-2 income from Energy Transportation, Inc. and then to file an amended return if necessary once the records were returned.

Based on the partial records I do have, which include invoices totaling \$55,170.36 that were produced to bar counsel before the panel hearing, as well as legal fees and expenses in excess of \$60,000 incurred in 2011 that can be taken as a carryback loss in 2010, even if I made \$20,000 in income related to Spice in 2010 (which I indicated was a floor not a ceiling in ballparking the income for the panel) as mentioned in CMBA Brief at 27, I would still have no or very little tax liability for that year beyond what I have already paid.

I should also mention that I did not attach an explanatory letter to the top of the return as I did in 2011 (Ex. G) because my 2010 taxes were prepared by the Volunteer Income Tax Assistance program and I was not aware it was an option until I went to H&R Block in 2011.

As mentioned above, the federal government thoroughly examined my records for 2010 and I was not assessed a penalty or prosecuted for tax evasion. All of my seized funds were returned to me.

iv. Alleged tax evasion in 2011

CMBA's Brief alleged that I evaded taxes in 2011, and mentions my having declared Spice-related income from JPL Marketing, LLC. CMBA Brief at 25. The amount I earned on my loans to JPL Marketing, LLC, and I declared on my tax return was the only Spice-related income I had for that year. I likely had additional deductions which I did

not take because the government had seized my records and not returned them. Please see the letter included with my 2011 tax return attached as Ex. G, which has previously been provided to bar counsel when the tax return itself was requested. Again, my records for 2011 were thoroughly examined and I was not assessed a penalty or prosecuted for tax evasion. All of my seized funds were returned to me.

I did deposit \$44,400 into my Key Bank account between November 5, 2010 and December 3, 2010. CMBA Brief at 27. However, the money was not taxable income that was required to be reported on my tax return. This is because \$44,000 out of the \$44,400 consisted of self-to-self transfers from my Wells Fargo account into my Key Bank account. I wrote four checks for \$9,000 each, and one check for \$8,000. Each check was drawn on my Wells Fargo account, and deposited into my Key Bank account. I have attached copies of the checks drawn on my Wells Fargo account and deposited into the Key Bank account. Ex. H-L. I am also attaching the relevant Wells Fargo and Key Bank statements. Ex. M, N.

The remaining \$400 consisted of two checks for \$200 each that were loan repayments. I had loaned \$1,000 to Ms. Nicole Pouget, and she provided me with five checks for \$200 each. I have attached a copy of the promissory note that she signed, and one of her checks. Ex. O, P. Loan repayments are not taxable income. No interest was charged on the loan that would have been income.

Those funds in turn came from legally earned income. CMBA Brief at 26 notes that my combined bank balances of \$132,000 as of April, 2011 exceeded my yearly income for 2008, 2009, and 2010. The \$132,000 includes IRA contributions that are not taxable, unrealized capital gains that were earned in my IRA that are not taxable income

until withdrawn, monetary gifts from my parents, money earned from working at Teton Homes and Energy Transportation, and tax refunds and credits. I have no dependents, no car payment, little credit card debt, no mortgage or student loan payments, and not prone to extravagant spending by nature. As mentioned above, it has already been determined that the \$132,000 was from legally earned funds, as the funds were returned to me after being seized and my records for 2007-2011 were thoroughly audited. As explained above, part of those funds were the subject of a revenue ruling I later requested from the IRS waiving the penalty for an untimely rollover.

I would have been happy to discuss the specifics of these transactions at the panel hearings, but was not aware of the future erroneous inferences that would be drawn from them. Had I realized that the information provided would result in an inference that I had evaded taxes, I would have made sure to delve into the subject more intensively than I did in order not to leave that impression. In any event, I hope this additional information serves to clear up any misunderstandings.

v. Alleged tax evasion in 2012 and 2013

Finally, CMBA's Brief also alleges I evaded taxes in 2012 and 2013. I had no involvement with Spice in 2012 and 2013, and earned no income from any Spice activities or business. I filed tax returns for 2012 and 2013 and reported all taxable income. I am not clear on what the basis is for the allegation that I evaded taxes in 2012 and 2013 and so I do not know what information would be helpful in dispelling that concern.

c. Allegations of Assisting in Evasions of Child Support

CMBA's brief alleges that Brian Hohlios evaded a child support garnishment, and I assisted him in doing so. This finding was based on my testimony that Brian ran his business through my bank account so my money that I had lent to him would not be taken to satisfy his garnishment. This testimony was unfortunately taken to imply (incorrectly) that Hohlios' obligation remained unpaid, or that either of us was seeking to avoid having him pay his child support obligations.

Neither I nor Brian Hohlios ever sought to evade Brian's child support obligation, and that obligation was not evaded. Brian Hohlios had his own bank account at Wells Fargo Bank that the State of Utah (the garnisher) could have garnished for unpaid child support, but did not. At the time of his death in July of 2010 he had \$2,000 in his Wells Fargo Bank account, according to his father who closed the account after he died.¹ See also the attached photographs of text messages on Hohlios' cell phone (Ex. Q).

More importantly, when Brian Hohlios died in July of 2010 he had no unpaid balance on his child support garnishment, a detail I did not mention because I simply didn't realize how significant it would become in the larger scheme of things. I did not realize that my testimony about Brian not wanting my money to be taken to satisfy his obligation would later be misinterpreted as him continuing to have outstanding obligation which I was assisting him in avoiding, or I would have taken greater pains to explain matters in detail. I did not realize that I also should have mentioned that Hohlios did fully pay his child support obligation, but from his own resources, not mine.

¹ Brian Hohlios' father is Frank Hohlios, who appeared on behalf of Hohlios' estate according to *In re Currency Totaling \$7,209, 278 P.3d 234* (Wyo. 2012).

Attached are the docket entries for Brian Hohlios' child support case, No. 046913685 (3d Dist. Salt Lake County, UT). Exhibit R. In April of 2009 the balance of the unpaid child support was reduced from \$9,697.73 to \$1,080 as a result of payments. It was only after that, in October of 2009, that I lent Mr. Hohlios the money to start his Spice business. He continued to make payments toward his child support obligation, and at the time of his death his obligation had been satisfied. The docket was last updated on October 27, 2010—shortly after his death—and shows that the judgment had been completely satisfied. When I allowed Brian to utilize my bank account it was not for the purpose of evading a mere \$1,080 remaining balance of his garnishment, which he paid.

d. Alleged possession of marijuana

CMBA's Brief alleged that I possessed marijuana in June, 2010. I did not. I was not home the night before the search and there were two other people in the house. Under the terms of my supervised release (Ex. S) revocation is mandatory for possession of a controlled substance, and my release was not revoked.

