

Baughman

**U.S. District Court  
Northern District of Ohio (Cleveland)  
CRIMINAL DOCKET FOR CASE #: 1:06-cr-00394-AA All Defendants**

Case title: United States of America v. Smith et al

Date Filed: 08/16/2006

Assigned to: Hon. Ann Aldrich

**Defendant**

**Joseph H. Smith (1)**

represented by **Carole S. Rendon**  
Kushner & Rendon  
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200 Public Square  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Retained*

**Philip S. Kushner**  
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**Pending Counts**

- 18:371 Conspiracy to Commit Mail Fraud (1)
- 18:1341 and 1346 Mail Fraud (2-9)
- 18:1956(a)(1)(B)(i) Money Laundering (10-17)
- 18:371 Conspiracy to Defraud the IRS (18)

**Disposition**

26:7206(1) Making a False Return  
(19-22)

26:7212(a) Corruptly Endeavoring to  
Obstruct and Impede  
(23)

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

Assigned to: Hon. Ann Aldrich

**Defendant**

Anton Zgoznik (2)

represented by **Robert J. Rotatori**  
Rotatori, Bender, Gragel, Stoper &  
Alexander  
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**LEAD ATTORNEY**  
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**J. Scott Broome**  
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*ATTORNEY TO BE NOTICED*  
*Designation: Retained*

**Pending Counts**

18:371 Conspiracy to Commit Mail Fraud  
(1)  
18:1341 and 1346 Mail Fraud  
(2-9)  
18:371 Conspiracy to Defraud the IRS  
(18)  
26:7212(a) Corruptly Endeavoring to Obstruct and Impede  
(23)  
26:7206(2) Aiding and Assisting Preparation of a False Document  
(24)  
26:7206(2) Aiding and Assisting Preparation of a False Return  
(25-27)

**Disposition**

**Highest Offense Level (Opening)**

Felony

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff**

**United States of America**

represented by **John M. Siegel**  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**John Edward Sullivan**  
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**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/16/2006	<u>1</u>	Indictment as to Joseph H. Smith (1) count(s) 1, 2-9, 10-17, 18, 19-22, 23, Anton Zgoznic (2) count(s) 1, 2-9, 18, 23, 24, 25-27. (Attachments: # (1) Designation Form/Foreperson Signature Page) (S, R) (Entered: 08/16/2006)
08/16/2006		Random Assignment of Magistrate Judge Baughman, pursuant to Local Criminal Rule 57.9. (S, R) (Entered: 08/16/2006)
08/17/2006	<u>2</u>	Notice of Hearing as to Joseph H. Smith, Anton Zgoznic: Arraignment set for 8/23/2006 at 09:30 AM in Courtroom 10B before Magistrate Judge Nancy A. Vecchiarelli. (G, W) (Entered: 08/17/2006)
08/23/2006		Minutes of proceedings [non-document] before Magistrate Judge Nancy A. Vecchiarelli on 08/23/2006. Arraignment as to Joseph H. Smith (1). Philip Kushner for defendant Smith. John Siegel for government. Reading of indictment waived. Not guilty plea entered as to Counts 1,2-9,10-17,18,19-22,23 of the indictment. Bond set at \$50,000 with conditions. (Court Reporter Judy Gage) (G, W) Text Modified on 8/23/2006 (G, W). (Entered: 08/23/2006)
08/23/2006	<u>3</u>	Appearance Bond Entered as to Joseph H. Smith in amount of \$50,000 Unsecured, with Conditions. (G, W) (Entered: 08/23/2006)
08/23/2006	<u>4</u>	Order Setting Conditions of Release as to Joseph H. Smith (1). Bond set \$50,000 Unsecured. Signed by Magistrate Judge Nancy A. Vecchiarelli on 08/23/2006. (Attachments: # (1) Unredacted) (G, W) (Entered: 08/23/2006)
08/23/2006		Minutes of proceedings [non-document] before Magistrate Judge Nancy A. Vecchiarelli on 08/23/2006. Arraignment as to Anton Zgoznic (2). Robert Rotatori for defendant Zgoznic. John Siegel for government. Reading of indictment waived. Not guilty plea entered as to Counts 1,2-9,18,23,24,25-27 of the indictment. Bond set at \$50,000 with conditions. (Court Reporter Judy Gage) (G, W) Text Modified on

