IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED

UNITED STATES OF AMERICA,	)	90 CR 30041 - WDS
	)	CRIMINAL NO. ~~90-~~
Plaintiff,	)	
	)	Title 18 90-0376
vs.	)	United States Code
	)	Sections 1341, 1344, and 2314
THOMAS L. ROOT,	)	
	)	
Defendant.	)	

FILED
SEP 10 1990
CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

THE GRAND JURY CHARGES:

COUNT 1

1. The Community Educational Federal Credit Union, was at all times material hereto, a financial institution located in Madison County, within the Southern District of Illinois, with its deposits insured by the National Credit Union Administration Board.

2. Between on or about March 31, 1989 and April 10, 1989, the defendant, THOMAS L. ROOT, devised a scheme and artifice to defraud and to obtain monies under the custody and control of the Community Educational Federal Credit Union by means of false and fraudulent pretenses and representations.

3. It was a part of the scheme and artifice to defraud and to obtain money and funds by means of false pretenses and representations that the defendant would and did obtain a cashier's check from Robert Howe, said cashier's check being issued by the Community Educational Federal Credit Union, check

United States District Court
for the District of Columbia
A TRUE COPY
NANCY MAYER-WHITTINGTON, Clerk
By [signature] Deputy Clerk
9/2/93

Case Related To 90-134 (JGP)

number 1113, dated March 31, 1989, in the amount of $15,000 payable to THOMAS L. ROOT and Denis R. Cronin.

4. It was further a part of said scheme and artifice that THOMAS L. ROOT would and did cause the endorsement of Denis R. Cronin to be forged on the back of said cashier's check without the consent and knowledge of Denis R. Cronin.

5. It was further a part of the scheme and artifice that the defendant, THOMAS L. ROOT, would and did present said cashier's check with the forged endorsement to the Dominion Bank of Washington, D.C. for payment, thereby causing the Community Educational Federal Credit Union to make payment on said cashier's check.

6. Between on or about March 31, 1989 and April 10, 1989, the defendant, THOMAS L. ROOT, attempted to execute said scheme and artifice to obtain money and funds by means of false pretenses and representations, as set forth above in paragraphs one through five of this Count, in that he caused the endorsement of Denis R. Cronin to be forged on the back of the above-described cashier's check and presented it for payment as herein set forth; all in violation of Title 18, United States Code, Section 1344.

COUNT 2

A. AT ALL TIMES MATERIAL TO THIS INDICTMENT

1. The Community Educational Federal Credit Union was a financial institution located in Madison County, within the

Southern District of Illinois, with the deposits insured by the National Credit Union Administration Board.

2. The defendant, THOMAS L. ROOT, purported to represent Robert Howe and Nikita Maggos as their attorney in Civil Action number 88-2663-MA filed in the Untied States District Court in the District of Massachusetts entitled Denis R. Cronin, Plaintiff v. Nikita G. Maggos and Robert C. Howe, Individually and as General Partners of Norwell Broadcasting Company, a General Partnership, Defendants.

B. PURPOSE OF THE SCHEME AND ARTIFICE

From on or about February 12, 1989 and continuing until at least on or about April 14, 1989, the defendant, THOMAS L. ROOT, devised and intended to devise a scheme and artifice for obtaining money by means of false and fraudulent pretenses and representations.

C. THE SCHEME AND ARTIFICE TO DEFRAUD

1. It was part of the scheme and artifice that the defendant, THOMAS L. ROOT, would represent to Robert Howe that he could settle the aforementioned lawsuit against Nikita G. Maggos and Robert E. Howe but that he needed $15,000 from Robert E. Howe in addition to what Nikita D. Maggos had committed in order to pay Denis R. Cronin to dismiss the lawsuit against them and to obtain a release.

2. It was further a part of the scheme and artifice that the defendant, THOMAS L. ROOT, upon receipt of the $15,000 from Robert E. Howe in the form of a cashier's check made payable

to THOMAS L. ROOT and Denis R. Cronin, would and did cause the name of Denis R. Cronin to be forged on the back thereof and thereby convert the $15,000 to his own use without paying Denis R. Cronin to dismiss the lawsuit against Robert E. Howe and Nikita G. Maggos or for a release.

D. THE MAILING

On or about February 12, 1989, the defendant, THOMAS L. ROOT, for the purpose of executing and attempting to execute the scheme and artifice, did knowingly cause to be delivered by the United States Postal Service to Robert E. Howe, at Radio Station WRYT, 9 Cougar Road, Edwardsville, Illinois 62025, within the Southern District of Illinois, according to the direction thereon, a letter relating to the settlement of the aforementioned lawsuit, which letter was addressed to Robert E. Howe, Radio Station WRYT, 9 Cougar Road, Edwardsville, Illinois 62025 from Thomas L. Root P.C., Attorneys at Law, 2021 L. Street N.W., Suite 750, Washington, D.C. 20036; all in violation of Title 18, United States Code, Section 1341.

COUNT 3

1. The allegations of parts A, B, and C of Count Two of this Indictment are repeated and realleged as though fully set forth in this Count.

