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DUPLICATE ORIGINAL

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August 14, 1992

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UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND
LICENSING BOARD

OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

TEXAS UTILITIES ELECTRIC)
COMPANY)

(Comanche Peak Steam Electric)
Station, Unit 2))

Docket No. 50-446 - CPA
Construction Permit
Amendment

TU ELECTRIC'S ANSWER
TO THE PETITION FOR INTERVENTION
AND REQUEST FOR HEARINGS BY THE DOWS

On February 3, 1992, Texas Utilities Electric Company ("TU Electric") requested that the U.S. Nuclear Regulatory Commission ("NRC") amend Construction Permit No. CPPR-127 such that the latest date for completing construction of the Comanche Peak Steam Electric Station ("CPSES") Unit 2 would be extended from August 1, 1992 to August 1, 1995. The NRC Staff completed an Environmental Assessment of the request and issued a Finding of No Significant Impact on June 23, 1992. 57 Fed. Reg. 28,885 (1992). On July 28, 1992, the NRC issued an "Order Extending the Latest Construction Completion Date" for Comanche Peak Steam Electric Station, Unit 2. Under date of July 28, 1992, Sandra Long Dow dba Disposable Workers of Comanche Peak Steam Electric Station, and R. Micky Dow (the "Dows" and "DWCPSES" or "Petitioners") filed a "Petition for Intervention and Request for

DS03

Hearings" ("Petition") regarding TU Electric's request. TU Electric hereby files its response in opposition to the Petition and asks that the request for leave to intervene be summarily denied. As is fully discussed below, the Petition should not be accepted for filing because it contains false, scandalous, and unsupportable accusations. Furthermore, the Petition does not establish standing for either the Dows or DWCPSES. Finally, the Petition does not specifically identify the aspects of the subject matter of the proceeding as to which Petitioners wish to intervene.

I. The Petition Should Not Be Accepted for Filing

The Petition is not the first pleading filed by the Dows regarding Comanche Peak. During the last year, the Dows have initiated more than a dozen actions related to Comanche Peak, including the following:

- o A "Motion to Reopen the Record" (Nov. 20, 1991) in the operating license (OL) proceeding for Comanche Peak Units 1 and 2 and the construction permit amendment (CPA) proceeding for Comanche Peak Unit 1, which was denied by the Commission in CLI-92-01, 35 NRC 1 (1992).
- o A "Petition for Leave to Intervene Out of Time" (Feb. 20, 1992) and "Motion to Reopen the Record" (Feb. 21, 1992) in the OL and CPA proceedings for Comanche Peak,

which were denied by the Commission on August 12, 1992 in CLI-92-12, 36 NRC _____ (1992).

- o A "Request to Institute Proceedings to Modify, Suspend or Revoke the License Held by Texas Utilities Electric Company for Unit 1 of the Comanche Peak Steam Electric Station" (May 19, 1992), which is still pending before the Director of Nuclear Reactor Regulation.
- o Eleven petitions before the U.S. district courts and courts of appeal against TU Electric, the NRC, and other parties. Most of these petitions have been dismissed, and the Dows have not prevailed in any of the cases.^{1/}

1/ See Dow v. NRC, Docket No. 92-1348, "Original Petition for Temporary Restraining Order and Original Petition for Preliminary Injunction" and "Petition for Review of Administrative Order" (D.C. Cir. filed Aug. 6, 1992); Dow v. NRC, Docket No. 92-1224 (D.C. Cir. filed May 21, 1992); United States v. Comley, Docket No. 92-1319, Slip op. (1st Cir. Apr. 10, 1992)(denying Micky Dow's petition to intervene); Dow v. NRC, Docket No. 92-1069, Slip op. (D.C. Cir. May 7, 1992)(denying the Dows' request for a temporary restraining order and preliminary injunction, and further requiring the Dows to show cause why the Commission's decision in CLI-92-01 should not be summarily affirmed); Dow v. NRC, Docket Nos. 91-1461 and 1462, Slip op. (D.C. Cir. Jan. 30, 1992)(dismissing the Dows' petitions for review); In re Dow, Docket Nos. 91-1451 and 91-1444, Slip op. (5th Cir. May 7, 9, 1991)(denying Dows' petitions for injunction pending appeal and for writ of mandamus); Dow v. Texas Utilities Electric Co., Docket No. 91-1238, Slip op. (W.D. Pa. June 23, 1992)(dismissing the Dows' petition); Dow v. Comanche Peak Steam Electric Station, Docket No. CA4-91-255-E, Slip op. (N.D. Tex. Apr. 11, 1991)(dismissing Mr. Dow's petition for injunction).

In addition, Mr. Dow refused to comply with a subpoena issued by the NRC. The NRC eventually decided to withdraw this subpoena because it concluded that "there was no reasonable basis to believe that [he is] in possession of information indicative of safety concerns regarding the Comanche Peak facility."^{2/}

As discussed in detail in a previous response by TU Electric,^{3/} the Dows have engaged in a pattern of not complying with the Commission's requirements, of making frivolous and scurrilous claims, of making statements which the Dows knew or should have known omit material facts, and of harassing TU Electric and the NRC. Given this pattern of behavior, TU Electric requested the Commission to admonish the Dows and not to accept any further pleading from the Dows unless the Commission affirmatively determines that the pleading facially complies with the Commission's requirements, reflects a good faith effort to confirm the validity of the factual and legal allegations contained therein, and otherwise appears to be free of the types of defects summarized above.^{4/} This request is still pending before the Commission.^{5/}

2/ See letter dated Nov. 20, 1991, from Chairman Ivan Selin to Richard E. Dow at 1.

3/ "TU Electric's Answer to the Petition to Intervene and Motion and Supplemental Motion to Reopen by Micky Dow and Sandra Long Dow and TU Electric's Request for Admonition of the Dows" (Mar. 16, 1992) at 22-36.

4/ Id.

5/ By Memorandum and Order dated August 12, 1992, the Commission denied the Dows' petition for late intervention (filed Feb. 20, 1992) and motion to reopen the record (filed

The instant Petition by the Dows suffers from the same types of defects discussed in TU Electric's request for admonition. In particular, as discussed in Section III below, the Petition does not even facially address one of the Commission's requirements governing petitions to intervene. Moreover, the Petition contains scandalous allegations. In particular, the Petition alleges the following:

- o Sandra Long Dow has "been detained, harassed, and molested by individuals and parties, either in the direct pay, or under the control of the licensse [sic], in order to prevent those investigations into violations at the CPSES facility." Petition at 2-3.
- o Micky Dow "was forced to flee his home, in Texas, for fear of his life and safety, as a direct and proximate result of telephone threats made to him by one Earl [sic] Nye, an executive officer of the licensee." Petition at 2.

Feb. 21, 1992). Texas Utilities Electric Co. (Comanche Peak Steam Electric Station, Units 1 & 2), CLI-92-12, 36 NRC ____ (1992). The opinion did not address TU Electric's request for admonition of the Dows, which was made in its Answer to the above-cited petition and motion (filed Mar. 16, 1992). The instant Petition provides even more support for admonishment, considering its untrue and scandalous allegations.

These allegations are unsubstantiated, false, and scandalous. In particular, the latter allegation is preposterous, especially considering the fact that, following Mr. Nye's conversation with Mr. Dow, TU Electric attempted to cooperate with Mr. Dow by arranging for TU Electric managers to meet with Mr. Dow to learn of any safety concerns he might have had.^{6/}

Furthermore, Mr. Dow neglects to mention the most probable reason that he has chosen not to remain in Texas. As the enclosed Affidavit of David L. Andrews to this response demonstrates, Mr. Dow is a convicted felon, and there are felony arrest and misdemeanor warrants outstanding against him in Texas.^{7/} In this circumstance, it is likely that Mr. Dow's inability to establish standing is a result of his own conduct.

In summary, similar to their previous pleadings, the Dows' Petition does not comply with the Commission's requirements, contains scurrilous claims, and omits material facts. As a result, the Petition should not be accepted for filing.

II. The Dows and DWCPSES Do Not Have Standing to Intervene

In the context of a request for extension of an existing construction permit, standing to intervene is determined by the same principles as would be used to evaluate standing to

6/ See letter dated September 1, 1991, from the Dows to Chairman Ivan Selin at 1-2.

7/ It is our understanding that two of these arrest warrants remain outstanding. A third has been dismissed.

intervene in proceedings related to a new construction permit or operating license. Northern Indiana Public Service Co. (Bailly Generating Station, Nuclear 1), LBP-80-22, 12 NRC 191, 196, aff'd, ALAB-619, 12 NRC 558, 563-65 (1980) (holding that the Board would grant standing to "those petitioners who are in a position to allege injury from the operation of the facility if they otherwise qualify for intervention, including raising at least one contention within the scope of this proceeding"). Section 2.714(a) of the NRC's regulations addresses these principles, requiring that petitions for intervention set forth the interest of the petitioner in the proceeding, how that interest might be affected by the result of the proceeding, the reasons why they should be permitted to intervene, and the specific aspects of the subject matter as to which intervention is sought. 10 C.F.R. § 2.714(a)(2) (1992). The NRC has held that geographic proximity of a petitioner's residence to a nuclear plant is enough to comply with the interest requirements of 10 C.F.R. § 2.714 for construction permit and operating license proceedings. Virginia Electric Power Co. (North Anna Nuclear Power Station, Units 1 & 2), ALAB-522, 9 NRC 54, 56 (1979). Distances of up to 50 miles from a nuclear power plant have been found to be within the geographical zone of interest. Tennessee Valley Authority (Watts Bar Nuclear Plant, Units 1 & 2), ALAB-413, 5 NRC 1418, 1421 n.4 (1977).

In the absence of a showing of residence within 50 miles, the Commission applies judicial concepts of standing in

determining whether a party has sufficient interest in the proceedings. Portland General Electric Co. (Pebble Springs Nuclear Plant, Units 1 & 2), CLI-76-27, 4 NRC 610, 613-14 (1976). A two-pronged test applies: (1) whether the action being challenged has caused or will probably cause some injury-in-fact to the person seeking to establish standing; and (2) whether such injury is arguably within the zone of interests protected by the statute governing the proceedings. Id. at 613; see also Lujan v. Defenders of Wildlife, 112 S. Ct. 2130 (1992).^{8/}

The Petition does not allege that the Dows reside within 50 miles of the CPSES. In fact, their mailing address is given as Monroeville, Pennsylvania, which is hundreds of miles from the site. In an apparent effort to overcome this, the Petition states that R. Micky Dow "owns property in Hood County, Texas, in the City of Granbury, Texas, which is within a 50 mile radius of the Comanche Peak Steam Electric Station, and could be adversely

8/ In the event that a petitioner lacks standing to intervene as of right under judicial standing concepts, he may nevertheless be admitted to a proceeding as a matter of discretion. Pebble Springs, supra, 4 NRC at 614-15. While discretionary intervention will depend on an assessment of all the facts and circumstances of the particular case, petitioners who show significant ability to contribute on substantial issues of law or fact and set forth these matters with suitable specificity to allow their evaluation will be more readily granted permission. Id. at 617. The burden of demonstrating that he/she could make a valuable contribution lies with the petitioner, and "[i]n this regard, broad, generalized averments will not suffice." Nuclear Engineering Co. (Sheffield, Ill., Low-Level Radioactive Waste Disposal Site), ALAB-473, 7 NRC 737, 745 (1978). The Petition provides no basis whatsoever for granting discretionary intervention.

affected by any accident therein." Petition at 2.^{2/} However, this statement does not indicate the nature of the property owned by Mr. Dow (i.e., whether the property is real or personal, and whether the property is tangible or intangible). In order to base standing on proximity to a nuclear facility, a petitioner must describe the nature of his/her property or residence, as well as its proximity to the facility, and should describe how the health and safety of the petitioner may be jeopardized.

Northern States Power Co. (Pathfinder Atomic Plant), LBP-89-30, 30 NRC 311, 315 (1989); see also Washington Public Power Supply System (WPPSS Nuclear Project No. 2), LBP-79-7, 9 NRC 330, 336-38 (1979) (holding that a petitioner, who lived several hundred miles from the site, but owned and rented out farmland which he visited occasionally and which was 10 to 15 miles from the site, had not demonstrated a proximity to the site which would establish an interest adequate for standing. An occasional trip to the farm was held to be "insufficient to determine [that] his health and safety would be endangered.") Hence, even assuming for the sake of argument that Mr. Dow owns property in Granbury,

2/ The U.S. District Court for the Western District of Pennsylvania recently dismissed an action filed by the Dows and DWCPSES due to Petitioners' lack of standing. The Court's determination was based in part on the Dows' failure to show injury to themselves due to their lack of proximity to the CPSES. See Dow v. Texas Utilities Electric Co., Docket No. 91-1238, Slip op. (W.D. Pa. June 23, 1992) (citing Apr. 6, 1992 Report and Recommendation of U.S. Magistrate Judge R.C. Mitchell). The Magistrate Judge noted that "the plaintiffs, professed residents of Pennsylvania, have neither alleged nor shown that they have been injured by the defendants' actions." Report and Recommendation at 5 n.6.