		8/23/2006 (G, W). (Entered: 08/23/2006)
08/23/2006	<u>5</u>	Appearance Bond Entered as to Anton Zgoznic in amount of \$50,000 Unsecured, with Conditions. (G, W) (Entered: 08/23/2006)
08/23/2006	<u>6</u>	Order Setting Conditions of Release as to Anton Zgoznic (2). Bond set \$50,000 Unsecured. Signed by Magistrate Judge Nancy A. Vecchiarelli on 08/23/2006. (Attachments: # (1) Unredacted) (G, W) (Entered: 08/23/2006)
08/24/2006		Minutes of proceedings [non-document] before Judge Ann Aldrich. Status Conference as to Joseph H. Smith, Anton Zgoznic held on 8/24/2006. Pretrial and trial date set. Order to follow (K, V) (Entered: 08/24/2006)
08/24/2006	<u>7</u>	Criminal Pretrial Order as to Joseph H. Smith, Anton Zgoznic Discovery due by 10/5/2006. Jury Trial set for 11/6/2006 09:00 AM in Courtroom 17B before Hon. Ann Aldrich. Motions due by 10/16/2006; responses by 10/26/06. Signed by Judge Ann Aldrich on 8-24-06. (K, V) (Entered: 08/24/2006)
09/07/2006	<u>8</u>	Motion for Bill of Particulars by Joseph H. Smith. (Kushner, Philip) (Entered: 09/07/2006)
09/08/2006	<u>9</u>	Notice of Appearance of Attorney J. Scott Broome appearing for Anton Zgoznic (Broome, J.) (Entered: 09/08/2006)
09/08/2006	<u>10</u>	Motion for Bill of Particulars by Anton Zgoznic. (Broome, J.) (Entered: 09/08/2006)
09/08/2006	<u>11</u>	Memorandum in support of <u>10</u> Motion for Bill of Particulars as to Anton Zgoznic (Broome, J.) Modified on 9/11/2006 (G, D). (Entered: 09/08/2006)
09/11/2006	<u>12</u>	Notice of Appearance of Attorney John Edward Sullivan appearing for USA. (Attachments: # <u>1</u> )(Sullivan, John) (Entered: 09/11/2006)
09/13/2006	<u>13</u>	Motion to Modify Conditions of Release by Joseph H. Smith. (Attachments: # <u>1</u> Exhibit A)(Kushner, Philip) (Entered: 09/13/2006)
09/14/2006	<u>14</u>	FILED IN ERROR refiled as docket # <u>15</u> Response by United States of America to Motion to Modify Conditions of Release <u>13</u> as to Joseph H. Smith (Siegel, John) Modified on 9/15/2006 (M, P). (Entered: 09/14/2006)
09/14/2006	<u>15</u>	Response by United States of America to Motion to Modify Conditions of Release <u>13</u> as to Joseph H. Smith ( <i>corrected filing</i> ) (Siegel, John) (Entered: 09/14/2006)
09/21/2006	<u>16</u>	Marginal Order granting <u>13</u> Motion to Modify Conditions of Release as to Joseph H. Smith (1). Condition of Electronic Monitoring and curfew are lifted. All other conditions, including report to Pretrial Services remain in effect. Signed by Judge Ann Aldrich on 9/21/06. (K, V) (Entered: 09/21/2006)

09/25/2006	<u>17</u>	Response by United States of America in opposition to Motion for Bill of Particulars <sup>8</sup> as to Joseph H. Smith (Siegel, John) (Entered: 09/25/2006)
10/04/2006		Order [non-document]denying without prejudice defendants <sup>8</sup> and <sup>10</sup> Motions for Bill of Particulars. Judge Ann Aldrich (K, V) Modified text of docket entry on 10/6/2006 (B, B). (Entered: 10/04/2006)
10/04/2006	<u>18</u>	Motion of Defendant to Sever Counts 18-27 by Joseph H. Smith. (Kushner, Philip) Modified text of docket entry on 10/6/2006 (B, B). (Entered: 10/04/2006)
10/05/2006	<u>19</u>	Motion for Disclosure of <i>Immunity or Other Promises or Inducements to Witnesses</i> by Anton Zgoznic. (Attachments: # <u>1</u> Exhibit A)(Broome, J.) (Entered: 10/05/2006)
10/11/2006	<u>20</u>	Motion to Sever Defendant <i>Anton Zgoznic and/or counts</i> by Anton Zgoznic. (Broome, J.) Modified text of docket entry on 10/16/2006 (B, B). (Entered: 10/11/2006)
10/12/2006	<u>21</u>	Response by United States of America to Motion for Bill of Particulars <sup>10</sup> as to Anton Zgoznic (Siegel, John) (Entered: 10/12/2006)
10/16/2006	<u>22</u>	Response by United States of America in opposition to Motion for Disclosure of <i>Immunity or Other Promises or Inducements to Witnesses</i> <sup>19</sup> as to Anton Zgoznic (Siegel, John) (Entered: 10/16/2006)
10/23/2006	<u>23</u>	Motion to Travel to <i>Tampa, Florida from November 6-20</i> by Joseph H. Smith. (Kushner, Philip) Modified text of docket entry on 10/24/2006 (B, B). (Entered: 10/23/2006)
10/24/2006		Order [non-document]granting <u>23</u> the unopposed motion to travel to Tampa Florida as to Joseph H. Smith from November 6-20, 2006 (1). Judge Ann Aldrich (K, V) Modified text of docket entry on 10/25/2006 (B, B). (Entered: 10/24/2006)
10/25/2006	<u>24</u>	Joint Motion to Continue <i>Trial to April 30, 2007</i> by Joseph H. Smith, United States of America, Anton Zgoznic. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Kushner, Philip) Modified text of docket entry on 10/27/2006 (B, B). (Entered: 10/25/2006)
10/26/2006	<u>25</u>	Ordergranting <u>24</u> defendants' motion to continue the trial now set for 11/6/06. Pretrial motions due 2/16/07; responses due 3/2/07. Trial reset 4/30/07 at 9:30 a.m. Proposed Voir dire and jury instructions due one week prior. Last day to notify change of plea 4/19/07. Pursuant to 18USC3161(h)(8)(A)(B) the ends of justice served by such continuance outweigh the best interest of the public and defendants in a speedy trial. Signed by Judge Ann Aldrich on 10/26/06. (K, V) (Entered: 10/26/2006)
11/03/2006	<u>26</u>	Memorandum and Orderdenying defendant, Zgoznic's <sup>19</sup> motion for immediate disclosure(2). Signed by Judge Ann Aldrich on 11/3/06. (K, V) Modified text of docket entry on 11/6/2006.(B, B). (Entered: 11/03/2006)