2. On or about March 31, 1989, in Wood River, Madison County, within the Southern District of Illinois, the defendant, THOMAS L. ROOT, for the purpose of executing and attempting to execute the scheme and artifice, did cause to be placed in an authorized depository for mail matter a letter addressed to Thomas L. Root, P.C. Attorney at Law, 2021 L. Street, N.W. Suite 750, Washington, D.C. 20036 from Robert E. Howe to be sent and delivered by the Postal Service; all in violation of Title 18, United States Code, Section 1341.

COUNT 4

Between on or about the 31st day of March 1989 and the 14th day of April 1989, in Madison County, within the Southern District of Illinois, THOMAS L. ROOT, the defendant herein, did transport and cause to be transported in interstate commerce from Wood River, Madison County, Illinois to Washington, D.C., money of a value of $5,000 or more, namely $15,000 which the defendant then and there knew had been converted and taken by fraud; all in violation of Title 18, United States Code, Section 2314.

A TRUE BILL

FOREPERSON

for FREDERICK J. HESS
United States Attorney

Recommended Bond: $150,000 @ %10

MMB EX. 3

Federal Communications Commission

Docket No. 93-135 Exhibit No. 3

Presented by MASS MEDIA

Disposition { Identified 12/14
Received 12/14
Rejected

Reporter BARBARA LORD

Date 12/14/93

United States District Court

_____ District of Columbia and Southern District of Illinois

UNITED STATES OF AMERICA

V.

THOMAS L. ROOT

(Name of Defendant)

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

Case Number: 90-134 (DCDC)
90-376 (DCSDI)

Eugene Propper
Defendant's Attorney

FILED
JAN 24 1992
CLERK, U.S. DISTRICT CO
DISTRICT OF COLUMBI

THE DEFENDANT:

☒ pleaded guilty to count(s) 6, 12, 13, 28, 29 and count 4 (90-376)
☐ was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:494	Altering, Forging & Counterfeiting Pub. Records	11/23/88	6
"	" " "	1/13/89	12
18:1341 & 2(b)	Causing or Transm'g by Wire to Execute Scheme to Defraud	1/27/89	13
"	" " "	5/17/89	28
"	" " "	Spring, 1989	29
18:2314	Transportation of Stolen Monies Obtained by Fraud	4/14/89	4(90-376

The defendant is sentenced as provided in pages 2 through _____ 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) _____, and is discharged as to such count(s).
☒ Count(s) remaining counts in DCDC & DCSDI (is)(are) dismissed on the motion of the United States.
☒ It is ordered that the defendant shall pay a special assessment of $ 300.00, for count(s) _____, which shall be due ☐ immediately ☒ as follows: prior to release on supervised release.

IT IS FURTHER ORDERED that the defendant shall 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.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: 4/3/53

Defendant's Mailing Address:

January 17, 1992
Date of Imposition of Sentence

Signature of Judicial Officer
JOHN GARRETT PENN
United States District Court
Name & Title of Judicial Officer

JAN 21 1992
Date

ndant's Residence Address:

United States District Court
for the District of Columbia
A TRUE COPY
NANCY MAYER WHITTINGTON, Clerk
By Michael Codis
Deputy Clerk
9/2/93

1

Defendant: THOMAS L. ROOT
Case Number: 90-134 (DCDC) & 90-376 (DCSDI)

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of THIRTY THREE (33) months on each of Counts 6, 12, 13, 28 and 29 in Cr. 90-134 and count 4 of Cr. 90-376, said sentences to run concurrently by the counts.

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

☐ The defendant is remanded to the custody of the United States marshal.
☐ The defendant shall surrender to the United States marshal for this district,
☐ at ____ a.m. / p.m. on ____.
☐ as notified by the United States marshal.
☒ The defendant shall surrender for service of sentence at the ~~institution designated by the Bureau of Prisons~~ U.S. District Court, Courtroom 15, Wash., D.C.
☒ 9:30 a.m. on 6-30-92.
☐ as notified by the United States marshal.
☐ as notified by the probation office.

RETURN

I have executed this judgment as follows:

_____

_____

_____

_____

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

_____
United States Marshal

By _____
Deputy Marshal

Defendant: THOMAS L. ROOT
Case Number: 90-134 (DCDC) & 90-376 (DCSDI)

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) 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 below). 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 report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

☐ The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

☐ The defendant shall not possess a firearm or destructive device.

The Court finds the defendant does not have the ability to pay a Fine, the costs of incarceration or the costs of supervised release.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

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 72 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;

s 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 story or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: Thomas L. Root
Case Number: 90-0134 90-0376

Judgment—Page _____ of _____

STATEMENT OF REASONS

☑ The court adopts the factual findings and guideline application in the presentence report.