I would also like to mention that I did have to be tested regularly for drug use, and passed those tests for more than 15 years. My probation officer did call me the day after the search and I had to report for another test, which was negative for illegal substances.

e. Alleged distribution of controlled substance analogs

CMBA's Brief also alleges I distributed substances after my release from prison (November 2007) that were controlled substance analogs, and therefore illegal. I am not clear on what the basis is for the allegation, so I do not know what information would be helpful in dispelling that concern. Although I did distribute legal substances that the DEA later scheduled as controlled substances (after I had ceased distributing them) I did

not distribute any substance that was either scheduled as a controlled substance, or was an analog to a controlled substance, at the time I distributed it. Not only would such actions have been illegal and resulted in prosecution, but they also would have resulted in a revocation of my supervised release.

IV. Supplement to Question 20(B) Grant of Immunity from Prosecution

While the way I read Question 20(B) regarding grants of immunity did not seem to require information about a request for immunity that was not granted, in retrospect it would have been better, in the interests of transparency, to disclose that a request had been made. Since my duty to update is ongoing, even though the information is publicly available through filings with the Ohio Supreme Court, I now update the application with the information that in March, 2011, I requested immunity from prosecution through counsel.

As I explained to the Panel, I was not brought before a judge and granted immunity as had been my experience in 1985. This previous experience was my only understanding of how the immunity process works, and was the basis for my answers on the initial bar application. Since my January 9, 2014, FOIA request produced no written agreement for immunity, and in response to the suggestions of bar counsel, I have made another FOIA request, this time specifically mentioning the individuals suggested by bar counsel who may have the information, Renee Bacchus and Matthew Sheperd. Exh. T. If any further information is provided in response the request or to the immunity issue, I will promptly forward it.

January 2, 2015


Joseph V. Libretti, Jr.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING**

JOSEPH V. LIBRETTI, JR.,)	
)	
Plaintiff, pro se,)	Case No. 2:14-cv-00107-S
)	
v.)	
)	
TAYLOR COURTNEY, AND)	
STEVEN WOODSON,)	
IN THEIR INDIVIDUAL CAPACITIES,)	FIRST AMENDED
)	CIVIL COMPLAINT AND
Defendants.)	<u>RULE 38 JURY TRIAL DEMAND</u>

PARTIES

1. Plaintiff Joseph V. Libretti, Jr. is a citizen of the State of Ohio.
2. Defendant Steven Woodson is a retired federal agent. On May 28, 2010 he drafted and applied for a search warrant that resulted in a search of Plaintiff's home at 3225 Quivera River Road in Casper, Wyoming on June 2, 2010. Defendant Woodson also applied for a warrant to seize Plaintiff's bank accounts and individual retirement accounts (IRAs) in April of 2011. Defendant Woodson is a citizen of Wyoming. Defendant Woodson is the defendant in counts I-IX of this Complaint.
3. Defendant Taylor Courtney is a law enforcement officer who executed a search warrant at Plaintiff's home located at 3225 Quivera River Road in Casper, Wyoming on June 2, 2010, and seized Plaintiff's property. Defendant Courtney is a citizen of Wyoming. Defendant Woodson is the defendant in counts X-XIII of this Complaint.

JURISDICTION

4. This Court has jurisdiction pursuant to 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1332 (diversity of citizenship).

E v. A

JPL Sales & Marketing, LLC
10645 N. Tatum Blvd.
Suite 200-145
Phoenix, AZ 85028

April 28, 2014

To: Board of Commissioners on Character and Fitness of the Supreme Court of Ohio

Re: Joseph Victor Libretti, Jr.

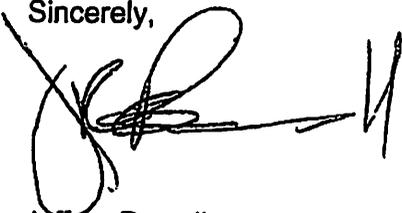
To whom it may concern:

It has come to my attention that during a recent character and fitness hearing to determine whether Mr. Libretti is fit and has the character to stand forth and take the bar exam in the state of Ohio, there were questions regarding Mr. Libretti having potential/possible ownership interests in JPL Sales & Marketing, LLC. Please allow myself to hopefully alleviate any further questions.

Mr. Libretti has never owned nor had an interest in JPL Sales & Marketing, LLC. Nor has Mr. Libretti been a director, officer, manager or ever owned any shares in JPL Sales & Marketing, LLC; there are no shares outstanding nor were any ever issued.

If there are any further questions regarding this matter, please don't hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeffery Powell', with a large, stylized initial 'J' and a horizontal line extending to the right.

Jeffery Powell
Manager
JPL Sales & Marketing, LLC

Ex. B

29-731. Admission of members

A. At the time the limited liability company is formed, a person becomes a member by either of the following:

- 1. Being identified as a member in the initial articles of organization.**
- 2. If the members are not identified in the initial articles of organization, being identified as a member in and signing in person or by an attorney-in-fact an operating agreement that exists at the time the initial articles of organization are filed or being identified as a member in a written statement certified, before or after the filing of the initial articles of organization, by each of the managers identified in the initial articles of organization.**

B. After a limited liability company's initial articles of organization are filed, a person may be admitted as an additional member as follows:

- 1. If a person is acquiring an interest in the limited liability company directly from the limited liability company, on the limited liability company's written acknowledgment or acceptance of the person's admission under the applicable provisions of an operating agreement, or if an operating agreement does not so provide, on the consent of all members.**
- 2. If the person is an assignee of all or part of a member's interest in a limited liability company, on the terms provided in an operating agreement or, if an operating agreement does not so provide, on the approval or consent of all members.**
- 3. If the person is an assignee of an interest in the limited liability company of a member who has the power under an operating agreement to grant the assignee the right to become a member, on the exercise of the power in compliance with all conditions limiting the member's exercise of the power.**
- 4. If there are no members and all of the assignees consent in writing to the admission of one or more persons as a member or members, unless otherwise provided in the operating agreement.**



REDACTED DUE TO
INFORMATION FALLS
OUTSIDE OF THE SCOPE
OF THE ORDER

Summary of accounts

Checking and Savings

Account	Page	Account number	Ending balance last statement	Ending balance this statement
Complete Advantage * Checking	2	3012730705	46,756.07	[REDACTED]
Wells Fargo Money Market Savings	4	3012737866	2,279.53	[REDACTED]
Total deposit accounts			\$49,035.60	[REDACTED]

Complete Advantage ® Checking

Activity summary

Beginning balance on 11/17	\$46,756.07
Deposits/Additions	[REDACTED]
Withdrawals/Subtractions	[REDACTED]
Ending balance on 12/15	[REDACTED]