Texas, the Petition still has not described how his health and safety will be jeopardized by ownership of such property in a way sufficient to establish standing.

It remains then to consider whether the Dows have satisfied both the injury-in-fact and zone of interest tests with respect to any other of their assertions. The first of these indicates that Mr. Dow "has already been adversely affected" in that he "was forced to flee his home, in Texas, for fear of his life and safety, as a direct and proximate result of telephone threats made to him by one Earl [sic] Nye, an executive officer of the licensee." Petition at 2. Similarly, Mrs. Dow is also said to be precluded from residing within 50 miles of the CPSES because of the same threats. Petition at 2. The Petition further states that Mrs. Dow has been adversely affected because she was "detained, harassed, and molested by individuals and parties, either in the direct pay, or under the control of the licensee." Petition at 2-3. As discussed in Section I above, these allegations are unsubstantiated, false, and scandalous. Moreover, they do not establish any radiological health and safety concern which either is related to this proceeding or is within the zone of interests protected by the Atomic Energy Act.^{10/} Furthermore, the Petition does not establish or allege that any outcome in the instant proceeding would adversely affect Petitioners or could remedy the injury which they claim to have suffered. See Dellums v. NRC, 863 F.2d 968, 973-74 (D.C. Cir.

^{10/} In this regard, Section 210 of the Energy Reorganization Act is not implicated by the Dows' accusations, because the Dows have not alleged that they have been employed by TU Electric or its contractors at CPSES.

1988) (in order to have standing to challenge a licensing action, a petitioner must show a "substantial likelihood" that denial of the license would redress the petitioner's alleged injury). Therefore, the Dows have not demonstrated any interest under judicial concepts of standing which would qualify either of them for standing in this proceeding.

Furthermore, to the extent that the Dows are requesting intervention on behalf of the DWCPSES, they have not addressed the requirements for organizational standing set forth in Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Unit 1), ALAB-535, 9 NRC 377, 389-94 (1979). In particular, the Petition does not allege any organizational injury nor identify any members of DWCPSES who have authorized DWCPSES to represent them in this proceeding and who have individual standing.

In conclusion, the Dows have not established standing for themselves on the basis of the proximity of their residence or their property to the CPSES. Nor have they asserted any other injury in fact which falls within the zone of interests protected by the Atomic Energy Act. Furthermore, they have not established organizational standing on behalf of the DWCPSES. Hence, the Petition for leave to intervene and the request for a hearing should be denied based on the lack of standing of the Petitioners.^{11/}

^{11/} While declining to rule on standing, the Commission recently observed in an order denying another petition for intervention filed by the Dows, that "we have strong doubts that [the Dows] could satisfy our standing requirements. First, the Dows themselves live in Pennsylvania while

III. The Petition Does Not Specifically Identify Any Aspects of the Subject Matter for Intervention

Section 189a of the Atomic Energy Act does not provide an unqualified right to a hearing to persons whose interests may be affected by a proceeding. Rather, prospective intervenors must establish their right to a hearing by complying with the NRC's procedural regulations. Business and Professional People for the Public Interest v. Atomic Energy Commission, 502 F.2d 424, 428 (D.C. Cir. 1974). The NRC's procedural regulations require that a person whose interest may be affected by a proceeding and who desires to participate as a party must file a written petition to intervene which sets forth "the specific aspect or aspects of the subject matter of the proceeding as to which petitioner wishes to intervene." 10 C.F.R. § 2.714(a)(2) (1992).

Petitioners have not identified the specific aspects of the subject matter of the proceeding as to which they wish to intervene (nor have they identified any contentions). Instead, the Petition filed by the Dows and DWCPSES merely asserts that "pursuant [to] 42 U.S.C. 2239(a)(1) the Commission is required to grant such a hearing." Petition at 4. As indicated above, Petitioners are incorrect. Because they have not complied with the NRC's procedural requirements for intervention (i.e., they have not identified the specific aspects of the subject matter of

Comanche Peak is in Texas. Thus, it is unlikely the Dows themselves have standing. Moreover, the Staff raises several possibly valid concerns regarding the standing of the Disposable Workers organization." Texas Utilities Electric Co. (Comanche Peak Steam Electric Station, Units 1 & 2) CLI-92-12, 36 NRC _____, Slip op. at 16-17 n.9 (1992).

the proceeding as to which they wish to intervene), they are not entitled to a hearing. Thus, the Petition fails the threshold requirements of 10 C.F.R. § 2.714(a)(2) and should be denied.

IV. Petitioners' Due Process Rights Are Not Violated by the NRC's Granting of an Extension of the Time Allotted for CPSES Unit 2 Construction.

The Petition asserts that Petitioners have filed two other petitions in the U.S. Court of Appeals for the District of Columbia and two other petitions before the NRC, regarding the operating license for Unit 1 and the construction permit for Unit 2. Petition at 3-4. Without citing any authority, the Petition concludes that "[t]o institute, convene, and/or conduct any proceeding which might in some manner have an adverse effect upon those pending matters would pose some serious Due Process questions" Petition at 3-4. This conclusion assumes that the NRC's extension of the CPSES Unit 2 construction permit renders litigation in other forums moot or would be dispositive of issues raised in those forums. The Petition provides no support for this assumption. In fact, the issues being litigated in the other forums cited by the Petition are unrelated to any issue which can properly be associated with the extension of the Unit 2 construction permit.^{12/} Also, the NRC's grant of an

^{12/} Petitioners' May 19th 10 C.F.R. § 2.206 petition and the associated petition for temporary restraining order before the court of appeals (D.C. Cir. Docket No. 92-1224) did request suspension of NRC's consideration of TU Electric's application to extend the construction permit for Unit 2. However, none of the issues raised by the Petitioners in those pleadings related to the merits of TU Electric's

extension for the Unit 2 construction permit on July 28, 1992 has not been shown to have any effect on Petitioners' position in other litigation. Furthermore, pursuant to 10 C.F.R. § 2.109 and 5 U.S.C. § 558(c), even if the NRC had refrained from acting on TU Electric's application for an extension, the existing Unit 2 construction permit would still have remained in effect.^{13/} Therefore, Petitioners' position in other litigation is no different now than it would have been in the absence of NRC action. In conclusion, the extension of the construction permit

application for extension. Furthermore, because the Petitioners have a right to file (and in fact have filed) a petition to intervene challenging the extension, it is absurd for them to argue that they have been deprived of any due process rights related to the extension.

13/ Section 2.109(a) of 10 C.F.R. (1992) provides:

Except for the renewal of an operating license for a nuclear power plant under 10 CFR 50.21(b) or 50.22, if at least 30 days prior to the expiration of an existing license authorizing any activity of continuing nature, the licensee files an application for a renewal or for a new license for the activity so authorized, the existing license will not be deemed to have expired until the application has been finally determined.

Similarly, 5 U.S.C. § 558(c) (1988) provides in part:

When the licensee has made timely and sufficient application for a renewal or a new license in accordance with agency rules, a license with reference to an activity of a continuing nature does not expire until the application has been finally determined by the agency.

has not affected Petitioners' other litigation and has not deprived Petitioners of due process.^{14/}

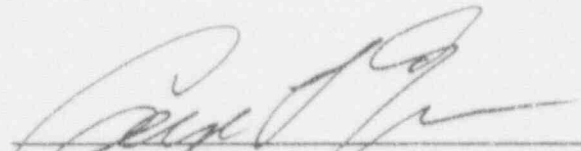
^{14/} Furthermore, even if it is assumed that other litigation were to be rendered moot, it is not apparent how the Petitioners would have any due process interests at stake. In essence, Petitioners appear to be taking the position that the NRC may not take any action that relates to a pending petition before the courts, regardless of how frivolous or unsupported the petition may be. Obviously, such a position is absurd on its face. Furthermore, if such a position were to be accepted, petitioners could indefinitely block any action by NRC.

V. CONCLUSION

For the reasons stated above, the petition to intervene should not be accepted for filing because the Petition contains untrue and scandalous allegations. Additionally, the Petition should be summarily denied because the Petitioners have not demonstrated standing to intervene. Finally, the Petition should be denied since Petitioners have not specifically identified aspects of the subject matter of the proceeding which they desire to litigate.

Respectfully submitted,

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August 14, 1992

UNITED STATES OF AMERICA
NUCLEAR REGULATORY COMMISSION
BEFORE THE ATOMIC SAFETY AND
LICENSING BOARD

DOCKETED
USNRC

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OFFICE OF SECRETARY
DOCKETING & SERVICE
BRANCH

In the Matter of)

TEXAS UTILITIES ELECTRIC)
COMPANY)

(Comanche Peak Steam Electric)
Station, Unit 2))

Docket No. 50-446

Construction Permit
Amendment

CERTIFICATE OF SERVICE

I hereby certify that copies of "TU Electric's Answer to the Petition for Intervention and Request for Hearings by the Dows" together with a cover letter to the Secretary of the Commission, was served upon the following persons by deposit in the United States mail, postage prepaid and properly addressed, on the date shown below:

Morton B. Margulies, Chairman
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

James H. Carpenter
Atomic Safety and Licensing Board
U.S. Nuclear Regulatory Commission
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Marian L. Zobler, Esq.
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Office of the General Counsel
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Secretary
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555


Attn: Chief, Docketing Service Section
(Original plus two copies)

Michael D. Kohn
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R. Micky Dow
Sandra Long Dow
322 Mall Blvd., #147
Monroeville, PA 15146

Office of Commission Appellate Adjudication
U.S. Nuclear Regulatory Commission
Washington, D.C. 20555

Dated this 14th day of August, 1992.



Nancy L. Ranek
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UNITED STATES OF AMERICA
THE U.S. DEPARTMENT OF LABOR
OFFICE OF ADMINISTRATIVE LAW JUDGES

In the Matter of:

YVONNE WILKINSON

Complainant

vs.

TEXAS UTILITIES

Respondent

§
§
§
§
§
§
§
§
§
§

Case No. 92-ERA-16

AFFIDAVIT OF DAVID L. ANDREWS

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, personally appeared Mr. David L. Andrews, who, after being first duly sworn, deposed and said as follows:

1. My true and correct name is David L. Andrews. I am presently employed by Texas Utilities Services, Inc. as Director of Corporate Security.

2. On February 18, 1992, I caused a search to be conducted of the records of the Criminal District Clerk, Tarrant County, Texas. That search established that there is a warrant for the arrest of Mr. Dow presently outstanding in Cause #0426207D, pending in Criminal District Court, #1 in Tarrant County, Texas. This warrant was issued August 30, 1991 in connection with the

prosecution of Mr. Dow on a felony charge of Theft by Check. (See Attachment 1, copy of outstanding warrant and Attachment 2, copy of certified court documents relating to criminal charge of felony theft).

3. Also, I caused a search to be conducted of public records in Hood County, Texas. That search revealed that on October 14, 1991, a warrant was issued for the arrest of Mr. Dow in Cause #F-91-126. This warrant charged him with the felony offense of Forgery. (See Attachment 3, certified copy of court documents relating to warrant of arrest in Cause #F-91-126).

4. I also caused a search to be conducted of the public records of the Clerk of the County Court of Erath County, Texas. That search establishes that there is a warrant for the arrest of Mr. Dow presently outstanding in Cause #21,969 pending in County Court of Erath County. A warrant was issued on January 9, 1992 on a misdemeanor charge of Theft over \$200.00. (See Attachment 4, copy of court documents including certification of warrant).

5. In October 1991, I caused a search to be conducted of the public records of the Federal Records Center in Ft. Worth, Texas. Review of public records found during that search established that on August 17, 1979, Mr. Dow was convicted in U.S. District Court, Northern Judicial District of Texas, on felony charges relating to the breaking and entering of postal vehicles. Mr. Dow was sentenced to a Federal prison for this conviction. The cause number for this criminal action was CR-4-79-64. (See Attachment 5,

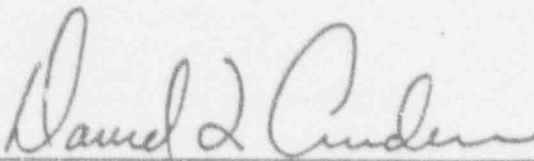
certified copies of documents relating to criminal action CR-4-79-64).

6. I caused a search to be conducted of the public records of the Tarrant County Court Clerk. Review of records found during that search established that on August 2, 1979, Mr. Dow pled guilty and was convicted in Cause #0144335 of the criminal offense of Theft by Check, a misdemeanor. (See Attachment 6, certified exemplified records relating to conviction of Mr. Dow in Cause #0144335).

7. A review of the records of the clerk of the District Court for Tarrant County, Texas established that on January 16, 1978, Mr. Dow was convicted in Cause #11411A of the criminal offense of Burglary, and that probation was revoked on September 7, 1979. (See Attachment 7, certified copies of court documents in Cause #11411A).

8. I am personally acquainted with R. Micky Dow and mailed him by U.S. mail the original letter dated April 8, 1991, (a true and correct copy is attached as Attachment 8) concerning his negotiation on behalf of individuals with TU Electric.