OR

☑ The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

See Memorandum

Guideline Range Determined by the Court:

FILED

JAN 27 1992

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

Total Offense Level: 18

Criminal History Category: I

Imprisonment Range: 27 to 33 months

Supervised Release Range: 2 to 3 years

Fine Range: $ 112,583 to $ 240,765

☑ Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: $ _____

☑ Full restitution is not ordered for the following reason(s):

☐ The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

☐ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

☐ upon motion of the government, as a result of defendant's substantial assistance.

☑ for the following reason(s):

See Memorandum.

COURTRAN 4

mmB EX. 4

Federal Communications Commission

Docket No. 93-135 Exhibit No. 4

Presented by MASS MEDIA

Disposition { Identified 12/14
Received 12/14
Rejected

Reporter BARBARA LORD

Date 12/14/93

Nash County

Office of the Clerk of the Superior Court

I, Mary J. Matthews, Asst., Clerk of the Superior Court of Nash County, State of North Carolina, said Court being a Court of Record, having an official seal, which is hereto affixed, do hereby certify the foregoing and attached (Six (6) sheets) to be a true copy of INDICTMENT, TRANSCRIPT OF PLEA, DISMISSAL AS TO COUNT THREE, JUDGMENT AND COMMITMENT IN FILE NO. 90-CRS-8496, STATE OF NORTH CAROLINA VERSUS THOMAS L. ROOT as the same is taken from and compared with the original now on file in this office.

In Witness Whereof, I hereunto subscribe my name and affix the seal of the Superior Court of Nash County, at my office in Nashville, North Carolina, this 9th day of September, 19 93.

Mary J. Matthews
Assistant Clerk Superior Court
Ex Officio Judge of Probate

SEAL

AOC-L FORM 147

90CRS08496

STATE OF NORTH CAROLINA | IN THE GENERAL COURT OF JUSTICE

NASH COUNTY | SUPERIOR COURT DIVISION

CrS _____

STATE OF NORTH CAROLINA

V.

THOMAS L. ROOT

Defendant

INDICTMENT

✓ COUNT ONE

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that from on or about the 3rd day of June, 1986, to on or about the 31st day of December, 1988 in Nash, Wilson, Wake, Guilford, Lenoir, Forsyth, Craven, Sampson, Alexander, Iredell, and McDowell Counties, North Carolina, Thomas L. Root unlawfully, willfully, and feloniously did conspire, confederate, scheme, agree, plan and combine with Eugene B. White, Ralph M. Savage, Carl W. Hurlebaus, Sonrise Management Services, Inc., Telemedia, Inc. and other persons known and unknown to the State, to unlawfully, willfully, and feloniously commit the felony designated in N.C.G.S. 78A-24 in the counties named above, by unlawfully, willfully and feloniously offering and selling to J.E. Bryant, John R. Buchanan, Charles L. James, Robert L. Groat, Kyle C. Eller, and 45 others certain securities; to wit: interests in partnerships that were to apply to the Federal Communications Commission for an FM radio construction permit, without having registered said securities with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of Common Law.

✓ COUNT TWO

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that from on or about the 3rd day of June, 1986, to on or about the 31st day of December, 1988 in Nash, Wilson, Wake, Guilford, Lenoir, Forsyth, Craven, Sampson, Alexander, Iredell, and McDowell Counties, North Carolina, Thomas L. Root unlawfully, willfully and feloniously did conspire, confederate, scheme, agree, plan and combine with Eugene B. White, Ralph M. Savage, Carl W. Hurlebaus, Sonrise Management Services, Inc., Telemedia, Inc. and other persons known and unknown to the State, to unlawfully, willfully and feloniously commit the felony designated in N.C.G.S. 78A-36 in the counties named above, by unlawfully, willfully and feloniously transacting business in North Carolina by selling to J.E. Bryant, John R. Buchanan, Charles L. James, Robert L. Groat, Kyle C. Eller, and 45 others certain securities; to wit: an interest in partnerships that were to apply to the Federal Communications Commission for an FM radio construction permit, without having registered as a securities dealer and salesman with the Office of the Secretary of State as required by the North Carolina Securities Act, in violation of Common Law.

2

90-30-1555

✓ COUNT THREE

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that from on or about the 3rd day of June, 1986, to on or about the 31st day of December, 1988 in Nash, Wilson, Wake, Guilford, Lenoir, Forsyth, Craven, Sampson, Alexander, Iredell, and McDowell Counties, North Carolina, Thomas L. Root unlawfully, willfully and feloniously did conspire, confederate, scheme, agree, plan and combine with Eugene B. White, Ralph M. Savage, Carl W. Hurlebaus, Sonrise Management Services, Inc., Telemedia, Inc. and other persons known and unknown to the State, to unlawfully, willfully and feloniously commit the felony designated in N.C.G.S. 78A-8(1) in the counties named above, by unlawfully, willfully and feloniously, in connection with the offer, sale and purchase of interests in partnerships that were to apply to the Federal Communications Commission for an FM radio construction permit, to J.E. Bryant, John R. Buchanan, Charles L. James, Robert L. Groat, Kyle C. Eller, and 45 others did directly and indirectly employ a device, scheme and artifice to defraud J.E. Bryant, John R. Buchanan, Charles L. James, Robert L. Groat, Kyle C. Eller and 45 others, in violation of Common Law.