Account number: 3012730705

JOSEPH V LIBRETTI JR

Wyoming account terms and conditions apply

For Direct Deposit and Automatic Payments use

Routing Number (RTN): 102301092

Overdraft Protection

Your account is linked to the following for Overdraft Protection:

- Savings - 000003012737866

Interest summary

Interest paid this statement	[REDACTED]
Average collected balance	[REDACTED]
Annual percentage yield earned	[REDACTED]
Interest earned this statement period	[REDACTED]
Interest paid this year	[REDACTED]

Transaction history

Date	Check Number	Description	Deposits/ Additions	Withdrawals/ Subtractions	Ending daily balance
11/19		Deposit Made In A Branch/Store	400.00		
11/19		Deposit Made In A Branch/Store	70.00		47,226.07
11/22		Deposit Made In A Branch/Store	1,150.00		
11/22		Deposit Made In A Branch/Store	580.00		
11/22		Deposit Made In A Branch/Store	70.00		49,026.07
11/24		Deposit Made In A Branch/Store	800.00		
11/24		Deposit Made In A Branch/Store	350.00		
11/24		Deposit Made In A Branch/Store	55.00		
11/24	1400	Check		9,000.00	41,231.07
11/26		Deposit Made In A Branch/Store	1,500.00		
11/26		Deposit Made In A Branch/Store	60.00		
11/26		Online Transfer Ref #lbe29Mkdnb to VISA XXXXXXXXXXXX4735 on 11/26/10		750.00	42,081.07
11/29		Deposit Made In A Branch/Store	85.00		

Ex.D

E:\ Wells Fargo - Libretti (Seizure Warrant)

Name	Size	Type	Last Modified
Bank Cover Sheets and Search Warrant Docs.pdf	244KB	Adobe Acrobat Document	6/1/2011 1:18 PM
Correspondence and Applications - Legal Name Change and Consumer Account.pdf	3,185KB	Adobe Acrobat Document	6/1/2011 1:32 PM
Custom Management Checking Apps - Account 8988.pdf	914KB	Adobe Acrobat Document	6/1/2011 2:17 PM
Debit - Account 8988.pdf	43KB	Adobe Acrobat Document	6/1/2011 10:34 AM
Debit - Account 7866.pdf	44KB	Adobe Acrobat Document	6/1/2011 10:35 AM
Debits - Account 0705.pdf	11MB	Adobe Acrobat Document	6/1/2011 11:29 AM
Deposit Slips - Account 0705.pdf	9,363KB	Adobe Acrobat Document	6/1/2011 10:29 AM
Deposit Slips - Account 7866.pdf	214KB	Adobe Acrobat Document	6/1/2011 10:30 AM
Deposit Slips - Account 8988.pdf	550KB	Adobe Acrobat Document	6/1/2011 10:34 AM
Loan Application.pdf	445KB	Adobe Acrobat Document	6/1/2011 1:35 PM
Opening and Closing - Account 6323.pdf	643KB	Adobe Acrobat Document	6/1/2011 1:41 PM
Opening and Closing - Account 6703.pdf	303KB	Adobe Acrobat Document	6/1/2011 1:38 PM
Payment - Account 2094.pdf	2,764KB	Adobe Acrobat Document	6/1/2011 11:42 AM
Payment - Account 4735.pdf	135KB	Adobe Acrobat Document	6/1/2011 11:43 AM
Payment - Account 6460.pdf	495KB	Adobe Acrobat Document	6/1/2011 11:45 AM
Safe Deposit Box Lease Agreement.pdf	263KB	Adobe Acrobat Document	6/1/2011 1:42 PM
Statement - Account 0705.pdf	10MB	Adobe Acrobat Document	6/1/2011 2:10 PM
Statements - Account 2094.pdf	4,041KB	Adobe Acrobat Document	6/1/2011 2:49 PM
Statements - Account 4735.pdf	5,479KB	Adobe Acrobat Document	6/1/2011 2:38 PM
Statements - Account 6323.pdf	293KB	Adobe Acrobat Document	6/1/2011 2:14 PM
Statements - Account 6460.pdf	1,569KB	Adobe Acrobat Document	6/1/2011 2:21 PM
Statements - Account 6703.pdf	132KB	Adobe Acrobat Document	6/1/2011 2:11 PM
Wire - Account 0705.pdf	787KB	Adobe Acrobat Document	6/1/2011 1:20 PM
Wire - Account 8988.pdf	67KB	Adobe Acrobat Document	6/1/2011 1:21 PM

E:\ June 1, 2011 Discovery - U.S. v. Libretti; 11-CR-69-F

<u>Name</u>	<u>Size</u>	<u>Type</u>	<u>Last Modified</u>
Wells Fargo - Libretti (Seizure Warrant)	0	File Folder	6/1/2011 2:48 PM
Key Bank Records recv per seizure warrant.pdf	4,431KB	Adobe Acrobat Document	6/1/2011 10:19 AM
Vanguard records - Libretti (seizure warrant).pdf	3,002KB	Adobe Acrobat Document	6/1/2011 10:41 AM

**U.S. District Court
District of Wyoming (Casper)
CRIMINAL DOCKET FOR CASE #: 1:11-cr-00069-NDF All Defendants**

Case title: USA v. Libretti

Date Filed: 03/18/2011

Date Terminated: 03/02/2012

Assigned to: Honorable Nancy D
Freudenthal

Appeals court case number: 11-8091
10th Circuit

Defendant (1)

Joseph Libretti
TERMINATED: 03/02/2012

represented by **Robert R Rose , III**
1107 West 6th Avenue
P O Box 1006
Cheyenne, WY 82003-1006
307/635-1533
Fax: 307/637-7445
Email: robertrose3@hotmail.com
TERMINATED: 08/03/2011
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Thomas A Fleener
FLEENER & VANG
2523 Garfield, Suite D
P O Box 1186
Laramie, WY 82073-0913
307/460-4333
Fax: 866/572-8015
Email: tom@fleenerlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