FURTHER AFFIANT SAITH NOT.


David L. Andrews

SUBSCRIBED AND SWORN TO BEFORE ME on the 26th day of

February, 1992.

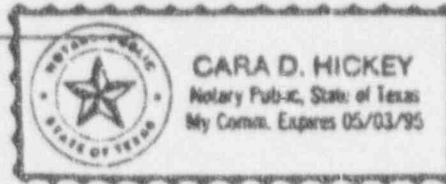
Cara D. Hickey

Notary Public in and for the
State of Texas

Cara D. Hickey

Notary's printed name

My Commission Expires: _____



CRIMINAL DISTRICT COURT NO. 1

THE STATE OF TEXAS
COUNTY OF TARRANT

TO ANY PEACE OFFICER OF THE
STATE OF TEXAS, GREETINGS:

You are hereby commanded to take the body of
RICHARD E DOW JR and him safely

keep, so that you have him before the Honorable
CRIMINAL DISTRICT COURT NO. 1, in and for

Tarrant County, at the Court House thereof,
in the City of Fort Worth, instantler, to answer
the State of Texas on a charge by indictment of

THEFT 750-20000-CK

a ~~Misdemeanor~~ felony.

issued under my hand and seal of office
in the City of Fort Worth, Texas

this 30TH day of AUGUST 19 91

THOMAS P. HUGHES

CLERK DISTRICT COURT

TARRANT COUNTY, TEXAS

By Michael Melton Deputy

FORM D. C. 265-C R

Attachment 1 to
Dave Andrews Affidavit

No. 0426207D

TARRANT COUNTY

WARRANT

NOT IN JAIL

THE STATE OF TEXAS

VS.

RICHARD E DOW JR
7373 BRAZOS RIVER
GRANDBURY TX 112347 W
Issued the 30TH day of

AUGUST 19 91

Came to hand on the
day of , 19
and executed on the
day of

A. D. 19

by _____

Tarrant County, Texas

By _____, Deputy.

Arrest \$ _____

Mileage _____

Miscellaneous ... _____

SEE 08 1991

Total _____

Fake

A CERTIFIED COPY

ATTEST Feb 19 19 92

THOMAS P. HUGHES
Criminal District Clerk
Tarrant County, Texas

BY [Signature]
Deputy

THE STATE OF TEXAS }
COUNTY OF TARRANT }

I, THOMAS P. HUGHES, Clerk of the District Courts of said County of Tarrant in the

State of Texas, do hereby certify that the within and preceding pages contain a full, complete, true and exact copy of

Indictment, Warrant, Defendants Waiver of Arraignment and

Appearance Bond with attachment. in a cause of

record in Cause No. 0426207D, The State of Texas, Plaintiff, vs

RICHARD E. DOW, JR.

Defendant.

Given under my hand and seal of office, at Fort Worth, in said County of Tarrant, State of Texas, this 9th

day of October A.D. 19 91.

THOMAS P. HUGHES
CLERK OF THE DISTRICT COURTS
TARRANT COUNTY, TEXAS

by K. Bunker Deputy

THE STATE OF TEXAS }
COUNTY OF TARRANT }

I, Sharen Wilson Judge of the

Criminal District Court Number One of the State of Texas, presiding in the County

of Tarrant, do hereby certify that the Deputy Clerk whose name appears to be signed to the above certificate, is and was

at the time of signing the same, the Deputy Clerk of said District Court therein mentioned, and as such was the proper

person to make said certificate, and that the same is in due form.

Given under my hand officially this 9th day of October A.D. 19 91

Sharen Wilson Judge
CRIMINAL DISTRICT COURT NUMBER ONE
TARRANT COUNTY, TEXAS

THE STATE OF TEXAS }
COUNTY OF TARRANT }

I, THOMAS P. HUGHES, Clerk of the District Courts, Tarrant County, Texas do

hereby certify that Sharen Wilson Judge of the Criminal

District Court Number One of Tarrant County, Texas, is, and was, at time of signing the same, the

duly elected, qualified and acting Judge of said Court herein mentioned and as such was the proper person to make said

certificate, and that the same is in due form.

Given under my hand and seal of office, at Fort Worth, in said County of Tarrant, State of Texas, this 9th day

of October A.D. 19 91.

THOMAS P. HUGHES
CLERK OF THE DISTRICT COURTS
TARRANT COUNTY, TEXAS

by K. Bunker Deputy

Attachment 2 to

DAVE ANDREWS AFFIDAVIT

NAME RICHARD E DOW JR
ADDRESS 7373 BRAZOS RIVER
GRANDBURY TX 76048
RACE W SEX M AGE 43 DOB 11-23-47

CASE NO. 0426207 FILED: (DATE) 12-04-90
PC HAS BEEN DETERMINED
TRANSFER: COURT DATE

OFFENSE THEFT 750-20000-CK
DATE 06-29-90 DIRECT
I.P. BARBARA HOWELL
C.C.
AGENCY TC DIST ATTY OFFICE
OFFENSE NO. COURT CDCI

INDICTMENT NO. 0426207 D

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF TARRANT COUNTY, TEXAS, duly elected, tried, empaneled,
sworn and charged to inquire of offenses committed in Tarrant County, in the
State of Texas, upon their oaths do present in and to the * * * * *

CRIMINAL DISTRICT COURT NO. 1

of said County that * *

RICHARD E DOW JR

hereinafter called Defendant, in the County of

Tarrant and State aforesaid, on or about the 29TH day of JUNE 1990, did

THEN AND THERE INTENTIONALLY APPROPRIATE, BY ACQUIRING AND OTHERWISE EXERCISING
CONTROL OVER, PROPERTY, TO-WIT: STORE MERCHANDISE, OF THE VALUE OF \$750 OR
MORE, BUT LESS THAN \$20,000 FROM THE OWNER, BARBARA HOWELL, WITHOUT THE
EFFECTIVE CONSENT OF THE OWNER AND WITH INTENT TO DEPRIVE THE OWNER OF THE
PROPERTY,

ENHANCEMENT COUNT:

PARAGRAPH ONE: AND, IT IS FURTHER PRESENTED IN AND TO SAID COURT, THAT PRIOR TO
THE COMMISSION OF THE PRIMARY OFFENSE, THE SAID DEFENDANT, ON THE 7TH DAY OF
SEPTEMBER, 1979, IN THE CRIMINAL DISTRICT COURT NUMBER FOUR OF TARRANT COUNTY,
TEXAS, IN CAUSE NUMBER 11411A, WAS CONVICTED OF A FELONY, TO-WIT: BURGLARY,
AND THE SAID CONVICTION BECAME FINAL PRIOR TO THE COMMISSION OF THE PRIMARY
OFFENSE,

ENHANCEMENT COUNT:

PARAGRAPH TWO: AND, IT IS FURTHER PRESENTED IN AND TO SAID COURT, THAT PRIOR
TO THE COMMISSION OF THE PRIMARY OFFENSE, THE SAID DEFENDANT, UNDER THE NAME OF
RICHARD E. "MICKY" DOW, ON THE 17TH DAY OF AUGUST, 1979, IN THE UNITED STATES
COURT FOR NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION, IN CAUSE NUMBER
CR-4-79-64, WAS CONVICTED OF A FELONY, TO-WIT: (CONSPIRACY, AND BREAKING AND
ENTERING POSTAL VEHICLES AND AIDING AND ABETTING, IN VIOLATION OF TITLE 18,
U. S. C., SECTIONS 371 AND 1705 AND 2., AND THE SAID CONVICTION BECAME FINAL
PRIOR TO THE COMMISSION OF THE PRIMARY OFFENSE,

AGAINST THE PEACE AND DIGNITY OF THE STATE.

Tom Curry

Criminal District Attorney
INDICTMENT - ORIGINAL

James O. Ham Miller
Foreman of the Grand Jury

Filed (Clerk's use on)

FILED
THOMAS P. HUGHES, DIST. CLERK
TARRANT COUNTY, TEXAS

DEC 11 1990

Time *9:00*
By *LB* Deputy

REC BOND = 15000.00

0426207

CRIMINAL DISTRICT COURT NO. 1

THE STATE OF TEXAS
COUNTY OF TARRANT

FILED

TO ANY PEACE OFFICER OF THE
STATE OF TEXAS, GREETINGS:

You are hereby commanded to ¹⁰⁹¹¹²⁸⁶¹the body of
RICHARD E DOW JR

and him safely

keep, so that you have him before the Honorable
CRIMINAL DISTRICT COURT NO. 1, in and for

Tarrant County, at the Court House thereof,
in the City of Fort Worth, instantler, to answer
the State of Texas on a charge by indictment of

THEFT 750-20000-CK

~~XXXXXX~~ felony.

issued under my hand and seal of office
in the City of Fort Worth, Texas

this 13TH day of DECEMBER 19 90.

THOMAS P. WITNES

CLERK DISTRICT COURT

TARRANT COUNTY, TEXAS

By Charles P. Mason Deputy

CID-0044727

ALIAS

No. 0426207D

TARRANT COUNTY

WARRANT

THE STATE OF TEXAS

VS.

RICHARD E DOW JR
7373 BRAZOS RIVER

GRANDBURY TX 76047

Issued the 13TH day of

DECEMBER 19 90

Came to hand on the
day of _____, 19
and executed on the
day of _____, 19

by Boyd A. Smith
Crath B. Smith 12/19/90

Tarrant County, Texas

By _____, Deputy.

Arrest \$ _____

Mileage _____

Miscellaneous _____

DEC 14 1990
Total _____

NO. 426,207-D

THE STATE OF TEXAS

X IN THE CRIMINAL DISTRICT COURT

VS.

NUMBER ONE OF

RICHARD EMERY DOW, JR.

X

TARRANT COUNTY, TEXAS

DEFENDANT'S WAIVER OF ARRAIGNMENT

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW Defendant in this case, and waives arraignment in the case, and would show the Court the following:

I.

Defendant has been furnished a copy of the charging instrument, and Defendant's name is correctly spelled. Defendant is represented by Andrew Ottaway. For the purposes of arraignment, Defendant waives the reading of the charging instrument and enters a plea of not guilty.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court accept and approve this waiver of arraignment.

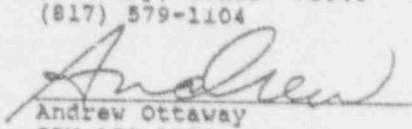
Respectfully submitted,

Andrew Ottaway
ATTORNEY AT LAW
2330 Plaza Drive North
Granbury, Texas 76048
(817) 579-1104

FILED
THOMAS P. HUGHES, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 31 1991

Time 1:45
By AW Deputy


Andrew Ottaway
SBN 15342850

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

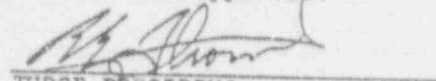
I hereby certify that a true and correct copy of this document has been handed to the attorney representing the State.

DATED: January __, 1991.


Andrew Ottaway

ORDER

On this the 11 day of January, 1991, this Waiver of Arraignment was considered by the Court and approved.


JUDGE PRESIDING

APPEARANCE BOND

WARRANT NO. 0426207D
THE STATE OF TEXAS

BOND NO. 3509

FILED

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF ERATH

THOMAS P. HUGHES, DISTRICT CLERK

That we, Richard Emery Dow Jr., as Principal, and C&R BAIL BOND, as Sureties, are held and firmly bound unto the State of Texas, in the Penal sum of FIFTEEN THOUSAND (\$15,000) DOLLARS, for payment of which sum, well and truly to be made, and all additional, necessary expenses that may be incurred by the Sheriff or other Peace Officers in re-arresting Principal in the event the conditions of this bond are violated, we do bind ourselves, our heirs, executors and administrators, jointly and severally by these presents. The condition of the above obligation is that whereas said Principal stand charged by (complaint) (information) (indictment), duly filed in the District Court of TARRANT County, Texas with the offense of a (felony) (misdemeanor), to wit: THEFT OVER 750-UNDER 20,000 AND said Principal was required to give bail in the sum of \$ 15,000 for their personal appearance before the District Court of TARRANT County, Texas.

NOW, if the said Principal shall well and truly make their personal appearance instantler before said Court of said County, State of Texas, at its present term, if now in session, or at its next regular term if now in vacation, to be held at the Court House of said County, in the City of FORT WORTH Texas, and further, shall well and truly make their personal appearance before said Court, in said County, State of Texas, as well as before any other Court to which the same may be transferred, and for any and all subsequent proceedings that may be had relative to the said charge in the course of criminal action based on said charge, and there to remain from day to day and from term to term of said Court, until discharged by due course of law, then and there to answer said accusation against the said Principal this obligation shall become void; otherwise remain in full force and effect.

