

Case No.

09CR 05 2917

State of Ohio,
Franklin County, ss:

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO

2009 MAY 14 PM 12:37

CLERK OF COURTS

**INDICTMENT FOR: Theft In Office
(2921.41 R.C.) (F-5) (1 Count);
Unauthorized Use Of Property (2913.04
R.C.) (F-5) (2 Counts); Soliciting Or
Receiving Improper Compensation
(2921.43 R.C.) (M-1) (2 Counts);
Prohibited Election Activities (3517.13
R.C.) (M-1) (1 Count); Filing A False
Statement (102.02 R.C.) (M-1) (1 Count)
and Workers Compensation Fraud
(2913.48 R.C.) (F-5) (3 Counts); (Total:
10 Counts)**

In the Court of Common Pleas, Franklin County, Ohio, of the Grand Jury term beginning May eighth in the year of our Lord, Two Thousand Nine.

Count 1

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, from on or about February 5, 2007 to May 2, 2008, within the County of Franklin aforesaid, in violation of section 2921.41 of the Ohio Revised Code, being a public official, did commit a theft offense where the said Anthony S. Gutierrez did use his office, or permit or assent to its use, in aid of committing the offense, and/or the property or services involved was owned by this or any other state, the United States, a municipal corporation, township, or any political subdivision, department, or agency of any of them, or by a political party, or was part of a political campaign fund,

Count 2

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, on or about the 27th day of February in the year of our Lord, 2007, within the County of Franklin aforesaid, in violation of section 2913.04 of the Ohio Revised Code, did knowingly gain access to and/or cause access to be gained to any computer, computer system, or computer network beyond the scope of the express or implied consent of the owner, to wit: The State of Ohio, or other person authorized to give consent by the owner,

Count 3

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, on or about the 31st day of August in the year of our Lord, 2007 within the County of Franklin aforesaid, in violation of section 2913.04 of the Ohio Revised Code, did knowingly gain access to and/or cause access to be gained to any computer, computer system, or computer network beyond the scope of the express or implied consent of the owner, to wit: The State of Ohio, or other person authorized to give consent by the owner,

Count 4

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, from on or about February 5, 2007 to May 2, 2008, within the County of Franklin aforesaid, in violation of section 2921.43 of the Ohio Revised Code, while being a public servant, did solicit or accept compensation [other than as allowed by divisions (G), (H), and (I) of section 102.03 of the Revised Code or

other provisions of law], to-wit lodging or sleeping accommodations, to perform the public servant's official duties, to perform any other act or service in the public servant's public capacity, for the general performance of the duties of the public servant's public office or public employment, or as a supplement to his public compensation,

Count 5

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, from on or about February 5, 2007 to May 2, 2008, within the County of Franklin aforesaid, in violation of section § 2921.43 of the Ohio Revised Code, while being a public servant, did, for his own personal or business use, accept anything of value, to-wit lodging or sleeping accommodations, in consideration of maintaining his status as a public employee with respect to his placement or location, to-wit: living and working in Franklin County, State of Ohio,

Count 6

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, from on or about February 5, 2007 to May 2, 2008, within the County of Franklin aforesaid, in violation of section 3517.13 of the Ohio Revised Code, did convert, for his personal use, anything of value,

Count 7

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, on or about the 2nd day of April in the year of our Lord, 2008, within the County of Franklin aforesaid, in violation of section 102.02(D) of the Ohio Revised Code, did

knowingly file a false statement that is required to be filed under section 102.02 of the Ohio Revised Code,

Count 8

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, on or about the 29th day of August in the year of our Lord, 2006, within the County of Franklin aforesaid, in violation of section 2913.48 of the Ohio Revised Code, with purpose to defraud or knowing that the person is facilitating a fraud, did make or present or cause to be made or presented a false statement concerning manual codes, classification of employees, payroll, paid compensation, or number of personnel, when information of that nature is necessary to determine the actual workers' compensation premium or assessment owed to the bureau by an employer, to wit: MTV Construction L.L.C., and the value of the premiums and assessments unpaid is five hundred dollars (\$500.00) or more and less than five thousand dollars (\$5,000.00),

Count 9

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, on or about the 27th day of February in the year of our Lord, 2007, within the County of Franklin aforesaid, in violation of section 2913.48 of the Ohio Revised Code, with purpose to defraud or knowing that the person is facilitating a fraud, did make or present or cause to be made or presented a false statement concerning manual codes, classification of employees, payroll, paid compensation, or number of personnel, when information of that nature is necessary to determine the actual workers' compensation premium or assessment owed to the bureau by an employer, to wit: MTV Construction L.L.C., and the value of

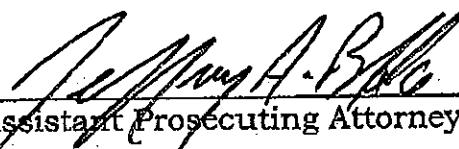
the premiums and assessments unpaid is five hundred dollars (\$500.00) or more and less than five thousand dollars (\$5,000.00),

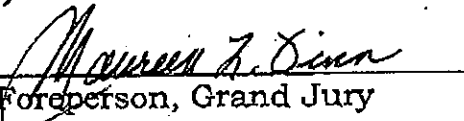
Count 10

The Jurors of the Grand Jury of the State of Ohio, duly selected, impaneled, sworn, and charged to inquire of crimes and offenses committed within the body of Franklin County, in the State of Ohio, upon their oath do find and present that Anthony S. Gutierrez late of said County, on or about the 31st day of August in the year of our Lord, 2007, within the County of Franklin aforesaid, in violation of section 2913.48 of the Ohio Revised Code, with purpose to defraud or knowing that the person is facilitating a fraud, did make or present or cause to be made or presented a false statement concerning manual codes, classification of employees, payroll, paid compensation, or number of personnel, when information of that nature is necessary to determine the actual workers' compensation premium or assessment owed to the bureau by an employer, to wit: MTV Construction L.L.C., and the value of the premiums and assessments unpaid is five hundred dollars (\$500.00) or more and less than five thousand dollars (\$5,000.00), contrary to the statute in such cases made and provided and against the peace and dignity of the State of Ohio.

RON O'BRIEN
Prosecuting Attorney
Franklin County, Ohio

A TRUE BILL


Assistant Prosecuting Attorney


Foreperson, Grand Jury

The following is Information for the Clerk of Courts Only.

State of Ohio v. Anthony S. Gutierrez
Address: 607 Northlawn Dr., Youngstown, Ohio 44505
DOB: 12-10-57
Sex/Race: male white
Date of Arrest: -----
SSN: [REDACTED]
Police Agency: OSHP
Municipal Reference: -----
ITN #:

- Count 1: Theft In Office
2921.41 F-5
- Count 2: Unauthorized Use Of Property
2913.04 F-5
- Count 3: Unauthorized Use Of Property
2913.04 F-5
- Count 4: Soliciting Or Receiving Improper Compensation
2921.43 M-1
- Count 5: Soliciting Or Receiving Improper Compensation
2921.43 M-1
- Count 6: Prohibited Election Activities
3517.13 M-1
- Count 7: Filing A False Statement
102.02 M-1
- Count 8: Workers Compensation Fraud
2913.48 F-5
- Count 9: Workers Compensation Fraud
2913.48 F-5
- Count 10: Workers Compensation Fraud
2913.48 F-5

Case No.