✓ COUNT FOUR

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that from on or about the 3rd day of June, 1986, to on or about the 31st day of December, 1988 in Nash, Wilson, Wake, Guilford, Lenoir, Forsyth, Craven, Sampson, Alexander, Iredell, and McDowell Counties, North Carolina, Thomas L. Root unlawfully, willfully and feloniously did conspire, confederate, scheme, agree, plan and combine with Eugene B. White, Ralph M. Savage, Carl W. Hurlebaus, Sonrise Management Services, Inc., Telemedia, Inc. and other persons known and unknown to the State, to unlawfully, willfully and feloniously commit the felony designated in N.C.G.S. 78A-8(2) in the counties named above, by unlawfully, willfully and feloniously, in connection with the offer, sale and purchase of interests in partnerships that were to apply to the Federal Communications Commission for an FM radio construction permit, to J.E. Bryant, John R. Buchanan, Charles L. James, Robert L. Groat, Kyle C. Eller, and 45 others did directly and indirectly make untrue statements of fact and omit to state material facts which caused said J.E. Bryant, John R. Buchanan, Charles L. James, Robert L. Groat, Kyle C. Eller and 45 others to be misled, in violation of Common Law.

✓ COUNT FIVE

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that from on or about the 3rd day of June, 1986, to on or about the 31st day of December, 1988 in Nash, Wilson, Wake, Guilford, Lenoir, Forsyth, Craven, Sampson, Alexander, Iredell, and McDowell Counties, North Carolina, Thomas L. Root unlawfully, willfully and feloniously did conspire, confederate, scheme, agree, plan and combine with Eugene B. White, Ralph M. Savage, Carl W. Hurlebaus, Sonrise Management Services, Inc., Telemedia, Inc. and other persons known and unknown to the State, to unlawfully, willfully and feloniously commit the felony designated in N.C.G.S. 78A-8(3) in the counties named above, by unlawfully, willfully and feloniously, in connection with the offer, sale and purchase of interests in partnerships that were to apply to the Federal Communications Commission for an FM radio construction permit, to J.E. Bryant, John R. Buchanan, Charles L.

90-30-1556

James, Robert L. Groat, Kyle C. Eller, and 45 others did directly and indirectly engage in an act, practice and course of business which operated as a fraud and deceit upon J.E. Bryant, John R. Buchanan, Charles L. James, Robert L. Groat, Kyle C. Eller and 45 others, in violation of Common Law.

Howard S. Boney, Jr.
~~Assistant~~ District Attorney

WITNESSES:

X Earl F. Manning, Office of the Secretary of State

____ Elizabeth T. Powell, Office of the Secretary of State

____ Benjamin A. Lewis, Office of the Secretary of State

The witnesses marked "X" were sworn by the undersigned Foreman of the Grand Jury and, after hearing testimony, this bill was found to be:

X A TRUE BILL by twelve or more grand jurors, and I, the undersigned Foreman of the Grand Jury, attest the concurrence of twelve or more Grand Jurors in this Bill of Indictment.

____ NOT A TRUE BILL.

DATE: 6/4/90

M A Nus
Signature of Grand Jury Foreman

4

90-30-1557

STATE OF NORTH CAROLINA

File No. 90 CRS 8496-8499; 9155-9161

In The General Court Of Justice

NASH County

☐ District ☒ Superior Court Division

STATE VERSUS

Name Of Defendant

THOMAS L. ROOT

TRANSCRIPT OF PLEA

G.S. 15A-1022

The defendant, having offered a plea of NO CONTEST and being first duly sworn, makes the following answers to the questions set out below:

	Answers
1. Are you able to hear and understand me?	Yes Sir
2. Do you understand that you have the right to remain silent and that any statement you make may be used against you?	Yes Sir
3. Are you now under the influence of alcohol, drugs, narcotics, medicines, pills, or any other intoxicants?	No Sir
(a) When was the last time you used or consumed any such substance?	
4. Have you discussed your case fully with your lawyer and are you satisfied with his legal services?	Yes Sir
5. (a) Do you understand that you are pleading ~~(guilty)~~ (no contest) to the felonies of Violation of N.C.G.S. 78A-24 (90 Counts); Violation of N.C.G.S. 78A-36 (90 Counts); Conspiracy to commit felony in violation of North Carolina Securities Act (Counts 1, 2, 4, and 5 in indictment); Violation of N.C.G.S. 78A-8(2) (90 Counts); and Violation of N.C.G.S. 78-8(3) (90 Counts)?	Yes Sir
5. (b) Do you understand that you are pleading (guilty) (no contest) to the misdemeanors of _____?	
6. Have the charges been explained to you by your lawyer, and do you understand the nature of the charges, and do you understand every element of each charge?	Yes Sir
7. Do you understand that upon your plea you could be imprisoned for a possible maximum sentence of 1812 years _____ months (and that the mandatory minimum sentence is _____ years _____ months)?	Yes Sir
8. Do you understand that you have the right to plead not guilty and be tried by a jury and at such trial to be confronted with and to cross-examine the witnesses against you, and by this plea you give up these and your other constitutional rights relating to trial by jury?	Yes Sir
9. *(If applicable)* Do you understand that, because you are not a citizen of the United States of America, this plea may result in deportation, the exclusion from admission to this country, or the denial of naturalization under federal law?	
10. Do you now personally plead ~~(guilty)~~ (no contest)?	Yes Sir
11. ~~(a) *(If applicable)* Are you in fact guilty?~~	
(b) *(If applicable)* Do you understand that upon your plea of no contest you will be treated as being guilty whether or not you admit your guilt?	Yes Sir
12. Have you agreed to plead as a part of a plea arrangement? Before you answer, I advise you that the Courts have approved plea negotiating, and if there is such, you may advise me truthfully without fear of incurring my disapproval.	Yes Sir