SIGNED and DATED this the 19 day of DECEMBER, 1990

SURETY: C&R BAIL BOND
ADDRESS: 1029 Glen Rose Rd.
CITY: Stephenville STATE: Texas
ZIP: 76401 TELEPHONE: (817) 965-4706
SURETY: _____
ADDRESS: _____
CITY: _____ STATE: _____
ZIP: _____ TELEPHONE: ()

PRINCIPAL: [Signature]
ADDRESS: 586 N. CLINTON
CITY: STEPHENVILLE
STATE: TEXAS
ZIP CODE: 76401
TELEPHONE: (817) 965-3498

OATH OF SURETIES

THE STATE OF TEXAS
COUNTY OF ERATH

I/We, C&R Bail Bond and _____ do swear that each of us are in our own right worth at least the sum of: (\$ 30,000) THIRTY THOUSAND (TWICE THE AMOUNT OF BOND), after deducting from our property all that which is exempted by the Constitution and Laws of the State from forced sale after the payment of all debts of every description whether individual or security debts, and after satisfying all encumbrances upon our property, which are known to us, each have property in the State of Texas, liable to execution, worth: THIRTY THOUSAND (\$ 30,000) (TWICE THE AMOUNT OF BOND).

Surety: J. R. Cardwell Surety: _____
SUBSCRIBED AND SWORN TO BEFORE ME, by J. R. Cardwell and _____
on this the 19 day of December, 1990

ORIGINAL

[Signature]
NOTARY PUBLIC, ERATH COUNTY, TEXAS

TAKEN and APPROVED this the 19 day of December, 1990

I hereby certify that the Sureties whose names are subscribed to this bond are good for the amount thereof, and if this bond was submitted to me for approval, I would accept same.

SHERIFF, _____ COUNTY, TEXAS

David A. Coffey
SHERIFF, Erath COUNTY, TEXAS

[illegible]

DMS-5:

50
51
52
53

NAI

*26201

COMM. 12/19/90

WRNT

BONL

FILED

DEC 19 PM 6:34

THOMAS P. HUGHES
TARRANT COUNTY

TARRANT COUNTY

SHERIFF'S DEPT

#2572 SO ERATH COUNTY
 SO TARRANT COUNTY
 REF: DOW, RICHARD E JR W/M 160398 A7
 SUBJECT HAS MADE BOND ON YOUR CHARGE #0426207D THEFT OVER \$750 UNDER
 \$20,000. BOND #3509. ACKNOWLEDGE RECEIPT TO STSZ.
 AUTH: ROBIN GREEN/CORRECTIONS/OFFICER
 SO ERATH CO COMM/POUNDER-121990 1822CDT

OUTPUT MSG 065. FROM STSZ FOR FWSZ 12/19/90 18:22

... a charge by indictment of

THEFT 750-20000-LK & REP

a misdemeanor/felony.

Issued under my hand and seal of office
 in the City of Fort Worth, Texas

this 12TH day of DECEMBER 19 90

THOMAS P. HUGHES

CLERK DISTRICT COURT

TARRANT COUNTY TEXAS

By Robin Green Deputy

M D. C. 265-CR

Issued the 12TH day of
 DECEMBER 19 90

Came to hand on the
 day of 19
 and executed on the
 day of

A. D. 19
 by Noted Bond
Placed on 12/19/90 per
attchd TV
 Tarrant County, Texas

By _____, Deputy.

Arrest \$ _____

Mileage _____

Miscellaneous _____

Total DEC 19 1990

File

mm

No. F-91-126

THE STATE OF TEXAS

vs.

RICHARD EMERY DOW, JR.
(AKA/Mickey Dow)

COMPLAINT
OFFENSE

Forgery - Making

FILED

14th day of October, 1991

GEORGE SMITH

JUSTICE OF THE PEACE
Hood County, Texas
Precinct 3 & 4

STATES WITNESSES

RONNIE BLASINGAME

I, GEORGE E. SMITH, Justice of the Peace,
Precinct #3-4, do hereby certify this to be a
true and correct copy from my records.

10-15-91

DATE

George E. Smith

GEORGE E. SMITH

Attachment 3 to
Dave Andrews Affidavit

THE STATE OF TEXAS

To any Sheriff, Constable or Peace Officer of the State of Texas, Greeting:

You Are Hereby Commanded to arrest RICHARD EMERY DOW, JR. (AKA/Mickey Dow)

if to be found in your County and bring HIM

before me, a Justice of the Peace in and for Precinct No. 3-4, Place No. 1 of HOOD

County, Texas, at my office in ROOM ONE, THE COURTHOUSE, GRANBURY, TEXAS

(Location of Office)

In said County, Immediately, then and there to answer the State of Texas for an offense against the laws of said State, to-wit: FORGERY MAKING

_____ of which offense he RICHARD EMERY DOW, JR. (AKA/MICKEY DOW) is accused by the written complaint, under oath, of RONNIE BLASINGAME, filed before me.

(Name of Complainant)

Herein Fail Not, but of this writ make due return, showing how you have executed the same.

Witness my official signature, this 14th day of OCTOBER 1991

George E. Smith Justice of the Peace,
Precinct No. 3-4, Place No. 1, HOOD County, Texas

I, GEORGE E. SMITH, Justice of the Peace,
Precinct #3-4, do hereby certify this to be a
true and correct copy from my records.

10-15-91

DATE

George E. Smith
GEORGE E. SMITH

AGAINST THE PEACE AND DIGNITY OF THE STATE

Ronnie Blasingame
complainant

SWORN TO AND SUBSCRIBED BEFORE ME BY RONNIE BLASINGAME, a credible
person, this 14th day of October, A.D. 1991.

George C. Smith
JUSTICE OF THE PEACE, HOOD COUNTY
Precinct 3.

COMPLAINT NO. F-91-126

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS

I, Ronnie Blasingame, being duly sworn, do state upon my oath that
I have good reason to believe and do believe based on the following
information:

1. That Mickey Dow did sign checks on Brazos River Acres Homeowners Association without proper authorization.
2. That Mickey Dow was not and is not on the signature card for Brazos River Acres Homeowners Association.
3. That Mickey Dow did forge the name of George Shaw and Richard McGregor on check numbers 115, 116, 118, 262, and 294.
4. That these checks were forged by Mickey Dow as reported in a statement this Investigator obtained from Danny Pratt.
5. That the total amount of checks forged by Mickey Dow is \$1,185.95.

and I charge that heretofore, and before the making and filing of this complaint, on or about the 21st day of May, 1991, in the County of Hood and State of Texas, RICHARD EMERY DOW, JR. (AKA/Mickey Dow), Defendant, did then and there intentionally, with intent to defraud and harm another, make a writing so it purported to be the act of Frank Shaw and Richard McGregor, who did not authorize the act and said writing was a check of the tenor following:

82-114
05264851
SUNBELT SAVINGS 116
BRAZOS RIVER ACRES PROPERTY OWNERS ASSOC.
P.O. BOX 1362
GRANBURY, TEXAS 76048
PAY TO THE ORDER OF Danny D. Pratt
Three hundred sixty & 9/10
\$ 360.00
DOLLARS
RETURNED NOT PAID
ACCOUNT CLOSED
SUNBELT SAVINGS
DALLAS TEXAS
Frank B. Shaw
Richard McGregor
0000116 311073140 1366001242 0000036000

WARRANT FOR ARREST

WARRANT NUMBER 21969

IN THE NAME OF AND BY THE AUTHORITY OF THE STATE OF TEXAS:

To any Sheriff, Constable, or Peace Officer of the State of Texas, Greetings:

You are hereby commanded to arrest R. MICKEY DOW, if to be found in your County and bring R. MICKEY DOW, before me, COUNTY JUDGE, in and for Erath County, Texas at my office in STEPHENVILLE, TEXAS, in said County, immediately, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

THEFT OVER \$200.00 UNDER \$750.00

of which offense, the Defendant is accused by the written complaint and information, under oath, of PHIL NICHOLS, filed before me, BILL HAILEY, COUNTY JUDGE.

Herein fail not, but of this warrant make due return showing how you have executed same.

Witness my official signature of this the 25 day of September, 1990.

Bill M. Hailey
BILL M. HAILEY
ERATH COUNTY JUDGE
ERATH COUNTY, TEXAS

OFFICER'S RETURN

CAME ON TO HAND ON 0926 1990 at
4 o'clock P.M., and executed on
1990 at o'clock, .M.,
arresting the within name Defendant at in
ERATH COUNTY, TEXAS

SHERIFF, CONSTABLE OR PEACE OFFICER,

STEPHENVILLE, ERATH COUNTY, TEXAS

BY:
DEPUTY.

Attachment 4 to
Dave Andrews Affidavit

10-18-90
Mick Dow
Dow

THE STATE OF TEXAS,

TO ANY PEACE OFFICER OF THE STATE OF TEXAS—CRESTING,

YOU ARE HEREBY COMMANDED TO ARREST RICHARD POW
DL#14670299

and HIM safely keep, so that you have HIM before the Honorable COUNTY Court of KEATH
County, Texas, at the Court House of said County, in the City of STEPHENVILLE, hereinafter,
then and there to answer THE STATE OF TEXAS upon a charge pending in said Court, charging HIM
with the offense of THEFT O/S200 U/S750

HEREIN FAIL NOT, but due return make hereof as the law directs.

WITNESS my signature and official seal, on this the 9th dayof JANUARY, A. D. 1922NELDA CROCKETTCLERK COUNTY CLERKCOUNTY Court, KEATH County, TexasBY Carol Mitchell DEPUTY CLERK

CERTIFICATE

THE STATE OF TEXAS |

COUNTY OF ERATH |

I, BELOA CHOCSETT, Clerk of the County Court of Erath County, Texas do hereby certify that the foregoing is a true and correct copy of:

WARRANT FOR ARREST, THEFT O/\$200 U/\$750
WARRANT FOR ARREST, SURETY: OFF BOND

In Cause No. 21,969

Styled:

THE STATE OF TEXAS
VS

RICHARD DOW

as the same appears in

Criminal Court Minutes of Erath County, Texas.

Witness my hand and seal of said Court at my office in
Stephenville, Texas this the 19th day of FEBRUARY 1992.

BELOA CHOCSETT
Clerk of the County Court
Erath County, Texas

By Carol Mitchell
Deputy

ATTACHMENT 5 TO
DAVE ANDREWS AFFIDAVIT

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

To all to whom these presents shall come. Greeting:

By virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf,
under the seal of the National Archives and Records Administration, that the attached reproduction(s) is
true and correct copy of documents in his custody.

SIGNATURE	
<i>James W. Mouat</i>	
NAME	DATE
JAMES W. MOUAT	
TITLE	
Director	
NAME AND ADDRESS OF DEPOSITORY	
FEDERAL RECORDS CENTER	
P O BOX 6216	
FORT WORTH, TEXAS 76115	

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

SEP 7 1979

JOSEPH McELROY, JR., CLERK
By *Joseph McElroy, Jr.*
Deputy

UNITED STATES OF AMERICA §
VS. § CR-4-79-64
RICHARD E. "MICKY" DOW §

RECEIVED

MOTION TO MODIFY SENTENCE

Defendant, RICHARD E. "MICKY" DOW, states:

1. This motion is filed under Rule 35 of the Federal Rules of Criminal Procedure, to modify the sentence imposed by this Court on August 17, 1979.
2. The Judgment and Commitment Order of this Court a copy of which is attached hereto and made a part hereof as Exhibit A, provides:

"IT IS FURTHER ORDERED that said sentence shall run consecutively with sentence defendant is presently serving."
3. Defendant believes it was not the intention of the Court to have the Judgment and Commitment Order read as written and therefore requests it be modified to delete such language as contained in the said paragraph.

By Attorney,

Milton Haberer

MILTON HABERER
1300 Summit Avenue
Fort Worth, Texas 76102
Telephone (817) 332-1172

Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the above Motion has been furnished to the United States Attorney's office, 310 U. S. Courthouse, Fort Worth, Texas 76102.

Fort Worth, Texas, this 7 day of September, 1979.

Milton Haberer
MILTON HABERER

United States District Court

NORTHERN DISTRICT OF TEXAS

— FORT-WORTH-DIVISION —

RICHARD E. "NICKY" DOW

CR-4-79-64

DOCKET NO. 2

In the presence of the attorney for the government
the defendant appeared in person on this date

DATE
AUGUST 17 1979

COUNSEL

☐ WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired have counsel appointed by the court and the defendant thereupon waived assistance of counsel.
☒ WITH COUNSEL Milton Haber, court-appointed
(Name of counsel)

PLEA

☒ GUILTY, and the court being satisfied that there is a factual basis for the plea, ☐ NOLO CONTENDERE, ☐ NOT GUILTY

FINDING & JUDGMENT

There being a finding of ☐ NOT GUILTY. Defendant is discharged.
☒ GUILTY, as to Counts 1 and 7.

Defendant has been convicted as charged of the offense(s) of Conspiracy, and Breaking and Entering Post Vehicles and Aiding and Abetting, in violation of Title 18, U.S.C., Sections 371 and 1705 and 2.

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and sentenced and ordered that: The defendant hereby committed to the custody of the Attorney General or his authorized representatives for imprisonment for a period of four (4) years on Count 1, and one (1) year on Count 7 to run concurrently with sentence on Count 1.

SENTENCE OR PROBATION ORDER

IT IS FURTHER ORDERED that said sentence shall run consecutively with sentence defendant is presently serving.