07/08/2011	43	[TEXT ONLY] ORDER re <u>20</u> Granting Defendant's MOTION for Release of Siezed Assets filed by Joseph Libretti, and ordering the United States release and remit to Defendant those assets siezed under six Notices of Seizure, Case No. MV-09-0015, with the exception of \$10,000.00 which is alleged by the United States as obtained directly or indirectly as a result of a violation of the offense in the indictment in this case, by the Honorable Judge Nancy D Freudenthal. (Freudenthal, Nancy) (Entered: 07/08/2011)
07/08/2011	<u>44</u>	ORDER granting <u>20</u> Motion for Order for release of seized assets by Defendant(s) as to Joseph Libretti (1); denying <u>26</u> Motion to Dismiss Indictment as to Joseph Libretti (1) by the Honorable Judge Nancy D Freudenthal.(sjs,) (Entered: 07/08/2011)
07/15/2011	<u>45</u>	Praecipe for Subpoenas by Plaintiff USA, 3 subpoenas issued. (stbd) (Entered: 07/15/2011)
07/17/2011	<u>46</u>	EX-PARTE DOCUMENT MOTION by Defendant Joseph Libretti. (Attachments: # <u>1</u> Proposed Order)(Rose, Robert) (Entered: 07/17/2011)
07/17/2011	<u>47</u>	EX-PARTE DOCUMENT MOTION by Defendant Joseph Libretti. (Attachments: # <u>1</u> Proposed Order)(Rose, Robert) (Entered: 07/17/2011)
07/17/2011	<u>48</u>	MOTION for Leave to <i>File Additional Pretrial Motions</i> by Defendant(s) Joseph Libretti. (Attachments: # <u>1</u> Proposed Order)(Rose, Robert) (Entered: 07/17/2011)
07/17/2011	<u>49</u>	MOTION for Return of Property <i>Safe Deposit Box Keys and Contents</i> by Defendant(s) Joseph Libretti. (Attachments: # <u>1</u> Proposed Order)(Rose, Robert) (Entered: 07/17/2011)
07/17/2011	<u>50</u>	MOTION for Discovery by Defendant(s) Joseph Libretti. (Attachments: # <u>1</u> Proposed Order)(Rose, Robert) (Entered: 07/17/2011)
07/17/2011	<u>51</u>	MOTION for Release of Funds by Defendant(s) Joseph Libretti. (Attachments: # <u>1</u> Proposed Order)(Rose, Robert) (Entered: 07/17/2011)
07/17/2011	<u>52</u>	MOTION to Suppress <i>Evidence (The June 2, 2010 Casper Search)</i> by Defendant(s) Joseph Libretti. (Attachments: # <u>1</u> Exhibit)(Rose, Robert) (Entered: 07/17/2011)
07/17/2011	<u>53</u>	NOTICE of Intent to File a Motion to Withdraw 1992 Guilty Plea by defendant Joseph Libretti (Attachments: # <u>1</u> Proposed Order)(Rose, Robert) (Entered: 07/17/2011)
07/18/2011	54	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - ORDER EX-PARTE DOCUMENT denying <u>46</u> Defendant's Ex Parte Motion for Expert Services at the Government's Expense as to Joseph Libretti (1) by the Honorable Judge Nancy D Freudenthal. The Court ordered the release of assets to Defendant thus the required showing for services at the government's expense is not met.(Freudenthal, Nancy) (Entered: 07/18/2011)
07/18/2011	55	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - ORDER EX-PARTE DOCUMENT denying <u>47</u> Defendant's Ex Parte Motion for Paralegal Services as to Joseph Libretti (1) by

		investigation done in this case nor may he offer opinion testimony concerning Mr. Breendon's intentions, actions or inactions.(Freudenthal, Nancy) (Entered: 01/24/2012)
01/24/2012	<u>216</u>	MINUTES - Jury Trial day 5 as to Joseph Libretti held on 1/24/2012 Proceedings held before Honorable Nancy D Freudenthal. (Court Reporter Jan Davis.) (Court Staff, sal) (Entered: 01/24/2012)
01/25/2012	<u>217</u>	EXHIBIT LIST. (Court Staff, sal) (Entered: 01/25/2012)
01/26/2012	<u>218</u>	MINUTES - Jury Trial day 6 as to Joseph Libretti held on 1/26/2012 Proceedings held before Honorable Nancy D Freudenthal. (Court Reporter Jan Davis.) (Court Staff, sal) (Entered: 01/26/2012)
01/26/2012	<u>219</u>	MINUTES - Jury Trial as to Joseph Libretti completed on 1/26/2012 Proceedings held before Honorable Nancy D Freudenthal. Defendant found not guilty. (Court Reporter Jan Davis.) (Court Staff, sal) (Entered: 01/26/2012)
01/26/2012	<u>220</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - Jury Note/Question. (Court Staff, sal) (Entered: 01/26/2012)
01/26/2012	<u>221</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - Jury Note/Question. (Court Staff, sal) (Entered: 01/26/2012)
01/26/2012	<u>222</u>	Jury Instructions given by the court as to Joseph Libretti. (Court Staff, sal) (Entered: 01/26/2012)
01/26/2012	<u>223</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - JURY VERDICT as to Joseph Libretti (1) - Not Guilty on Count 1. (Court Staff, sal) (Entered: 01/26/2012)
01/26/2012	<u>224</u>	MINUTE ORDER as to Joseph Libretti by Honorable Nancy D Freudenthal. Following a not guilty verdict in the trial of the above matter, Joseph Libretti shall be released from the custody of the USMS immediately. Certified copy to USMS on this date.(Court Staff, sal) (Entered: 01/26/2012)
01/27/2012	<u>225</u>	ORDER releasing \$10,000 in United States Currency as to Joseph Libretti by Honorable Nancy D Freudenthal. Cert copies to US Marshal 1/27/12.(Court Staff, sjs) (Entered: 01/27/2012)
01/31/2012	<u>226</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - Writ of Habeas Corpus ad Testificandum Returned Executed for S.P.B. on 1/31/12 in case as to Joseph Libretti (Court Staff, sjs) (Entered: 01/31/2012)
02/03/2012	<u>227</u>	NON-PUBLIC DOCUMENT pursuant to the Judicial Conference Policy on Privacy and Public Access - Writ of Habeas Corpus ad Testificandum Returned Executed for JEJ on 2/1/12. in case as to Joseph Libretti (Court Staff, szf) (Entered: 02/03/2012)
02/09/2012	<u>228</u>	Certificate of Service-Process Receipt and Return by Marshall Service re <u>225</u> Order as to Joseph Libretti. (Court Staff, sjs) (Entered: 02/09/2012)

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

JUL 08 2011

Stephan Harris, Clerk
Cheyenne

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH LIBRETTI,

Defendant.

Case No. 11-CR-69-F

**ORDER GRANTING DEFENDANT'S MOTION FOR RELEASE OF SEIZED
ASSETS AND DENYING DEFENDANT'S MOTION TO DISMISS INDICTMENT**

This matter is before the Court on Defendant's Motion for Release of Seized Assets and Defendant's Motion to Dismiss Indictment. The Court having reviewed the motions, heard oral arguments and being fully informed in the premises FINDS and ORDERS as follows:

Defendant's Motion for Release of Seized Assets

Prior to the hearing in this matter, the Government and Defendant agreed that the Government would release Defendant's seized assets, with the exception of the \$10,000.00 in assets related to the conduct in the charged offense. Therefore, Defendant's Motion for Release of Seized Assets is GRANTED.