5a

90-53-368

AOC-CR-300
Rev. 1/90

(Over)

13. *(if applicable)* The prosecutor and your lawyer have informed the Court that these are all the terms and conditions of your plea. **Answers**

State agrees to dismiss Counts 1 through 90 in 90 CRS 8499 and 90 CRS 9161 and Count 3 in 90 CRS 8496. Defendant agrees to give truthful testimony for the State in other criminal actions filed and/or being filed in connection with the matters asserted in the indictments against defendant. Defendant to receive a fifteen (15) year active sentence to run concurrent with any sentence imposed against defendant by any federal court. Defendant to pay a fine of $5,000.00 on or before January 1, 1994. Prayer for judgment to be continued until first criminal session of Nash County Superior Court in January, 1991. Defendant to pay three bills of cost and reimburse the State for attorney fees allowed by the Court.

(a) Is this correct as being your full plea arrangement? Yes Sir

(b) Do you now personally accept this arrangement? Yes Sir

14. (Other than the plea arrangement between you and the prosecutor) has anyone made any promises or threatened you in any way to cause you to enter this plea against your wishes? No Sir

15. Do you enter this plea of your own free will, fully understanding what you are doing? Yes Sir

16. Do you have any questions about what has just been said to you or about anything else connected with your case to this point? No Sir

I am 37 years of age and have completed the 20 grade of school. *(List any additional education, if applicable.)*
BA Journalism - Ohio Wesleyan University
MA Journalism - Ohio State University
Juris Doctorate - Ohio State University

I have read or have heard all of these questions and understand them. The answers shown are the ones I gave in open court and they are true and accurate. Neither my lawyer nor anyone else has told me to give false answers in order have the Court accept my plea in this case. The conditions of the plea as stated on the reverse, if any, are accurate.

SWORN AND SUBSCRIBED TO BEFORE ME	Date 10-26-90
10-26-90	Signature Of Defendant
Signature Of Deputy Or Assistant CSC: Mary J. Matthews asst CSC	Name Of Defendant (Type Or Print)

CERTIFICATION BY LAWYER FOR DEFENDANT

As lawyer for the defendant named above, I hereby certify that the conditions stated on the reverse, if any, upon which the defendant's plea was entered are correct and they are agreed to by the defendant and myself upon which the defendant's plea was entered. I further certify that I have fully explained to the defendant the nature and elements of the charges to which he is pleading.

Date 10-26-90	Signature Of Lawyer For Defendant

CERTIFICATION BY PROSECUTOR

As prosecutor for the 7th Prosecutorial District, I hereby certify that the conditions stated on the reverse, if any, are the terms agreed to by the defendant and his lawyer and myself for the entry of the plea by the defendant to the charge in this case.

Date 10-26-90	Signature Of Prosecutor

PLEA ADJUDICATION

Upon consideration of the record proper, evidence presented, answers of defendant, and statements of the lawyer for the defendant and the prosecutor, the undersigned finds:

1. That there is a factual basis for the entry of the plea.
2. That the defendant is satisfied with his lawyer.
3. That the defendant is competent to stand trial and that the plea is the informed choice of the defendant and is made freely, voluntarily and understandingly.

The defendant's plea is hereby accepted by the Court and is ordered recorded.

Date 10-26-90	Signature Of Presiding Judge

AOC-CR-300
Rev. 1/90

90-53-369

File No.
90CRS8496 (Count 3)

STATE OF NORTH CAROLINA

NASH County

In The General Court Of Justice
☐ District ☒ Superior Court Division

STATE VERSUS

Defendant
THOMAS L. ROOT

DISMISSAL / NOTICE OF REINSTATEMENT

G.S. 15A-302(e);-931;932;-1009

Offense
Conspiracy to Violate N.C.G.S. 78A (Count 3)

☒ **DISMISSAL**

The undersigned prosecutor enters a dismissal to the above charge(s) and assigns the following reasons:

☐ No crime is charged.