IT IS FURTHER ORDERED that on motion of the United States Attorney, Counts 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the indictment be, and they are, hereby dismissed.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and its return for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk of the Court file a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

COMMITMENT RECOMMENDATION

DAVID O. DELEW, JR.

August 17, 1979

Exhibit A

FOR NORTHERN DISTRICT OF TEXAS
AT FORT WORTH, TEXAS

LOCATION NUMBER
539-4-

DOCKET NUMBER
Magistrate
District Court
CR-4-79-64
Court of Appeals

VOUCHER NUMBER
134018

PROCEEDING (Indicate briefly)
All further proceedings, incl. any appeal

CHARGE/OFFENSE (Indicate if applicable & check box =)
CORP. theft & poss of mail; utter U.S. Treas Ck.
Dest. of postal vehicles; 18: 371,1708,1705 & 2

PERSON REPRESENTED (Show full name & status, & check box =)

- 1 ☒ Defendant - Adult
- 2 ☐ Defendant - Juvenile
- 3 ☐ Appellant
- 4 ☐ Probation Violator
- 5 ☐ Parole Violator
- 6 ☐ Habeas Petitioner
- 7 ☐ 2255 Petitioner
- 8 ☐ Material Witness
- 9 ☐ Other (Specify Below)

Name of person represented by ☐ P ☐ A ☐ O ☐ D of above

COURT ORDER

- ☒ APPOINTING COUNSEL
- ☐ RATIFYING PRIOR SERVICE
- ☐ EXTENDING APPOINTMENT FOR APPEAL
- ☐ SUBSTITUTING COUNSEL FOR

Because the above named "person represented" has verified under oath or has otherwise satisfied this court that he or she: (1) is financially unable to employ counsel, and (2) does not wish to waive counsel, and based on the interest of justice so requires, the attorney or organization has so sworn.

Signature of U.S. Judge or Magistrate
D. O. Kelen / Date 7-30-79

OP BY ORDER OF THE COURT

CERTIFICATIONS OF ATTORNEY/PAYEE
Max compensation and/or reimbursement for work in this case been previously applied for or received? ☒ Yes ☐ No
If "Yes", how much were you paid? \$
By whom were you paid?
If this is an appeal, did you represent person in lower court? ☐ Yes ☐ No

SIGNATURE OF ATTORNEY/PAYEE
I SWEAR & AFFIRM THE TRUTH & CORRECTNESS OF ABOVE STATEMENTS
Signature of Judge/Magistrate
Signature of RE of Chief Judge Court of Appeals

FOR SERVICES & EXPENSES VOUCHERED BELOW

TIME SPENT	DATES	HOURS	AMOUNT
I. IN OPEN COURT			
A. ARRAIGNMENT &/OR PLEA	7/30/79 - 8/4/79	2.5	
B. MOTIONS & REQUESTS			
C. BAIL HEARINGS			
D. SENTENCE HEARINGS	8/17/79	1.5	
E. TRIAL			
F. REVOCATION HEARINGS			
G. APPEALS COURT			
H. OTHER (Specify Below)			
TOTAL "IN COURT" HOURS		4.0	\$ 120.

II. OUT OF COURT			
A. INTERVIEWS & CONFERENCES		4.0	
B. OBTAINING & REVIEWING RECORDS		1.2	
C. LEGAL RESEARCH & BRIEF WRITING			
D. INVESTIGATIVE & OTHER WORK (Specify)			
E. TRAVEL TIME (Specify)		3.0	
(1) TO & FROM COURT (round-trip under 1 hr not allowed)			
(2) OTHER TRAVEL TIME (Specify)			
TOTAL "OUT OF COURT" HOURS		8.0	\$ 160.
TOTAL COMPENSATION FOR "IN COURT & OUT OF COURT" TIME			\$ 280.

III ITEMIZED EXPENSES (Specify, per itemization sheet)	AMT. PER ITEM
L/O - CALLS TO FLORIDA AND	\$ N/C
W/S GND DISTRICT COURT	
NORTHERN DISTRICT OF TEXAS	
FILED	
RECEIVED FEB 7 1974	
TOTAL ITEMIZED EXPENSES	\$ N/C
TOTAL COMPENSATION & EXPENSES	\$ 280.
DEDUCT AMOUNTS PREVIOUSLY PAID IF APPLICABLE	
NET AMOUNT CLAIMED	\$ 250.00

Signature of Attorney/Payee
Date 9/1/79
Amount Certified/Approved \$ 250.00

COUNSEL IS A PRIVATE ATTORNEY
IS FURNISHED BY: PHONE NO. 332-1172
COMMUNITY DEFENDER ORGANIZATION
BAR ASSOCIATION OR LEGAL AID AGENCY

ATTORNEY ORGANIZATION
Milton Haberer
Suite 714, 1300 Summit Avenue
Fort Worth, Texas 76102
ADDRESS
ZIP CODE

AT TIME OF APPOINTMENT
PLEASE TYPE OR
PRINT CLEARLY THE NAME OF
ATTORNEY OR ORGANIZATION
(PAYEE) AND THE ADDRESS TO
WHICH CHECK SHOULD
BE MAILED

UNITED STATES
MARSHAL

JUN 21 2 26 PM '79

NORTHERN DISTRICT
OF TEXAS

IN THE UNITED STATES DISTRICT COURT
(FORT WORTH, TEXAS)
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

VS.

RONALD KOSH
RICHARD E. "MICKY" DOW
THENOLA R. "T.R." COULSON
HERMAN WEBB, JR.
DORATI S. "CHUCK" REVADA
LEE E. WILLIAMS

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CRIMINAL NO. 4-79-64

WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO: THE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF TEXAS
SHERIFF, TARRANT COUNTY JAIL

Pursuant to the order of a United States District
Judge for the Northern District of Texas,

YOU ARE HEREBY COMMANDED to bring RICHARD E. "MICKY" DOW,
defendant herein, now in the custody of the Sheriff, Tarrant County
Jail, before the United States District Court at Fort Worth,
Texas, on June 22, 1979, at 9:00 A.M., at which time and
place said defendant is to answer to the charges pending in
the above numbered cause, and after the conclusion of all
proceedings in this cause you are to return said defendant
under safe and secure conduct to said defendant's original
place of custody or other appropriate authority.

Signed on June 21, 1979

JOSEPH McELROY, JR.
UNITED STATES DISTRICT CLERK

BY: Linda Sanchez
DEPUTY

United States District Court for

NORTHERN DISTRICT OF TEXAS

— FORT WORTH DIVISION —

United States of America vs.

DEFENDANT

RICHARD E. "MICKY" DOW

CR-4-79-64

Doc. 1-10

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 243 (Rev. 5-75)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
AUGUST	17	1979

COUNSEL

☐ WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

☒ WITH COUNSEL Wilfred Haber, court-appointed
(Name of counsel)

PLEA

☒ GUILTY, and the court being satisfied that there is a factual basis for the plea.

☐ NOT GUILTY, ☐ NOT GUILTY, ☐ NOT GUILTY

FINDING & JUDGMENT

There being a finding of ☐ NOT GUILTY. Defendant is discharged.

☒ GUILTY, as to Counts 1 and 7.

Defendant has been convicted as charged of the offense(s) of Conspiracy, and Breaking and Entering Postal Vehicles and Aiding and Abetting, in violation of Title 18, U.S.C., Sections 371 and 1705 and 2.

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of four (4) years on Count 1, and one (1) year on Count 7 to run concurrently with sentence on Count 1.

SENTENCE OR PROBATION ORDER

IT IS FURTHER ORDERED that said sentence shall run consecutively with sentence defendant is presently serving.

IT IS FURTHER ORDERED that on motion of the United States Attorney, Counts 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15 and 16 of the indictment be, and they are, hereby dismissed.

SPECIAL CONDITIONS OF PROBATION

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

DOCKETED

AUG 17 1979

JOSEPH MCLELLIN, JR., CLERK

BY James H. [Signature]

U. S. Deputy Clerk

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

COMMITMENT RECOMMENDATION

SIGNED BY

DAVID O. BELEW, JR.

August 17, 1979

U. S. Magistrate

FILED

FACTUAL RESUME

AUG 1979

DOCKETED

JOSEPH McELROY, JR., CLERK
BY *James A. [Signature]*
Deputy

RICHARD E. "MICKY" DOW

CRIMINAL NO. 4-79-64

INDICTMENT:

16 COUNTS: 18 U.S.C. § 371 - Conspiracy,
18 U.S.C. § 495 and 2 - Forging, Uttering,
and Aiding and Abetting, 18 U.S.C.
§ 1708 and 2 - Possession of Stolen
Mail and Aiding and Abetting, 18 U.S.C.
§ 1705 - Breaking and Entering Postal
Vehicles and Aiding and Abetting.

MAXIMUM PENALTY:

\$11,000 - 69 years, consecutive to prior State
sentence.

FOR PLEA PURPOSES:

Count 1 - Conspiracy

Count 7 - Breaking and Entering into Postal Vehicles

PENALTY:

Cour. 1 - \$10,000 and 5 years

Count 7 - \$1,000 and 3 years

MAXIMUM POSSIBLE PENALTY:

For Counts 1, and 7 - \$11,000 and 8 years,
which could be made to run consecutive to
previously imposed State of Texas sentence of
2 years.

ELEMENTS OF
THE OFFENSE:

Essential elements which must be proved beyond a
reasonable doubt in order to establish the offense
alleged in Count 1 of the Indictment are as follows:

1. That the conspiracy described in Count 1
was wilfully formed and was existing at or
about the time alleged;
2. That at least one of the conspirators named
thereafter knowingly committed at least one
of the overt acts charged in Count 1 of the
Indictment, at or about the time and place
alleged;
3. That the accused wilfully became a member
of the conspiracy; and
4. That the overt acts set forth in the
Indictment were knowingly done in furtherance
of some object or purpose of the conspiracy,
as charged.

FACTS:

At the beginning of January, 1977, the defendant,
RICHARD E. DOW and Ronald Kosh, who were then
living at the residence of Kathy Perez at 7581
Hoochie Lane in Fort Worth, Texas, had a conversation
during which they discussed ways of making money.
During the discussion the idea of stealing mail

from mail trucks and cashing checks obtained in this manner was discussed. Subsequently, on numerous occasions, during the month of January, 1979, the defendant, RICHARD E. DOW, and Ronald Kosh broke into nine mail trucks in the Fort Worth area. The defendant, RICHARD E. "MICKY" DOW, and Ronald Kosh subsequently met with Thenola R. Coulson and Lee E. Williams at the MAACO Paint and Body Shop in Fort Worth, Texas, where a conversation took place concerning the disposition of checks stolen from the mail trucks.

Subsequently, on or about January 30, 1979, the defendant, RICHARD E. DOW, had a meeting with Ronald Kosh, Thenola R. Coulson and Lee E. Williams at Willis Used Cars. Furthermore, during the period beginning on or about January 30, 1979, to approximately February 2, 1979, the defendant, RICHARD E. "MICKY" DOW, Thenola R. Coulson, Ronald Kosh, Herman Webb, Jr., Dorati S. Revada and Lee E. Williams had several meetings at several locations in the Fort Worth area, including a pool hall at Bessie and New York Streets in Fort Worth, Texas, and had conversations concerning the cashing of stolen checks.

During the time period set forth above nine postal vehicles were broken into, and approximately 2,000 pieces of mail were stolen. Some of the mail was subsequently distributed by RICHARD E. "MICKY" DOW and Ronald Kosh to other co-defendants, some of the mail was thrown away, and many of the checks stolen were cashed by RICHARD DOW and the other co-defendants. The automobile being used was a 1976 Dodge Aspen, red with a dark maroon top having Texas license number JDG 829, belonging to Kathy Perez. The break-ins stopped after Ronald Kosh was apprehended by the Fort Worth Police Department on or about February 2, 1979, while he was attempting to sell two credit cards which had been obtained in one of the nine break-ins described above.

ELEMENTS OF
THE OFFENSE:

The essential elements which must be proved beyond a reasonable doubt in order to establish the offense alleged in Count 7 of the Indictment are as follows:

1. That the defendant, "MICKY" DOW, did wilfully and maliciously break into United States Postal Service Vehicle No. 314108, or cause to be broken into the said vehicle, as alleged in the Indictment;
2. That the United States Postal Service Vehicle No. 314108 which was broken into as alleged in the Indictment, was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

FACTS:

RICHARD E. "MICKY" DOW, driving the above described automobile which belonged to Kathy Perez, and Ronald Kosh, smashed

the front left window of the postal vehicle,
and removed a quantity of mail from said vehicle,
on or about January 30, 1979, in the Fort
Worth Division of the Northern District of
Texas.

PERSONAL
HISTORY:

RICHARD E. "MICKY" DOW was born on November 23,
1947.

CRIMINAL
RECORD:

RICHARD E. "MICKY" DOW is currently on probation
for a ten year period for burglary committed in
Tarrant County in January, 1979.

STATUS:

Defendant appears on writ.

IN THE UNITED STATES DISTRICT COURT

JUL 11 1979

FOR THE NORTHERN DISTRICT OF TEXAS

JOSEPH MCELROY, JR., CLERK

FORT WORTH DIVISION

BY *William H. Haber*
Deputy

UNITED STATES OF AMERICA

VS.