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

TAX EXEMPT AND
GOVERNMENT ENTITIES
DIVISION

JUL 11 2012

Uniform Issue List: 408.03-00

Legend:

Taxpayer A =
IRA B =
Financial Institution C =
Fund D =
Fund E =
Agency F =
Account G =
Financial Institution H =
Individual I =
Amount 1 =
Amount 2 =
Amount 3 =
Amount 4 =

Dear :

This letter is in response to a request for a letter ruling dated April 3, 2012, as supplemented by additional information dated May 16, 2012, in which you request a waiver of the 60-day rollover requirement contained in section 408(d)(3) of the Internal Revenue Code ("Code").

E x . F

The following facts and representations have been submitted under penalty of perjury in support of the ruling requested:

Taxpayer A, age 48, at the time of the distribution of Amount 3 from IRA B, asserts that his failure to accomplish a rollover of Amount 3 within the 60-day period prescribed by section 408(d)(3) was due to his incarceration which interfered with the management of his financial affairs.

Taxpayer A maintained IRA B, an individual retirement account, under section 408(a) of the Code, with Financial Institution C. Within IRA B, Taxpayer A invested in Fund D and Fund E. In March, 2011, Taxpayer A was arrested. In connection with his arrest, Agency F seized Amount 1 from Fund D and Amount 2 from Fund E (totaling Amount 3). Subsequently, Taxpayer A's attorney (Individual I) filed a motion for release of his seized assets. In July, 2011, a federal court ordered the release of all but Amount 4 of Taxpayer A's seized assets. This amount was initially deposited into Individual I's client trust account. Soon thereafter, Individual I transferred this to Taxpayer A's father's account (Account G) with Financial Institution H. In January, 2012, Taxpayer A was acquitted and released from confinement. The remaining portion of the assets seized from IRA B was refunded.

Taxpayer A received a Form 1099 R showing a distribution of Amount 3 from IRA B for the 2011 taxable year. On February 1, 2012, Taxpayer A mailed to Financial Institution C a check for Amount 3 and included an instruction that it be deposited into IRA B and allocated to Funds D and E in the same amounts at the time it was seized. On February 6, 2012, Financial Institution C deposited Amount 1 and Amount 2 (totaling Amount 3) into Funds D and E, respectively, within IRA B.

Based on the above facts and representations, you request that the Internal Revenue Service ("Service") waive the 60-day rollover requirement contained in section 408(d)(3) of the Code with respect to the distributions of Amount 3.

Section 408(d)(1) of the Code provides that, except as otherwise provided in section 408(d) of the Code, any amount paid or distributed out of an IRA shall be included in gross income by the payee or distributee, as the case may be, in the manner provided under section 72 of the Code.

Section 408(d)(3) of the Code provides the rules applicable to IRA rollovers.

Section 408(d)(3)(A) of the Code provides that section 408(d)(1) of the Code does not apply to any amount paid or distributed out of an IRA to the individual for whose benefit the IRA is maintained if -

(i) the entire amount received (including money and any other property) is paid into an IRA for the benefit of such individual not later than the 60th day after the day on which the individual receives the payment or distribution; or

(ii) the entire amount received (including money and any other property) is paid into an eligible retirement plan (other than an IRA) for the benefit of such individual not later than the 60th day after the date on which the payment or distribution is received, except that the maximum amount which may be paid into such plan may not exceed the portion of the amount received which is includible in gross income (determined without regard to section 408(d)(3) of the Code). Section 408(d)(3)(B) of the Code provides that section 408(d)(3) of the Code does not apply to any amount described in section 408(d)(3)(A)(i) of the Code received by an individual from an IRA if at any time during the 1-year period ending on the day of such receipt such individual received any other amount described in section 408(d)(3)(A)(i) of the Code from an IRA which was not includible in gross income because of the application of section 408(d)(3) of the Code.

Section 408(d)(3)(D) of the Code provides a similar 60-day rollover period for partial rollovers.

Section 408(d)(3)(I) of the Code provides that the Secretary may waive the 60-day requirement under sections 408(d)(3)(A) and 408(d)(3)(D) of the Code where the failure to waive such requirement would be against equity or good conscience, including casualty, disaster, or other events beyond the reasonable control of the individual subject to such requirement. Only distributions that occurred after December 31, 2001, are eligible for the waiver under section 408(d)(3)(I) of the Code.

Rev. Proc. 2003-16, 2003-4 I.R.B. 359 (January 27, 2003) provides that in determining whether to grant a waiver of the 60-day rollover requirement pursuant to sections 408(d)(3)(I) and 402(c)(3)(B) of the Code, the Service will consider all relevant facts and circumstances, including: (1) errors committed by a financial institution; (2) inability to complete a rollover due to death, disability, hospitalization, incarceration, restrictions imposed by a foreign country or postal error; (3) the use of the amount distributed (for example, in the case of payment by check, whether the check was cashed); and (4) the time elapsed since the distribution occurred.

The information presented and the documentation submitted by Taxpayer A is consistent with his assertion that his failure to accomplish a timely rollover of Amount 3 was due to his incarceration which interfered with the management of his financial affairs.

Therefore, pursuant to section 408(d)(3)(I), the Service hereby waives the 60-day rollover requirement with respect to the distribution of Amount 3 from IRA B. Provided all other requirements of section 408(d)(3) of the Code, except the 60-day requirement, were met with respect to Taxpayer A's contribution of Amount 3 into IRA B on February 6, 2012, such contribution will be considered a rollover contribution within the meaning of section 408(d)(3) of the Code.

No opinion is expressed as to the tax treatment of the transaction described herein under the provisions of any other section of either the Code or regulations which may be applicable thereto.

This letter is directed only to the taxpayer who requested it. Section 6110(k)(3) of the Code provides that it may not be used or cited as precedent.

If you wish to inquire about this ruling, please contact (I.D. #), at ()

Sincerely yours,

Carlton A. Watkins

Manager
Employee Plans Technical Group 1

Enclosures:

Deleted Copy of this Letter
Notice of Intention to Disclose, Notice 437

October 6, 2012

Department of the Treasury
Internal Revenue Service
Fresno, CA 93888-0002

Re: SSN 350-64-2663

Dear Madam or Sir:

I have prepared this 2011 tax return to the best of my ability with the records I have. The government seized all of my records. The government was ordered to return all of my records, but as of yet, has not. I have estimated very conservatively and have likely overpaid any taxes. When all of my documents are returned to me, I will file an amended return, if needed.

Thank you,

Joseph V. Libretti Jr.