☐ There is insufficient evidence to warrant prosecution for the following reasons:

☒ Defendant has agreed to plead ~~guilty~~ no contest to the following charges: Violation of N.C.G.S. 78A-24(90 cts.) Violation of N.C.G.S. 78A-36(90 cts.) Conspiracy to commit felony in violation of North Carolina Securities Act (Counts 1,2,4 and 5); Violation of N.C.G.S. 78A-8(2) (90 cts.); and Violation of N.C.G.S. 78-8(3) (90 cts.) ~~in exchange for a dismissal of the following charges~~ in exchange for a dismissal of the above charges.

☐ Other (specify)

A jury has not been impanelled nor has evidence been introduced. *(If a jury has been impanelled, or if evidence has been introduced, modify this sentence accordingly.)*

☐ **DISMISSAL WITH LEAVE**

The undersigned prosecutor enters a dismissal with leave to the above charge(s) and assigns the following reasons:

☐ The defendant failed to appear for a criminal proceeding at which his attendance was required and the prosecutor believes that the defendant can not readily be found.

☐ The defendant has been indicted and cannot readily be found to be served with an Order for Arrest.

☐ The defendant has been found by a court to be incapable of proceeding pursuant to Article 56 of G.S. Chapter 15A.

NOTE: This form must be completed and signed by the prosecutor when the dismissal occurs out of court. The better practice is for the prosecutor to complete and sign the form when the charges are orally dismissed in open court.

Date	Signature Of Prosecutor
October 26, 1990	[signature]

☐ **REINSTATEMENT**

This case having previously been dismissed with leave because the defendant failed to appear in court as required, is now reinstated for trial.

Date	Signature Of Prosecutor
6	OCT 29 1990

AOC-CR-307
Rev. 12/85

Original - File

90-53-370

STATE OF NORTH CAROLINA

File No. 90-CRS-8496

Nash County Nashville Seat Of Court

In The General Court Of Justice
☐ District ☒ Superior Court Division

NOTE:
(This form is not to be used for multiple offenses unless they are consolidated for judgment.)

STATE VERSUS

Defendant: Thomas L. Root

Race: W | Sex: M | DOB: 4-3-53 | ☐ Pre-FSA Felony

JUDGMENT AND COMMITMENT

G.S. 15A-1301

Attorney For State: Howard Boney, Eugene Celia | ☐ Def. Found Not Indigent | ☐ Def. Waived Attorney

Attorney For Defendant: C. Ray Joyner | ☒ Appointed | ☐ Retained

☐ DWI Offense | Level Of Punishment (G.S. 20-179) | Driver's License No. (DWI Only) | State (DWI Only)

The defendant ☐ pled guilty to: ☐ was found guilty by the Court of: ☐ was found guilty by a jury of: ☒ pled no contest to:

File No.(s) And Offense(s)	Date Of Offense	G.S. No.	Fel./M.	Class	Max. Term	Presumptive
90-CRS-8496						
Conspiracy (count one)	6-3-86	common law	Fel	I	5 yrs	2 yrs
Conspiracy (count two)	6-3-86	common law	Fel	I	5 yrs	2 yrs
Conspiracy (count four)	6-3-86	common law	Fel	I	5 yrs	2 yrs
Conspiracy (count five)	6-3-86	common law	Fel	I	5 yrs	2 yrs

The above offenses are consolidated for the purpose of judgment.
The Court having considered evidence, arguments of counsel and statement of the defendant Orders that the defendant be imprisoned

for a term of Five (5) years | in the custody of the ☒ N.C. Dept. of Correction ☐ Sheriff of _____ County

The defendant shall be given credit for 0 days spent in confinement prior to the date of this Judgment as a result of this charge.

☐ The sentence imposed above shall begin at the expiration of all sentences which the defendant is presently obligated to serve.

☒ The sentence imposed above shall begin at the expiration of the sentence imposed in the case referenced below:

(NOTE: *List the Case Number, Date, County And Court In Which Prior Sentence Imposed.*)
90-CRS-8498,9158,9159,9160,August 28,1992,Nash County Superior Court.
Sentence to run concurrently with any sentence he is required to serve in the custody of the Federal Bureau of Prisons.Within 48 hours of his release from custody of the Federal Bureau of Prisons,he shall surrender himself to the custody of the N.C. Department of Correction.

(check all that apply)

☐ The defendant shall serve as a committed youthful offender pursuant to G.S. Chapter 148, Article 3B.

☒ The defendant shall pay the costs.

☐ Immediate work release is recommended pursuant to G.S. 148-33.1.

☐ The defendant should not obtain the benefit of release pursuant to G.S. 148-49.15.

☐ The defendant shall pay a fine of $ _____

☐ Work release is recommended. ☐ Work release is not recommended.

☐ With the consent of the defendant, work release is ordered under the conditions set forth in the attached order *(applies to misdemeanants only)*.

☐ The Court does not recommend that the defendant be required to pay restitution or reparation, as a condition of parole if parole is granted, or from his earnings if work release is granted.

☐ The Court recommends that the defendant be required to pay, as a condition of parole if parole is granted, or from his earnings if work release is granted, the items and amounts set out below.