RICHARD E. "MICKY" DOW

MAGISTRATE'S DOCKET NO. 1

CRIMINAL NO.: CR-4-79-64

MOTION TO WITHDRAW AS COUNSEL

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES MILTON E. HABERER, JR., Counsel of Record for RICHARD E. "MICKY" DOW, Defendant, and would file this his Motion to Withdraw as Counsel of Record, and as grounds therefor would show the Court as follows:

I.

That the Defendant, RICHARD E. "MICKY" DOW, was arraigned on June 22, 1979, at which time this Attorney stated to the Honorable Court that he had not been retained as counsel by the Defendant, RICHARD E. "MICKY" DOW, and on that day the Honorable Court entered a not guilty plea on behalf of the Defendant, RICHARD E. "MICKY" DOW.

II.

This Movant would also show and allege that he has made no additional appearances on behalf of the Defendant, RICHARD E. "MICKY" DOW and that the Defendant does not have the funds available to hire an attorney of his choice.

III.

This Movant would also show that he has not filed and entry of appearance of counsel on behalf of the Defendant, RICHARD E. "MICKY" DOW.

IV.

That to permit Movant to withdraw as counsel of record will not prejudice the Defendant or the United States, and will not unduly delay the trial of this cause.

WHEREFORE, PREMISES CONSIDERED, this Movant respectfully requests this Honorable Court to release him as counsel of record for the Defendant and discharge him of any further responsibilities in this cause.

ORE. TARTAGLIA & HABERER
ATTORNEYS AT LAW
SUITE 210
1800 SUMMIT AVENUE
FORT WORTH, TEXAS 76102
817 337-0711

Respectfully submitted,
CURE, TARTAGLIA & HABERER

BY: Milton E. Haberer, Jr.
MILTON E. HABERER, JR.

1300 Summit Avenue
Suite 714
Fort Worth, Texas 76102
332-1172

CERTIFICATE OF SERVICE

A true and correct copy of the above and foregoing Motion to Withdraw as Counsel has been mailed, postage pre-paid, to the Defendant, RICHARD E. "MICKY" DOW, Tarrant County Jail, Criminal Court Bldg., Fort Worth, Texas 76102, and to the Assistant United States Attorney, GERHARD KLEINSCHMIDT, 310 U.S. Courthouse, Fort Worth, Texas 76102, on this the 3rd day of July, 1979.

Milton E. Haberer, Jr.
MILTON E. HABERER, JR.

ORDER

On this the _____ day of July, 1979, came on to be heard the Motion to Withdraw as Counsel of Record for RICHARD E. "MICKY" DOW, Defendant, that he be allowed to withdraw as counsel of record in this cause and the same is hereby granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the said MILTON E. HABERER, JR. be allowed to withdraw as counsel of record for RICHARD E. "MICKY" DOW, Defendant, in the above styled and numbered cause.

JUDGE PRESIDING

DOCKETED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

JUN 21 1979

JOSEPH MCLEOD, JR. CLERK
BY *[Signature]*
DEPUTY

UNITED STATES OF AMERICA

VS.

RONALD KOSH
RICHARD E. "MICKY" DOW
THENOLA R. "T.R." COULSON
HERMAN WEBB, JR.
DORATI S. "CHUCK" REVADA
LEE E. WILLIAMS

CRIMINAL NO. 4-79-64

ORDER

On motion of the United States for the issuance of a writ of habeas corpus ad prosequendum directing that RICHARD E. "MICKY" DOW, defendant herein, be brought before this Court for proceedings in above numbered cause.

The Clerk of this Court is hereby ORDERED to issue a writ of habeas corpus ad prosequendum directed to the United States Marshal for the Northern District of Texas, Sheriff, Tarrant County Jail, directing said officers to have said defendant before this Court at Fort Worth, Texas, on June 22, 1979, at 9:00 A.M., and upon the conclusion of all proceedings in this cause to return said defendant under safe and secure conduct to said place of original custody or other appropriate authority.

Signed on June 21, 1979.

[Signature]
UNITED STATES DISTRICT JUDGE

M

FILED

JUN 20 1979

JOSEPH McELROY, JR., CLERK

BY E. D. Miller Deputy
DEPUTY

DOCKETED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA

VS.

RONALD KOSH
RICHARD E. "MICKY" DOW
TRENOLA R. "T.R." COULSON
HERMAN WEBB, JR.
DORATI S. "CHUCK" REVADA
LEE E. WILLIAMS

CRIMINAL NO. 4-79-64

MOTION FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM

The United States moves for an order directing the Clerk of this Court to issue a writ of habeas corpus ad prosequendum for RICHARD E. "MICKY" DOW, defendant herein, who is presently in custody of Sheriff, Tarrant County Jail directing that said defendant be brought to Fort Worth, Texas, to appear before this Court on June 22, 1979, at 9:00 A.M., to answer to the charges pending herein, and directing that after the conclusion of all proceedings in this cause that said defendant be returned under safe and secure conduct to said place of original custody or other appropriate authority.

KENNETH J. MIGHELL
UNITED STATES ATTORNEY

for Guyman C. Kline
Gerhard Kleinschmidt
Assistant United States Attorney
310 U. S. Courthouse
Fort Worth, Texas 76102
Telephone: 817-334-3327

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

FILED

JUN 20 1979

MAGISTRATE DOCKET NO. _____

CASE NO. _____

CRIMINAL NO. CR-4-79-64

RICHARD E. "MICKY" JOSEPH MELROY, JR. CLERK
Defendant BY Deputy

DOCKETED

ORDER FIXING DATES

The Speedy Trial Act of 1974 (18 U.S.C. 3161 et seq), the Federal Juvenile Delinquency Act (18 U.S.C. 5036, 5037), and the Amended Plan for the Northern District of Texas for Achieving Prompt Disposition of Criminal Cases Under Rule 50(b), F.R.Cr.P., and the Speedy Trial Act of 1974 filed on June 11, 1976 as Miscellaneous Order No. 77 share as a common goal minimizing undue delay and furthering the prompt disposition of criminal cases; to achieve these goals, the determination of certain dates and the measurement of certain time periods become significant.

I. NORTHERN DISTRICT OF TEXAS

1. (a) Arrested by Deputy United States Marshals on June 9, 1979 at D-FW Airport. Defendant was admitted to Hospital on June 10, 1979 and dismissed on June 19, 1979.

(b) Arrival _____

2. Initial or first court appearance before Magistrate McGlinchey on June 20, 1979

II. PROCEEDINGS CONDUCTED BY ARRESTING DISTRICT

1. Arrested _____

2. Custody of United States Marshal _____

3. Initial or first court appearance _____

4. Warrant of Removal issued _____

III. PROCEEDINGS TO BE CONDUCTED BY DISTRICT COURT

1. Arraignment in your case will be held in the United States District Courtroom, 419 U. S. Courthouse, Fort Worth, Texas. You are hereby ordered to be present with your attorney for such arraignment at 9:00 A.M. on Friday, June 22, 1979

2. Trial Setting - A tentative trial date is scheduled in your case at 9:30 A.M. on Monday, July 9, 1979

IV. Defendant's Age 31

Date of Birth 23 Nov 1947

ENTERED this 20th day of June, 1979.

Gly H. Mc Glinchey
UNITED STATES MAGISTRATE

Your case will be handled expeditiously, however, the Court's paramount interest is that your rights be full, protected and that justice be done in your case; should any time limit set afford too little time for you and your attorney to adequately prepare for a court appearance, the need for additional time should be made known to the Court by motion.

UNITED STATES DISTRICT COURT

NORTHERN District of TEXAS

FORT WORTH DIVISION

CRIMINAL NO. CR-4-79-64

Magistrate's Docket No. _____

Case No. _____

ORDER SPECIFYING METHODS AND
CONDITIONS OF RELEASE

DOCKETED

Part I.—Preferred Methods of Release

It is hereby ORDERED that the above-named defendant be released, provided

(Check one)

☒ (x) that he promises to appear at all scheduled hearings as required.Personal
Recognition

Unsecured Bond

☐ () that he will execute a bond* binding himself to pay the United States the sum of _____ dollars (\$) in the event that he fails to appear as required.

(NOTE: The judicial officer is required to release the defendant by one of the above methods unless he determines that such a release will not reasonably assure the appearance of the defendant as required. In the event such a determination is made, the judicial officer shall, either in lieu of or in addition to the above methods of release, impose the first condition of release listed below which will reasonably assure the appearance of the person for trial. If no single condition gives that assurance, any combination of conditions may be used.)

Part II.—Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant, it is hereby FURTHER ORDERED that the defendant be released on the condition (a) checked below:

Third Party
Custody☐ () (1) The defendant is placed in the custody of

(Name of person or organization) _____

(Address) _____

(City and State) _____

Tel. No. _____

who agrees (a) to supervise the defendant in accordance with conditions 2 and 5 as checked below, (b) to use every effort to assure the appearance of the defendant at all scheduled hearings before the United States Magistrate or Court, and (c) to notify the Magistrate or Court immediately in the event the defendant violates any condition of his release or disappears.

Signed: _____

Custodian or Proxy

Restrictions on
Travel, Associa-
tion or Place
of Abode☒ (x) (2) The defendant will comply with each of the following conditions: Defendant shall not travel beyond the State of Texas, without first obtaining written permission from the Court.

10% Deposit

☐ () (3) The defendant will execute a bond* binding himself to pay to the United States the sum of _____ dollars (\$) and will deposit in the registry of the court the sum of _____ dollars (\$ _____), in _____, being not more than 10% (cash or security)

of the amount of the bond, such deposit to be returned upon the court's determination that the defendant has performed the conditions of his release.

Cash or Surety
Bond☐ () (4) The defendant will execute a bond* in the amount of _____ dollars (\$) either secured by the undertakings of sufficient solvent sureties or by the deposit of an equal amount of cash or other security in lieu thereof.

*This form is not a bond and does not create in the defendant or surety a binding financial obligation to the United States. The execution of an Appearance Bond (See Form No. 2) is necessary in order for such an obligation to attach.

(R)

() (5) (a) The defendant will be released from _____ C.M. to _____ P.M. on _____
(Specify day of week) on condition that he return to custody at the specified time at
such place of confinement as the United States Marshal shall designate.

Other Conditions

(x) (5) (b) The defendant agrees that he will comply with the following other conditions of release: Defendant shall keep his attorney fully advised of his whereabouts at all times so that the attorney may contact the defendant at all reasonable times. Defendant shall not violate any local, state or federal laws.

[NOTE: A defendant for whom conditions of release are imposed and who after twenty-four hours from the time of the release hearing continues to be detained as a result of his inability to meet the conditions of release, shall, upon application, be entitled to have the conditions reviewed by the judicial officer who imposed them.]

Part III.—Appearance and Penalties

Appearance

It is hereby FURTHER ORDERED that the defendant shall appear next at
4th Fl. Courtroom, U. S. Courthouse, Fort Worth, Texas, on June 22, 1979
at 9:00 A.M. Place Date and Time
and at such other places and times as the United States Magistrate or Court may order or direct.

Penalties

If the defendant violates any condition of his release, a warrant for his arrest will issue immediately. After arrest, the terms and conditions of any further release will be redetermined.

If the defendant fails to appear before any court or judicial officer as required, an additional criminal case may be instituted against him. If the failure to appear is in connection with a charge of felony, or while awaiting sentence, or pending appeal or certiorari after conviction, the penalty is a fine of not more than \$5,000 or imprisonment for not more than five years, or both; if he fails to appear after being released on a misdemeanor charge, the penalty is a fine of not more than the maximum provided for the misdemeanor or imprisonment for not more than one year, or both.

Part IV.—Acknowledgment by Defendant

Knowledge

I above named
Defendant understand the methods and conditions of my release which have been checked above and the penalties and forfeitures applicable in the event I violate any condition or fail to appear as required.

I agree to comply fully with each of the obligations imposed on my release and to notify the Magistrate or Court promptly in the event I change the address indicated below.

R. L. Daw Jr.
Defendant
5062 Mayfair
Address
Fort Worth, Texas 76116 738-5099
City and State Tel. No.

RELEASE ORDERED:

Date: 20 JUNE 1979

10:16 a.m.

TO THE UNITED STATES MARSHAL:

Your copy of the Order Specifying Methods and Conditions of Release (Bail Reform Act Form No. 2) constitutes your authority for the commitment of the defendant until such time as all conditions of release are complied with. You are authorized to process the defendant for release upon notification from the clerk or United States Magistrate that the defendant has posted bond.

You are directed to produce the defendant before the appropriate judge or magistrate at the time and place specified above, if the defendant is still in your custody.

United States Magistrate
or
United States District Judge

United States District Court

FOR THE

NORTHERN DISTRICT OF TEXAS AT FORT WORTH

UNITED STATES OF AMERICA

v.