Ex. G

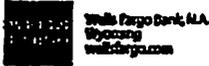
JOSEPH V LIBRETTI JR 05-08
3225 QUIVERA RIVER RD
CASPER, WY 82604-5488

1392
00-109/1023 810
3012730705

14/5/17 DATE

PAY TO THE ORDER OF JOSEPH LIBRETTI \$ 9,000.00-

NINE THOUSAND and ^{XX}/₁₀₀ DOLLARS



Wells Fargo Bank, N.A.
WYOMING
wellsfargo.com

FOR 352022036631 Joseph Libretti

⑆ 102301092⑆ 3012730705⑆ 01392

Joseph Libretti

R/T Number
Sequence Number
Account Number

010230109
000008452418839
3012730705

Processing Date
Amount
Serial Number

20101105
0000900000
00000000001392

JOSEPH V LIBRETTI JR 05-08
3225 QUIVERA RIVER RD
CASPER, WY 82604-6456

1393

69-109/1023 610
3012730705

11/10/10 ONE

PAY TO THE
ORDER OF

JOSEPH LIBRETTI JR

\$ 9,000.00

NINE THOUSAND ⁰⁰/₁₀₀

DOLLARS



Wells Fargo Bank, N.A.
Wynning
wfb.com

FOR

Joseph Libretti

⑆102301092⑆ 3012730705⑆ 01393

Joseph Libretti

R/T Number 010230109
Sequence Number 000008551903603
Account Number 3012730705

Processing Date 20101110
Amount 0000900000
Serial Number 00000000001393

JOSEPH V LIBRETTI JR 05-09
 3225 QUIVERA RIVER RD
 CASPER, WY 82504-6458

1400
 99-10971023 910
 3012730705

DATE 11/21/10

PAY TO THE ORDER OF JOSEPH LIBRETTI \$ 7000.00
11 THOUSAND AND 00 CENTS DOLLARS

Wells Fargo Bank, N.A.
 Wyoming
 wells Fargo.com

FOR JOJO 2307831 Joseph V. Libretti Jr

⑆02301092⑆ 3012730705⑈ 01400

Joseph V. Libretti Jr

R/T Number	010230109	Processing Date	20101124
Sequence Number	000008557367113	Amount	0000600000
Account Number	3012730705	Serial Number	000000000001400

EX. J

JOSEPH V LIBRETTI JR 06-08
 3225 CUVERA RIVER RD
 CASPER, WY 82404-5456

1402
 88-109/1023 810
 3012730705

11/29/10

PAY TO THE ORDER OF JOSEPH LIBRETTI \$ 9,000 00

NINE THOUSAND AND ^{XX}/₁₀₀ DOLLARS


 Wells Fargo Bank, N.A.
 Wyoming
 wells Fargo.com

FOR 3520 220 366 31 Joseph V Libretti Jr.

⑆ 0102301092⑆ 3012730705⑆ 01402

R/T Number	010230109	Processing Date	20101129
Sequence Number	000008558477192	Amount	0000900000
Account Number	3012730705	Serial Number	000000000001402

Ex K

JOSEPH V LIBRETTI JR 05-08
8225 QUIVERA RIVER RD
CASPER, WY 82604-6468

1404

99-109/1023 910
3012730705

11/29/10 DATE

PAY TO THE
ORDER OF

JOSEPH LIBRETTI

\$ 8,100.00

EIGHT THOUSAND and 00/100

DOLLARS



Wells Fargo Bank, N.A.
Wyoming
wellsfargo.com

FOR

520 220 366 31

Joseph V. Libretti Jr.

⑆ 102301092⑆ 3012730705⑆ 01404

Joseph V. Libretti Jr.

R/T Number
Sequence Number
Account Number

010230109
000008451858917
3012730705

Processing Date
Amount
Serial Number

20101130
0000800000
000000000001404

Ex. L

Key Advantage Money Market Checking Statement

December 9, 2010

KeyNotes (continued)

New HSA Enrollment Options

This is generally a time when businesses have open enrollment for the upcoming benefits year. If you elect to enroll in a HSA-eligible High Deductible Health Plan (HDHP) for the first time or choose to continue with your HSA-eligible HDHP, KeyBank can help. The KeyBank Health Savings Account can work in conjunction with any HSA-eligible HDHP. The KeyBank HSA is an FDIC insured checking account with unlimited check, debit card and on-line access with most account fees waived with your Key checking account. Combined with our competitive interest rate and variety of investment options, the KeyBank HSA makes a great addition to your benefits. It's your account and your choice.

For more information on the KeyBank HSA visit your local KeyBank branch or visit key.com/HSA.

The Key Possibilities® Mastercard® gift card - the anything and everything gift it's good anywhere MasterCard® debit cards are accepted, is safer than cash because it's FDIC-insured, and always fits perfectly. The Key Possibilities card is available in values from \$25 to \$2,500, and can be used at any KeyBank ATM or ATM displaying the STAR® or Cirrus® acceptance marks. Plus it makes the perfect incentive for employees or co-workers.

Buy yours today at any KeyBank branch. Ask for a FREE decorative gift card holder, too, with space to write a personal message to make your gift even more special.

Subject to the terms of the Key Possibilities Cardholder Agreement. The balance on the card is FDIC-insured up to the maximum allowable limit. Issued by KeyBank pursuant to a license by MasterCard International Incorporated. Mastercard and the MasterCard Brand Mark are registered trademarks of MasterCard International Incorporated. Card issuance fee may apply.

Access your accounts on the go with Key's Mobile Banking! Simply text BAL or HIST to MYKEY (88539) to get your account balance or last 4 transactions. Visit key.com/mobile or call 888-788-4109 to get started today.

Online Banking clients can also visit m.key.com to view balances, transactions, transfer funds, and pay bills.

Deposits

<i>Date</i>	<i>Description</i>	<i>Amount</i>
11-6	Deposit Branch 0202 Ohio	\$9,200.00
11-10	Deposit Branch 0202 Ohio	9,000.00
11-24	Deposit Branch 0202 Ohio	8,000.00
11-29	Deposit Branch 0202 Ohio	8,000.00
11-30	Deposit Branch 0202 Ohio	8,000.00
12-9	Deposit Branch 0202 Ohio	200.00
Total		\$44,400.00



Member FDIC
Page 2 of 4

000952022030831-00101
12141

Ex M



REDACTED DUE TO
INFORMATION FALLS
OUTSIDE OF THE SCOPE
OF THE ORDER

Summary of accounts

Checking and Savings

Account	Page	Account number	Ending balance last statement	Ending balance this statement
Complete Advantage * Checking	2	3012730705	46,756.07	[REDACTED]
Wells Fargo Money Market Savings	4	3012737866	2,279.53	[REDACTED]
Total deposit accounts			\$49,035.60	[REDACTED]