Fine	Costs	Restitution	Reimbursement For Counsel Fee(s) And Other Expenses	Total Amount Due
$	$	$	$	$

Names and address(es) of aggrieved party (parties) to receive restitution *(specify amount if more than one aggrieved party)*

7a

9t

~~The Court further recommends~~xx The defendant shall pay the costs in this case and the fine and attorney fees as ordered in 90-CRS-8497,etal, on or before January 1, 1995.

FOR USE WITH FAIR SENTENCING ACT FELONIES ONLY

The Court has considered the aggravating and mitigating factors in G.S. 15A-1340.4(a) and

- [ ] makes no written findings because the prison term imposed does not require such findings.
- [x] makes no written findings because the prison term imposed is pursuant to a plea arrangement as to sentence under Article 58 of G.S. Chapter 15A.
- [ ] makes written findings set forth on the attached Findings of Factors in Aggravation and Mitigation of Punishment (AOC-CR-303).

AWARD OF FEE TO COUNSEL FOR DEFENDANT

- [ ] A hearing was held in open court in the presence of the defendant at which time a fee, including expenses, was awarded the defendant's appointed counsel or assigned public defender.

ORDER OF COMMITMENT

It is ORDERED that the Clerk deliver three certified copies of this Judgment and Commitment to the Sheriff or other qualified officer and that the officer cause the defendant to be delivered with these copies to the custody of the agency named on the reverse to serve the sentence imposed or until he shall have complied with the conditions of release pending appeal.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge
8-28-92	Frank R. Brown	[signature]

APPEAL ENTRIES

- [ ] The defendant gives notice of appeal from the judgment of the District Court to the Superior Court. The current pretrial release order shall remain in effect. [ ] except that:

- [ ] The defendant gives notice of appeal from the judgment of the Superior Court to the Appellate Division. Appeal entries and any conditions of post conviction release are set forth on Form AOC-CR-350.

Date	Name Of Presiding Judge (Type Or Print)	Signature Of Presiding Judge

ORDER OF COMMITMENT AFTER APPEAL

Date Remanded To District Court	Date Appeal Dismissed	Date Withdrawal Of Appeal Filed	Date Appellate Opinion Certified

It is ORDERED that this Judgment be executed. It is FURTHER ORDERED that the Sheriff arrest the defendant, if necessary, and recommit the defendant to the custody of the official named in this Judgment and furnish that official three certified copies of this Judgment and this Order as authority for the commitment and detention of the defendant.

Date	Signature Of Clerk
	[ ] Deputy CSC [ ] Assistant CSC [ ] Clerk Of Superior Court

CERTIFICATION

I certify that this Judgment and Commitment with the attachment marked below is a true and complete copy of the original which is on file in this case.

- [ ] Findings Of Factors In Aggravation And Mitigation Of Punishment (AOC-CR-303)
- [ ] Determination Of Sentencing Factors In DWI Cases (AOC-CR-311)
- [ ] Appeal Entries (AOC-CR-350)

Date	Signature And Seal
Date Certified Copies Delivered To Sheriff	[ ] Deputy CSC [ ] Assistant CSC [ ] Clerk Of Superior Court

AOC-CR-301, Side Two
Rev. 3/87

Material opposite unmarked squares is to be disregarded as surplusage.

9-17-92 Copy to NC Dept of Corr, Raleigh, NC
Copy to Federal Corr. Inst. - Milan, Mich

Copy to Def. + 9-17-92 Rufus Edmonton

Federal Communications Commission

Docket No. 93-135 Exhibit No. 5

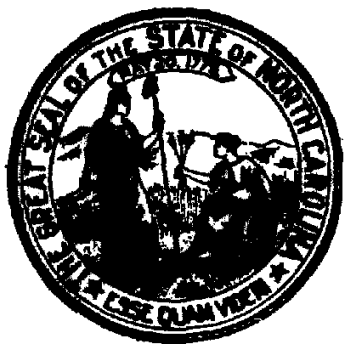
Presented by MASS MEDIA

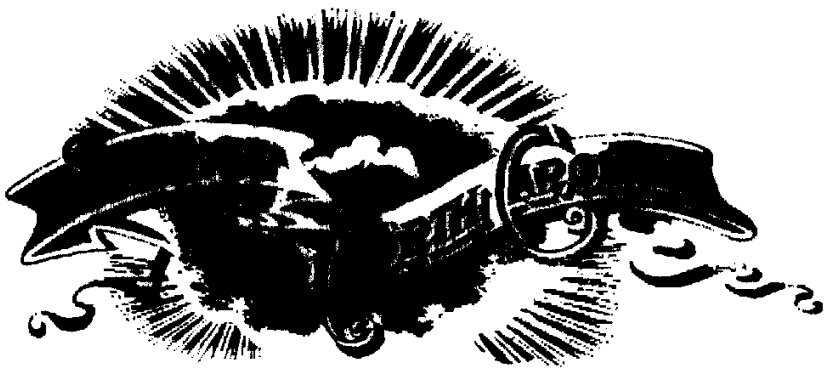
Dispostion { Identified 12/14
Received 12/14
Rejected