RICHARD E. "MICKY" DOW

No. CR-4-79-64



RECEIVED
UNITED STATES
MARSHAL

To ANY U. S. MARSHAL OR ANY OTHER AUTHORIZED OFFICER

You are hereby commanded to arrest RICHARD E. "MICKY" DOW and bring him

forthwith before the United States District Court for the NORTHERN District of TEXAS

the city of FORT WORTH to answer to an INDICTMENT charging him with

Conspiracy, Theft and Possession of Mail, Uttering U. S. Treasury Check,
Destruction of Postal Vehicle, Aiding and Abetting

violation of 18 USC 371, 1708, 495, 1705 & 2

dated at FORT WORTH, TEXAS

JOSEPH McELROY, JR.

May 31 19 79

Clerk.

filed at S.

By *[Signature]*
NORTHERN DISTRICT OF TEXAS Deputy Clerk.

FILED

RETURN

JUN 14 1979

NORTHERN District of TEXAS

JOSEPH McELROY, JR., CLERK

received the within warrant the 12th day of May 1979 and executed same,
TAKING THE WITHIN NAMED INTO CUSTODY ON 6/9/79 AT NEW ALBANY, TEXAS.

CLINT T. PEOPLES U.S. MARSHAL

By *[Signature]*

Jesse A. GUZMAN DUSM FT. WORTH, TX

* Insert designation of officer to whom the warrant is issued, e. g., "any United States Marshal or any other authorized officer"; or "United States Marshal for District of "; or "any United States Marshal"; or "any Special Agent of the Federal Bureau of Investigation"; or "any United States Marshal or any Special Agent of Federal Bureau of Investigation"; or "any agent of the Alcohol Tax Unit."

United States District Court

FOR THE

NORTHERN DISTRICT OF TEXAS AT FORT WORTH

UNITED STATES OF AMERICA

v.

RICHARD E. "MICKY" DOW

No. CR-4-79-64

To: ANY U. S. MARSHAL OR ANY OTHER AUTHORIZED OFFICER

You are hereby commanded to arrest RICHARD E. "MICKY" DOW and bring him forthwith before the United States District Court for the NORTHERN District of TEXAS in the city of FORT WORTH to answer to an INDICTMENT charging him with

Conspiracy, Theft and Possession of Mail, Uttering U. S. Treasury Check, Destruction of Postal Vehicle, Aiding and Abetting

violation of 18 USC 371, 1708, 405, 1705 & 2

Issued at FORT WORTH, TEXAS

May 31 19 79

JOSEPH McELROY, JR.

Clerk.

Fixed at \$

By *E. Duell Atkinson*
Deputy Clerk.

RETURN

NORTHERN District of TEXAS

SS

Received the within warrant the 12th day of June 19 79 and executed same. TAKING THE WITHIN NAMED INTO CUSTODY ON 6/9/79 AT DFW AIRPORT, TEXAS.

CLINT T. PEOPLES U.S. MARSHAL

By *J. A. [Signature]*

Insert designation of officer to whom the warrant is issued: "any United States Marshal or any other authorized officer"; or "United States Marshal for District of "; or "any United States Marshal"; or "any Special Agent of the Federal Bureau of Investigation"; or "any United States Marshal or any Special Agent of Federal Bureau of Investigation"; or "any agent of the Alcohol Tax Unit."

U. S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED

MAY 30 1979

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JOSEPH S. McELROY, JR., CLERK
Deputy

UNITED STATES OF AMERICA

VS.

CR 4-79-164
CRIMINAL NO.

RONALD KOSH
RICHARD E. "MICKY" DOW
THENOLA R. "T.R." COULSON
HERMAN WEBB, JR.
LORATI S. "CHUCK" REVADA
LEE E. WILLIAMS

The Grand Jury charges:

Count 1

From on or about January 3, 1979, and continuously thereafter to March 7, 1979, in the Fort Worth Division of the Northern District of Texas, and elsewhere, RONALD KOSH, RICHARD E. "MICKY" DOW, THENOLA R. "T.R." COULSON, HERMAN WEBB, JR., LORATI S. "CHUCK" REVADA and LEE E. WILLIAMS, defendants, wilfully and knowingly did combine, conspire, confederate and agree together and with each other, and with other persons whose names are to the Grand Jury unknown, to commit offenses against the United States, that is, to knowingly, wilfully and unlawfully break into vehicles used by the United States Postal Service to deliver mail, with intent to steal, possess, forge and utter checks, money orders, and other things of value contained in said mail, in violation of Sections 1705, 1708 and 495 of Title 18, United States Code.

It was a part of said conspiracy that the defendants came into possession of approximately two thousand pieces of stolen mail, and did thereafter remove the contents of said mail with intent to knowingly, wilfully and unlawfully convert to their own use valuables contained in said mail.

Overt Acts

At the times hereinafter mentioned, the defendants committed the following acts in the furtherance of said conspiracy and to effect the object thereof:

1. On or about January 3, 1979, RONALD KOSH and RICHARD E.

"MICKY" DOW had a conversation at the residence of Cathy Perez, at 7581 Hoochie Lane, in Fort Worth, Texas, during which conversation they discussed stealing checks from the mail by breaking into mail trucks.

2. On or about January 5, 1979, RONALD KOSH and RICHARD E.

"MICKY" DOW forcibly entered a mail truck which had been parked at 2908 Las Vegas Trail, in Fort Worth, Texas, and obtained approximately one hundred pieces of mail.

3. On or about January 8, 1979, RONALD KOSH and RICHARD E.

"MICKY" DOW forcibly broke into a mail vehicle parked at 1808 Las Vegas Trail, in Fort Worth, Texas, and obtained approximately fifty pieces of mail.

4. On or about January 11, 1979, RONALD KOSH and RICHARD E.

"MICKY" DOW forcibly broke into a postal vehicle parked at the intersection of Evans Avenue and Gambrill Street, in Fort Worth, Texas, and obtained approximately one hundred and twenty-five pieces of mail.

5. On or about January 30, 1979, RONALD KOSH and RICHARD E.

"MICKY" DOW forcibly broke into three postal vehicles, parked at 5705 Wedgwood, 4201 South Henderson and 2862 Las Vegas Trail, in Fort Worth, Texas, and obtained a total of approximately five hundred pieces of mail.

6. On or about January 30, 1979, THENOLA R. "T.R."

COULSON introduced RONALD KOSH and RICHARD E. "MICKY" DOW to

LEE E. WILLIAMS, at MAACO Paint and Body Shop, in Fort Worth, Texas, and had a conversation about disposing of the stolen checks.

7. On or about January 30, 1979, RONALD KOSH, RICHARD E. "MICKY" DOW, THENOLA R. "T.R." COULSON and LEE E. WILLIAMS had a meeting at Willis Used Cars.

8. From on or about January 30, 1979, to February 2, 1979, RONALD KOSH, RICHARD E. "MICKY" DOW, THENOLA R. "T.R." COULSON, HERMAN WEBB, JR., DORATI S. "CHUCK" REVADA and LEE E. WILLIAMS had several meetings, at several locations, including a pool hall at Bessie and New York Streets, in Fort Worth, Texas, and had conversations concerning cashing of stolen checks.

In violation of Title 18, United States Code, Section

371.

Count 2

On or about January 5, 1979, in the Fort Worth Division of the Northern District of Texas, RONALD KOSH and RICHARD E. "MICKY" DOW, defendants, did knowingly and wilfully steal, take and abstract and attempt to so obtain from and out of United States Postal Service Vehicle No. 111180, parked at 2908 Las Vegas Trail, in Fort Worth, Texas, a letter addressed to Dorothy Meeter, 2964 Las Vegas Trail, #260, Fort Worth, Texas 76116.

A violation of Title 18, United States Code, Sections 1708 and 2.

Count 3

On or about January 8, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW and RONALD KOSH, defendants, did wilfully and maliciously break open United States Postal Service Vehicle No. 121484, which was then parked at 1808 Las Vegas Trail, in Fort Worth, Texas, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

In violation of Title 18, United States Code, Sections 1705 and 2.

Count 4

On or about January 8, 1979, in the Fort Worth Division of the Northern District of Texas, RONALD KOSH and RICHARD E. "MICKY" DOW, defendants, with intent to defraud the United States, did utter and publish as true to Buddies Supermarket, 1837 Everman Parkway, Everman, Texas, a paper writing in the form of a U. S. Treasury check with a falsely made and forged endorsement purporting to be the endorsement of Dorothy Meeter on the back side of Check No. 81,015,207, dated December 31, 1978, in the amount of \$250.00, drawn on the United States Treasury, and made payable to Dorothy Meeter and the defendants then knew the said endorsement to have been falsely made and forged.

A violation of Title 18, United States Code, Sections 495 and 2.

Count 5

On or about January 11, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW and RONALD KOSH, defendants, did wilfully and maliciously break open United States Postal Service Vehicle No. 121675, which was then at the intersection of Evans Avenue and Gambrell Street, in Fort Worth, Texas, by smashing the front left window with a hammer, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

In violation of Title 18, United States Code, Sections 1705 and 2.

Count 6

On or about January 30, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW and RONALD KOSK, defendants, did wilfully and maliciously break open United States Postal Service Vehicle No. 314075, which was then parked at 5705 Wedgeworth, in Fort Worth, Texas, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

In violation of Title 18, United States Code, Sections 1705 and 2.

Count 7

On or about January 30, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW and RONALD KOSH, defendants, did wilfully and maliciously break open United States Postal Service Vehicle No. 314108, which was then parked at 4201 South Henderson, in Fort Worth, Texas, by smashing the front left window with a hammer, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

In violation of Title 18, United States Code, Sections 1705 and 2.

Count 8

On or about January 30, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW, RONALD KOSH and THENOLA R. "T.R." COULSON, defendants, did unlawfully have in their possession a check numbered 3599153, dated January 26, 1979, in the amount of \$15.00, made payable to O. Walker, and being part of the contents of a letter addressed to O. Walker, 816 Malta, Fort Worth, Texas 76115, which had been stolen, taken, embezzled and abstracted from the mail, well knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 1708 and 2.

Count 9

On or about January 30, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW and RONALD KOSH, defendants, did wilfully and maliciously break open United States Postal Service Vehicle No. 111180, which was then parked at 2862 Las Vegas Trail, in Fort Worth, Texas, by forcing the door handle open, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

In violation of Title 18, United States Code, Sections 1705 and 2.

Count 10

On or about January 30, 1979, in the Fort Worth Division of the Northern District of Texas, and elsewhere, RICHARD E. "MICKY" DOW and RONALD KOSH, defendants, did unlawfully have in their possession a J. C. Penney credit card No. 412-597-778-7-1, in the name of Mary Anne Graham, and being part of the contents of a letter addressed to Mary Anne Graham, 2900 Las Vegas Trail, Apt. 202, Fort Worth, Texas 76116, which had been stolen, taken, embezzled and abstracted from the mail, well knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 1708 and 2.

Count 11

On or about January 30, 1979, in the Fort Worth Division of the Northern District of Texas, and elsewhere, RICHARD E. "MICKY" DOW and RONALD KOSH, defendants, did unlawfully have in their possession a Master Charge credit card No. 510-26153-012-474, in the name of David Parham, and being part of the contents of a letter addressed to David P. Parham, 2938 Las Vegas Trail, Fort Worth, Texas 76116, which had been stolen, taken, embezzled and abstracted from the mail, well knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 1708 and 2.

Count 12

On or about January 31, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW and RONALD KOSH, defendants, did wilfully and maliciously break open United States Postal Service Vehicle No. 313659, which was then parked at 5501 Santa Barbara, in Fort Worth, Texas, by smashing the front left window with a hammer, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

In violation of Title 18, United States Code, Sections 1705 and 2.

Count 13

On or about January 31, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW and RONALD KOSH, defendants, did wilfully and maliciously break open United States Postal Service Vehicle No. 311098, which was then at the intersection of Hampshire and Rancho Streets, in Saginaw, Texas, by smashing the front left window with a hammer, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

In violation of Title 18, United States Code, Sections 1705 and 2.

Count 14

On or about January 31, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW, RONALD KOSH and HERMAN WEBB, JR., defendants, did unlawfully have in their possession a United States Treasury check numbered 66,200,466, dated February 1, 1979, in the amount of \$277.00, and made payable to James D. Baker, 253 Pimlico Way, Saginaw, Texas 76179, which had been stolen, taken embezzled and abstracted from the mail, well knowing the said check to have been stolen.

A violation of Title 18, United States Code, Sections 1708 and 2.

Count 15

On or about January 31, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW and RONALD FOSH, defendants, did wilfully and maliciously break open United States Postal Service Vehicle No. 310515, which was then parked at 4037 Kearby, in Fort Worth, Texas, by smashing the front left window with a hammer, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

In violation of Title 18, United States Code, Sections 1705 and 2.

Count 16

On or about February 1, 1979, in the Fort Worth Division of the Northern District of Texas, RICHARD E. "MICKY" DOW, RONALD KOSH and DORATI S. "CHUCK" REVADA did unlawfully have in their possession a check, numbered 429252, dated February 1, 1979, in the amount of \$88.00, made payable to Porter A. Harris, and being part of the contents of a letter addressed to Porter A. Harris, 3914 Mercury Street, Fort Worth, Texas 76111, which had been stolen taken, embezzled and abstracted from the mail, well knowing the same to have been stolen.