Complete Advantage * Checking

Activity summary

Beginning balance on 11/17	\$46,756.07
Deposits/Additions	[REDACTED]
Withdrawals/Subtractions	[REDACTED]
Ending balance on 12/15	[REDACTED]

Account number: 3012730705

JOSEPH V LIBRETTI JR

Wyoming account terms and conditions apply

For Direct Deposit and Automatic Payments use

Routing Number (RTN): 102301092

Overdraft Protection

Your account is linked to the following for Overdraft Protection:

- Savings - 000003012737866

Interest summary

Interest paid this statement	[REDACTED]
Average collected balance	[REDACTED]
Annual percentage yield earned	[REDACTED]
Interest earned this statement period	[REDACTED]
Interest paid this year	[REDACTED]

Transaction history

Date	Check Number	Description	Deposits/ Additions	Withdrawals/ Subtractions	Ending daily balance
11/19		Deposit Made In A Branch/Store	400.00		
11/19		Deposit Made In A Branch/Store	70.00		47,226.07
11/22		Deposit Made In A Branch/Store	1,150.00		
11/22		Deposit Made In A Branch/Store	580.00		
11/22		Deposit Made In A Branch/Store	70.00		49,026.07
11/24		Deposit Made In A Branch/Store	800.00		
11/24		Deposit Made In A Branch/Store	350.00		
11/24		Deposit Made In A Branch/Store	55.00		
11/24	1400	Check		9,000.00	41,231.07
11/26		Deposit Made In A Branch/Store	1,500.00		
11/26		Deposit Made In A Branch/Store	80.00		
11/26		Online Transfer Ref #Ibe29Mkdnb to VISA Xxxxxxxxxxxxx4735 on 11/26/10		750.00	42,061.07
11/29		Deposit Made In A Branch/Store	85.00		

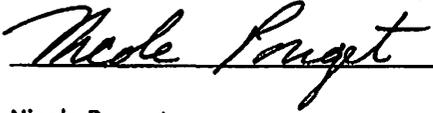
EX. 2

September 6, 2010

Nicole:

Enclosed is a check for \$1,000.00. As we discussed this is a loan to be repaid to me. On the telephone you agreed to send me five checks for \$200 each upon receipt of this check. I understand that I will be able to deposit the first check on October 30 2010, the second check on November 30, 2010, the third check on December 30, 2010, and by the end of February 2011 I will have deposited all of the remaining checks. Of course this assumes that funds will be on deposit in your account to cover these checks. You stated that if you receive three paychecks in one month you will authorize me to deposit any and all of the checks which remain. In any event you will repay this loan in full no later than February 28, 2011.

If this is not your understanding then please do not cash the check and call me. If this is your understanding then please sign on the line below and send this back to me with five checks for \$200 each, each check dated October 30, 2010.



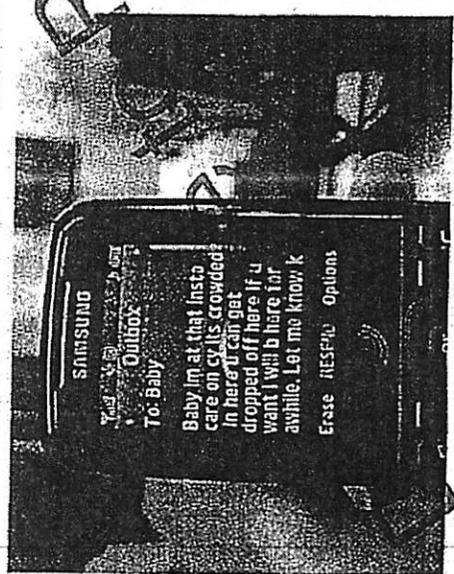
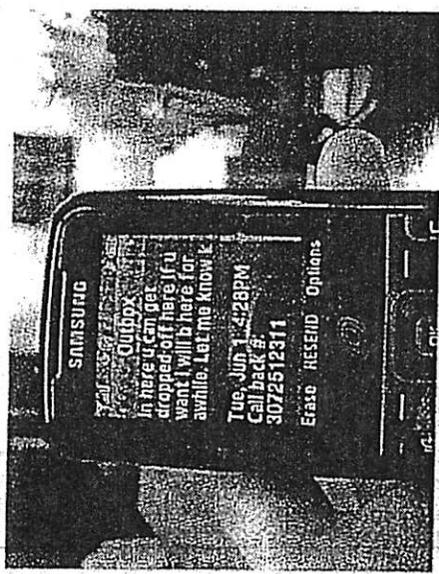
Nicole Pouget

EX. 0

Priget
NICOLE GORNA
1010 BEECHCROFT
CASPER, WY 82401
PO Box 695
Emswille, NY 82636
Date 9-15-10 4293
Pay to the Order of Joseph Albright \$ 200.00
Two hundred / 100 Dollars
HILLTOP NATIONAL BANK
P.O. BOX 2880 PM 265-2720
CASPER, WY 82402
Nicole Priget
⑆102301199⑆ 44 31096⑆ 4293

EX. P

2010 APR 28 PM 7:01



X Q

3RD DISTRICT COURT - SALT LAKE
SALT LAKE COUNTY, STATE OF UTAH

CHILD SUPP SERVICES OFFICE OF RECOVERY SERVICES- vs. BRIAN F HOHLIOS
CASE NUMBER 046913685 Child Support Lien

CURRENT ASSIGNED JUDGE
ROBERT FAUST

PARTIES

Plaintiff - CHILD SUPP SERVICES OFFICE OF RECOVERY SERVICES-
Defendant - BRIAN F HOHLIOS

ACCOUNT SUMMARY

PROCEEDINGS

04-28-04 Case filed Paperless Child Support Lien

Reference Number: 000068040

Judgment Entered - Amount \$5580.00

04-28-04 Judgment Entered - Amount \$5580.00

05-05-04 Judgment # 1 Modified \$ 5670.00

06-02-04 Judgment # 1 Modified \$ 5760.00

07-07-04 Judgment # 1 Modified \$ 5850.00

08-05-04 Judgment # 1 Modified \$ 5940.00

09-01-04 Judgment # 1 Modified \$ 6030.00

10-06-04 Judgment # 1 Modified \$ 6120.00

11-03-04 Judgment # 1 Modified \$ 6210.00

12-01-04 Judgment # 1 Modified \$ 6300.00

01-05-05 Judgment # 1 Modified \$ 6390.00

02-02-05 Judgment # 1 Modified \$ 6480.00

03-02-05 Judgment # 1 Modified \$ 6570.00

04-06-05 Judgment # 1 Modified \$ 6660.00

05-04-05 Judgment # 1 Modified \$ 6750.00

07-06-05 Judgment # 1 Modified \$ 6930.00

08-04-05 Judgment # 1 Modified \$ 7020.00

09-07-05 Judgment # 1 Modified \$ 7110.00

10-06-05 Judgment # 1 Modified \$ 7200.00

11-02-05 Judgment # 1 Modified \$ 7290.00

11-15-05 Judge JOSEPH C FRATTO assigned.