Reporter BARBARA LORD

Date 12/14/93

MMB EX. 5





NASH County

Office of the Clerk of the Superior Court

I, Mary J. Matthews, Asst., Clerk of the Superior Court of Nash County, State of North Carolina, said Court being a Court of Record, having an official seal, which is hereto affixed, do hereby certify the foregoing and attached (Forty (40) sheets) to be a true copy of INDICTMENT, TRANSCRIPT OF PLEA AND JUDGMENT AND COMMITMENT IN FILE NOS: 90-CRS-8497,9155,9156,9157, STATE OF NORTH CAROLINA VERSUS THOMAS L. ROOT

as the same is taken from and compared with the original now on file in this office.

In Witness Whereof, I hereunto subscribe my name and affix the seal of the Superior Court of Nash County, at my office in Nashville, North Carolina, this 9th day of September, 19 93.

Mary J. Matthews
Assistant Clerk Superior Court
Ex Officio Judge of Probate

SEAL

AOC-L FORM 147

90CRS 08497

STATE OF NORTH CAROLINA

NASH COUNTY

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

CrS _____

STATE OF NORTH CAROLINA

V.

THOMAS L. ROOT

Defendant

INDICTMENT

✓ COUNT ONE ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 16th day of September, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously offer and sell to J.E. Bryant a certain security to wit: a partnership interest in Kansas Broadcast Associates without having registered said security with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-24.

✓ COUNT TWO ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 16th day of September, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously transact business in North Carolina by selling to J.E. Bryant a certain security, to wit: a partnership interest in Kansas Broadcast Associates without having registered as a securities salesman with the Office of the Secretary of State as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-36.

✓ COUNT THREE ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 10th day of November, 1986, in Wilson County, Thomas L. Root, did unlawfully, willfully and feloniously offer and sell to Edward E. Fulford a certain security to wit: a partnership interest in Holmes Beach Partnership without having registered said security with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-24.

✓ COUNT FOUR ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 10th day of November, 1986, in Wilson County, Thomas L. Root, did unlawfully, willfully and feloniously transact business in North Carolina by selling to Edward E. Fulford a certain security, to wit: a partnership interest in Holmes Beach Partnership without having registered as a securities salesman with the Office of the Secretary of State as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-36.

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✓ COUNT FIVE ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 17th day of November, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously offer and sell to C.H. Casper a certain security to wit: a partnership interest in WLGP Radio Partnership without having registered said security with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-24.

✓ COUNT SIX ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 17th day of November, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously transact business in North Carolina by selling to C.H. Casper a certain security, to wit: a partnership interest in WLGP Radio Partnership without having registered as a securities salesman with the Office of the Secretary of State as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-36.

✓ COUNT SEVEN ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 14th day of November, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously offer and sell to John T. Coley a certain security to wit: a partnership interest in WLGP Radio Partnership without having registered said security with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-24.

✓ COUNT EIGHT ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 14th day of November, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously transact business in North Carolina by selling to John T. Coley a certain security, to wit: a partnership interest in WLGP Radio Partnership without having registered as a securities salesman with the Office of the Secretary of State as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-36.

✓ COUNT NINE ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 10th day of December, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously offer and sell to Cecil L. Curtis a certain security to wit: a partnership interest in Vezina Broadcastiing Group without having registered said security with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-24.

✓ COUNT TEN /

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 10th day of December, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously transact business in North Carolina by selling to Cecil L. Curtis a certain security, to wit: a partnership interest in Vezina Broadcasting

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Group without having registered as a securities salesman with the Office of the Secretary of State as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-36.

✓ COUNT ELEVEN ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 24th day of February, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously offer and sell to Donna K. Dawson a certain security to wit: a partnership interest in Texas FM Association without having registered said security with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-24.

✓ COUNT TWELVE ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 24th day of February, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously transact business in North Carolina by selling to Donna K. Dawson a certain security, to wit: a partnership interest in Texas FM Association without having registered as a securities salesman with the Office of the Secretary of State as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-36.

✓ COUNT THIRTEEN ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 3rd day of October, 1986, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously offer and sell to James Dickens a certain security to wit: a partnership interest in West Point Radio Associates without having registered said security with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-24.

✓ COUNT FOURTEEN ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 3rd day of October, 1986, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously transact business in North Carolina by selling to James Dickens a certain security, to wit: a partnership interest in West Point Radio Associates without having registered as a securities salesman with the Office of the Secretary of State as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-36.

✓ COUNT FIFTEEN ✓

THE JURORS FOR THE STATE UPON THEIR OATH PRESENT that on or about the 14th day of November, 1987, in Nash County, Thomas L. Root, did unlawfully, willfully and feloniously offer and sell to James R. Dickens a certain security to wit: a partnership interest in WLGP Radio Partnership without having registered said security with the Office of the Secretary of State of North Carolina, as required by the North Carolina Securities Act, in violation of N.C.G.S. 78A-24.

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