11/07/2006	<u>27</u>	Consolidated Response by United States of America in opposition to Motion of Defendant Joseph H. Smith to Sever Counts 18-2718, Motion to Sever Defendant <i>Anton Zgoznik</i> <u>20</u> as to Joseph H. Smith, Anton Zgoznik (Siegel, John) Modified text of docket entry on 11/8/2006 (B, B). (Entered: 11/07/2006)
11/17/2006	<u>28</u>	Reply in support of Motion of Defendant Joseph H. Smith to Sever Counts 18-2718 as to Joseph H. Smith (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B)(Kushner, Philip) Modified text of docket entry on 11/27/2006 (B, B). (Entered: 11/17/2006)
12/20/2006	<u>29</u>	Motion to Travel to <i>Pittsburgh, PA</i> by Joseph H. Smith. (Israel, Rachael) Modified text of docket entry on 12/27/2006 (B, B). (Entered: 12/20/2006)
12/20/2006	<u>30</u>	MarginalOrdergranting <u>29</u> motion to travel to Pittsburgh, PA until 11:59 p.m. on 12/21/2006 as to Joseph H. Smith (1). Signed by Judge Ann Aldrich on 12/20/06. (K, V) Modified text of docket entry on 12/27/2006 (B, B). (Entered: 12/20/2006)
01/16/2007	<u>31</u>	Second Motion to Travel to <i>Tampa, Florida</i> by Joseph H. Smith. (Kushner, Philip) Modified text of docket entry on 1/22/2007 (B, B). (Entered: 01/16/2007)
01/22/2007	<u>32</u>	MarginalOrdergranting <u>31</u> Motion to Travel as to Joseph H. Smith from April 1-16, 2007 (1). Signed by Judge Ann Aldrich on 1-22-07. (K,V) Modified text of docket entry on 1/26/2007 (B, B). (Entered: 01/22/2007)
01/26/2007	<u>33</u>	Memorandum and Order denying <u>18</u> , <u>20</u> Smith and Zgoznik's motions to sever. Signed by Judge Ann Aldrich on 1/26/07. (K,V) Modified text of docket entry on 1/29/2007 (B, B). (Entered: 01/26/2007)
02/02/2007	<u>34</u>	Notice of Hearing as to Joseph H. Smith, Anton Zgoznik Final Pretrial Conference set for 3/28/2007 02:00 PM before Hon. Ann Aldrich. (K,V) (Entered: 02/02/2007)
02/08/2007	<u>35</u>	Motion for Disclosure of <i>Grand Jury Transcripts</i> by United States of America as to Joseph H. Smith, Anton Zgoznik. (Attachments: # <u>1</u> Proposed Order)(Siegel, John) (Entered: 02/08/2007)
02/12/2007	<u>36</u>	Order granting <u>35</u> United States of America's Motion for Disclosure of grand jury transcripts as to Joseph H. Smith (1), Anton Zgoznik (2). Further ordered that the use of transcripts are only for trial preparation and not to make further disclosures. Signed by Judge Ann Aldrich on 2-11-07. (K,V) Modified text of docket entry on 2/13/2007 (B, B). (Entered: 02/12/2007)
02/16/2007	<u>37</u>	Motion to Compel <i>Production of Documents</i> by Joseph H. Smith. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C# <u>4</u> Exhibit D# <u>5</u> Exhibit E# <u>6</u> Exhibit F# <u>7</u> Exhibit G)(Kushner, Philip) (Entered: 02/16/2007)

02/16/2007	<u>38</u>	Notice of Joining Motion to Compel Production of Documents by Defendant Joseph Smith as to Anton Zgoznic (Broome, J.) (Entered: 02/16/2007)
02/28/2007	<u>39</u>	Notice of Hearing as to Joseph H. Smith, Anton Zgoznic Status Conference set for 3/6/2007 10:30 AM in Chambers 17B before Hon. Ann Aldrich. (K,V) (Entered: 02/28/2007)

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