12-07-05 Judgment # 1 Modified \$ 7380.00

EX. R.

01-04-06 Judgment # 1 Modified \$ 7470.00
02-02-06 Judgment # 1 Modified \$ 7560.00
02-02-06 Judgment # 1 Modified \$ 7560.00
03-02-06 Judgment # 1 Modified \$ 7650.00
04-06-06 Judgment # 1 Modified \$ 7740.00
05-03-06 Judgment # 1 Modified \$ 7830.00
06-08-06 Judgment # 1 Modified \$ 7920.00
07-08-06 Judgment # 1 Modified \$ 8010.00
08-02-06 Judgment # 1 Modified \$ 8100.00
09-07-06 Judgment # 1 Modified \$ 8190.00
10-04-06 Judgment # 1 Modified \$ 8280.00
11-01-06 Judgment # 1 Modified \$ 8370.00
12-06-06 Judgment # 1 Modified \$ 8460.00
01-03-07 Judgment # 1 Modified \$ 8550.00
02-07-07 Judgment # 1 Modified \$ 8640.00
03-07-07 Judgment # 1 Modified \$ 8730.00
04-04-07 Judgment # 1 Modified \$ 8820.00
05-02-07 Judgment # 1 Modified \$ 8910.00
06-06-07 Judgment # 1 Modified \$ 9000.00
07-04-07 Judgment # 1 Modified \$ 9090.00
08-01-07 Judgment # 1 Modified \$ 9180.00
09-05-07 Judgment # 1 Modified \$ 9270.00
10-03-07 Judgment # 1 Modified \$ 9360.00
11-07-07 Judgment # 1 Modified \$ 9450.00
12-05-07 Judgment # 1 Modified \$ 9540.00
01-03-08 Judgment # 1 Modified \$ 9546.92
01-30-08 Judgment # 1 Modified \$ 9546.82
02-27-08 Judgment # 1 Modified \$ 9546.72
03-26-08 Judgment # 1 Modified \$ 9546.62
04-09-08 Judgment # 1 Modified \$ 9372.62
04-23-08 Judgment # 1 Modified \$ 9372.52
06-04-08 Judgment # 1 Modified \$ 9337.78
07-02-08 Judgment # 1 Modified \$ 9344.62
08-06-08 Judgment # 1 Modified \$ 9351.46
09-04-08 Judgment # 1 Modified \$ 9358.30
10-01-08 Judgment # 1 Modified \$ 9365.14
10-22-08 Judgment # 1 Modified \$ 9337.73
12-03-08 Judgment # 1 Modified \$ 9427.73
01-07-09 Judgment # 1 Modified \$ 9517.73

02-04-09 Judgment # 1 Modified \$ 9607.73

03-04-09 Judgment # 1 Modified \$ 9697.73

04-01-09 Judgment # 1 Modified \$ 1080.00

10-27-10 Judgment # 1 Satisfied \$0.00

03-20-12 Judge ROBERT FAUST assigned.

Defendant: JOSEPH V. LIBRETTI, JR.
Case Number: 92CR006-01B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years.

While on supervised release, the defendant shall not commit another Federal, state or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this Court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

The defendant shall not use or possess a firearm, ammunition, dangerous weapons or destructive device. Supervised release shall be revoked for possession of a firearm.

Defendant shall not use or possess any illegal drugs or controlled substances. Supervised release shall be revoked for possession of illegal drugs or controlled substances.

Defendant shall participate in drug and alcohol treatment programs as directed by the U.S. Probation Office.

Defendant shall submit to urinalysis testing as directed by the U.S. Probation Office.

Defendant shall contribute 500 hours of community service as directed by the U.S. Probation Office.

Defendant shall pay any remaining balance of the \$5,000.00 fine imposed by this Court as directed by the U.S. Probation Office.

EX. S.

Defendant: JOSEPH V. LIBRETTI, JR.
Case Number: 92CR006-01B

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 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 as directed by the Court or 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 within seventy-two hours of 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 narcotic or other controlled substance, or any paraphernalia related to such 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 by 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;
- 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.

These conditions are in addition to any other conditions imposed by this judgment.

Joseph V. Libretti, Jr.
1900 E. 30th St. Apt. 305
Cleveland, OH 44114
(224355-6358
joelibretti45@yahoo.com

December 20, 2014

FOIA/Privacy Staff
Executive Office for United States Attorneys
600 E Street N.W. (BICN Room 7300)
Dept. of Justice
Washington, DC 20530-0001

RE: FOIA/PA request

This is a request under the Freedom of Information Act and the Privacy Act. I am requesting records regarding myself, Joseph V. Libretti, Jr. The records are likely in the possession of the United States Attorney, Northern District of Ohio, Cleveland Office

This is a follow-up to a January 9, 2014 request, in which I was told that no records responsive to my request existed.

I am requesting the following records:

1. A copy of any agreement between the United States and myself for a grant of immunity in 2011.
2. A copy of any policy that allows the United States to grant immunity to a person pursuant to an oral agreement.

Federal prosecutor Renee Bacchus may have information related to my request. Additionally, a memo written in 2011 by a DEA agent claimed that AUSA Matthew Sheperd received approval from the U.S. Attorney's Office to provide me with immunity from prosecution.

I have included a Certification of Identity.

Sincerely, 
Joseph V. Libretti, Jr.

EX: T

Joseph V. Libretti, Jr.
1900 E. 30th St. Apt. 305
Cleveland, OH 44114
(224)355-6358
joelibretti45@yahoo.com

June 16, 2015

Office of Bar Admissions
Supreme Court of Ohio
65 South Front St. 5th Fl
Columbus, OH 43215-3431

RE: Supplement to Application of Joseph V. Libretti, Jr., case no. 563

Applicant hereby files the following as a supplement to his pending application to take the bar examination:

1. In December of 2014 Mr. Libretti graduated *summa cum laude* from Cleveland-Marshall College of Law.
2. On June 11, 2015, the judgment dismissing *Libretti v. Courtney, et al.*, 2:14-cv-00107, became final with the district court's denial of Plaintiff's motion to alter or amend the judgment. An attorney reviewed the case for Mr. Libretti, determined that a reversible error occurred, and advised Mr. Libretti to appeal. Mr. Libretti filed a timely notice of appeal, but has yet to be provided with a case number for the appeal.
3. Mr. Libretti continues to work at the Cuyahoga County Public Defender's Office.

Respectfully submitted,

Joseph V. Libretti, Jr.