In violation of Title 18, United States Code, Sections 1708 and 2.

A TRUE BILL.

James B. Lusk
FOREMAN

Kenneth J. Mitchell
KENNETH J. MITCHELL
UNITED STATES ATTORNEY

Bernard Kleinschmidt
BERNARD KLEINSCHMIDT
ASSISTANT UNITED STATES ATTORNEY
310 U. S. Courthouse
Fort Worth, Texas 76102
Telephone: 817-334-3291

WARRANT TO ISSUE FOR THE
FOLLOWING DEFENDANTS:

RICHARD E. "MICKY" DOW
\$5,000 CASH OR SURETY
BOND RECOMMENDED

THENOLA R. "T.R." COULSON
\$5,000 CASH OR SURETY
BOND RECOMMENDED

HERMAN WEBB, JR.
\$5,000 CASH OR SURETY
BOND RECOMMENDED

DORATI S. "CHUCK" REVADA
\$5,000 CASH OR SURETY
BOND RECOMMENDED

LEE E. WILLIAMS
\$5,000 CASH OR SURETY
BOND RECOMMENDED

No. _____

UNITED STATES DISTRICT COURT

NORTHERN District of TEXAS

FORT WORTH Division

THE UNITED STATES OF AMERICA

vs.

RONALD KOSH, RICHARD E. "MICKY" DOW, THENOLA R. "T.R." COULSON,
HERMAN WEBB, JR., DORATI S. "CHUCK" REVADA, LEE E. WILLIAMS

INDICTMENT

18 USC 371, 1708, 495, 1705 & 2 - CONSPIRACY, THEFT AND
POSSESSION OF MAIL, UTTERING U. S. TREASURY CHECK,
DESTRUCTION OF POSTAL VEHICLE, AIDING AND ABETTING.

(SIXTEEN COUNTS)

A true bill,

James B. Lamb
FOREMAN

Filed in open court this _____ day
of _____, A. D. 19____

Clk.

WARRANT TO ISSUE FOR RICHARD E. "MICKY" DOW, THENOLA R. "T.R."
COULSON, HERMAN WEBB, JR.,
DORATI S. "CHUCK" REVADA AND
LEE E. WILLIAMS.

Bail, \$

Edon B. Mahon
UNITED STATES DISTRICT JUDGE

GPD 902-482

MAGISTRATE NO. 4-79-46-M PENDING AS TO RONALD KOSH

United States District Court FOR THE

NORTHERN DISTRICT OF TEXAS AT FORT WORTH

U.S. DISTRICT COURT

NORTHERN DISTRICT OF TEXAS

FILED

UNITED STATES OF AMERICA

MAY 25 1979

Magistrate's Docket No. 4-79

Case No. 46-11

COMPLAINT for VIOLATION of

v
 RONALD KOSH
 BY *Joseph McElroy, Jr.* CLERK
 U.S.C. Title 18

Sections 1705 & 2

BEFORE ALEX H. MCGLINCHY

Fort Worth, Texas

Name of Magistrate

Address of Magistrate

The undersigned complainant being duly sworn states:

That on or about January 30, 1979, at Tarrant County, Texas

in the

Northern District of Texas,

(1) RONALD KOSH, defendant,

did (1) wilfully and maliciously break open postal vehicle number 314108, which was then parked at 4201 South Henderson in Fort Worth, Texas, by smashing the front left window with a hammer, which postal vehicle was then and there being used for the delivery of mail on a mail route of the United States Postal Service.

And the complainant states that this complaint is based on

SEE ATTACHED AFFIDAVIT.

And the complainant further states that he believes that
 Richard E. "Micky" Dow, Cathy Perez, Maxine Cannon

are material witnesses in relation to this charge.

W. F. Jennings
 W. F. Jennings
 Postal Inspector, U. S. Postal Service

Signature of Complainant

Sworn to before me, and subscribed in my presence, 23 May 1979

Alex H. McGlinchey
 Alex H. McGlinchey United States Magistrate

(1) Insert name of accused.

(2) Insert statement of the essential facts constituting the offense charged.

AFFIDAVIT

Beginning on or about January 5, 1979, and continuing through April, 1979, your affiant conducted an investigation into the unlawful entry of nine postal vehicles. These vehicles were forcibly entered during the time span beginning January 5, 1979, and continuing through February 2, 1979. The vehicles, including vehicle # 314108, were all broken into in a similar manner, that is, while they were parked on a carrier's route, while the carrier-driver was walking his route, delivering mail. Between fifty and four hundred pieces of mail were stolen in each break-in.

On January 30, 1979, Postal Vehicle # 314108 was being driven by carrier A. D. Carter, and was forcibly entered by breaking the front left glass, while said vehicle was parked at 4201 South Henderson, Fort Worth, Texas, in front of a residence occupied by Maxine Cannon. Ms. Cannon advised your affiant that she heard a loud noise, and witnessed two long-haired white males in a red automobile with a black top and a mud-smeared license plate starting with the letter "J", parked next to the postal vehicle, pulling mail through the broken window of the postal vehicle into their automobile.

On or about February 28, 1979, Catherine A. Perez advised your affiant that she operates a 1976 Dodge Aspen, red with a dark maroon top having Texas License # JDG 829, and that this automobile was being used frequently by Ronald Kosh and Richard E. "Micky" Dow, who both resided with her at her residence at 7581 Hoochie Lane during January and early February of 1979. Ms. Perez further advised that she had seen stolen mail in her vehicle and that Ronald Kosh and Richard E. "Micky" Dow had brought stolen mail into her home.

On March 2, 1979, I interviewed Richard E. "Micky" Dow who advised your affiant that on numerous occasions from January 5,

W. J. [Signature]

United States District Court

FOR THE

NORTHERN DISTRICT OF TEXAS AT FORT WORTH

UNITED STATES OF AMERICA

v.

RICHARD E. "MICKY" DOW

No. CR-4-79-64

To ANY U. S. MARSHAL OR ANY OTHER AUTHORIZED OFFICER

You are hereby commanded to arrest RICHARD E. "MICKY" DOW and bring him forthwith before the United States District Court for the NORTHERN District of TEXAS in the city of FORT WORTH to answer to an INDICTMENT charging him with

Conspiracy, Theft and Possession of Mail, Uttering U. S. Treasury Check, Destruction of Postal Vehicle, Aiding and Abetting

in violation of 18 USC 371, 1708, 495, 1705 & 2

Dated at FORT WORTH, TEXAS

JOSEPH McELROY

Clerk.

on May 31 19 79

Bail fixed at \$

By *B. Duell* Deputy Clerk.

RETURN

District of

SS

Received the within warrant the day of 19 and executed same.

By

* Insert designation of officer to whom the warrant is issued, e. g., "any United States Marshal or any other authorized officer"; or "United States Marshal for District of"; or "any United States Marshal"; or "any Special Agent of the Federal Bureau of Investigation"; or "any United States Marshal or any Special Agent of the Federal Bureau of Investigation"; or "any agent of the Alcohol Tax Unit."

CERTIFICATE OF OFFICIAL CHARACTER - COUNTY COURT

THE STATE OF TEXAS, }
COUNTY OF TARRANT. }

I, Wallace Bowman Judge of
the County Court of said County (which is a Court of Record) do hereby certify that
Suzanne Henderson
whose name is subscribed to the annexed Certificate, was at the date of the same, and is now County
Clerk in and for said County, duly elected, qualified and acting County Clerk of said Court, and full
faith and credit are due to all his official acts as such.

And I do further certify that the signature attached to the annexed Certificate is his proper signa-
ture and is genuine, and that said attestation is in due form.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said County Court,
at my office, in Fort Worth, Texas this 7 day of Oct A. D. 19 91

Wallace Bowman
Judge County Court, Tarrant County, Texas

THE STATE OF TEXAS, }
COUNTY OF TARRANT. }

I, Suzanne Henderson Clerk of the
County Court of said County (which is a Court of Record), do hereby certify that
Wallace Bowman
whose name is subscribed to the annexed Certificate was at the date of the same, and is now County
Judge in and for said County, duly elected, qualified and acting County Judge of said Court, and full
faith and credit are due to all his official acts as such.

And I do further certify that the signature attached to the annexed Certificate is his proper signature
and is genuine.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the County Court,
at my office in Fort Worth, Texas, this 7th
day of October A. D. 19 91

Suzanne Henderson
Clerk County Court, Tarrant County, Texas.

THE STATE OF TEXAS

RICHARD E DOW JR

Attorneys
TIM CURRYPHI
Deft.

CASE NO. 0144335

Offense

THEFT 20-200-CK
OFFENSE DATE 12/20/78

Date of
Orders

Orders of Court

07/10/79 FILED

8-2-79 Dep 79 guilty 6 months probation
Restitution 578.99 and 6 payments first due 8-6-79
Costs waived



STATE OF TEXAS, I, SUZANNE HENDERSON, COUNTY
COUNTY OF TARRANT, CLERK in and for said

County and State, do hereby certify that the above
and foregoing is a true and correct copy of the
document filed in the County Criminal Courts of
Tarrant County, Texas CAUSE # 0144335

WITNESS my hand and seal of office at Fort Worth
Texas this 30 day of Aug 1979.

SUZANNE HENDERSON, COUNTY CLERK
TARRANT COUNTY, TEXAS

BY Suzanne Henderson
Deputy

PLEASE PRINT NAME OF COURT

DEFENDANT'S RIGHT

THE STATE OF TEXAS

NO. 144335
IN COUNTY CRIMINAL COURT NO. 4
OF TARRANT COUNTY, TEXAS
ENTERED: 8-2 1975

VS.
Richard E. Daw, Jr.

On this day, this cause being called for trial, came the Criminal District Attorney for the State of Texas, and came the Defendant in person; and the Defendant, having been duly arraigned, pleaded guilty to the information herein, waived trial by jury, and submitted this cause to the Court. And the information being read, the Court received the Defendant's said plea thereto, and having heard the evidence submitted thereon, adjudged the Defendant guilty as charged in the information of

steal check 20-200 - check

and assessed his punishment at a fine of \$ 60.00 and 6 months confinement in the Tarrant County jail, together with all costs in this behalf incurred.

It appearing to the Court, however, that before his trial herein Defendant applied to the Court in writing for probation herein, which application includes every verified averment required for such purpose by the Misdemeanor Probation Act of this State; and it further appearing to the Court that the ends of justice and the best interests of society and of the Defendant will be served by granting Defendant probation in this cause,

IT IS THEREFORE CONSIDERED, ORDERED AND ADJUDGED, That the finding of guilty herein shall not be final, that no judgment be rendered thereon, and that Defendant be, and he is hereby placed on probation in this cause for a period of 6 months from this date, on the following terms and conditions, to-wit: That he immediately pay all costs herein incurred, and that during the term of such probation he shall:

(1) commit no offense against the laws of this or any other State or the United States; (2) avoid injurious or vicious habits; (3) avoid persons or places of disreputable or harmful character; (4) report to the probation officer on one day of each month between the 1st day and the 15th day, between the hours of 8 AM and 4 PM and at such other times as may be ordered; (5) permit the probation officer to visit him at his home or elsewhere; (6) work faithfully at suitable employment as far as possible; (7) remain within a specified place, to-wit, Tarrant County, Texas, and not move from without leave of the Court; notify the Court of any change of address; (8) pay the fine imposed herein not later than 8-6-79, 1979; and (9) support his dependents.

The defendant is further ordered to pay to the Probation Office the sum of \$ 60.00, covering cost of supervision; payment to be made on or before 8-6-79.

The Clerk of this Court will furnish the Defendant a certified copy of this order, taking his receipt therefor, as a written statement of the period and terms of his probation.

Restitution - 6 payments
\$ 578.99
1st due 8-6-79
Costs waived

Clerk's Memorandum

Defendant's Receipt

Fine Payable Waived, 1979

Receipt acknowledged on day of entry thereof, one (1) certified copy of above order.

Probation Expires 6 Mos, 1979

Court Costs: \$

Recorded in Vol. PM 5, p. 68
Probation Minutes

Richard E. Daw, Jr.
Defendant's Signature

THE STATE OF TEXAS }
COUNTY OF TARRANT }

I, THOMAS P. HUGHES, Clerk of the District Courts of said County of Tarrant in the State of Texas, do hereby certify that the within and preceding page contain a full, complete, true and exact copy of The Indictment, Judgment & Sentence, Probation Revocation & Docket in a cause of Sheet record in Cause No. 11411A, The State of Texas, Plaintiff, vs Richard E. Dow, Jr., Defendant.

Given under my hand and seal of office, at Fort Worth, in said County of Tarrant, State of Texas, this 4th day of October A.D. 19 91.

THOMAS P. HUGHES
CLERK OF THE DISTRICT COURTS
TARRANT COUNTY, TEXAS

by 

THE STATE OF TEXAS }
COUNTY OF TARRANT }

I, George Kredell, Judge of the Criminal District Court 213th of the State of Texas, presiding in the County of Tarrant, do hereby certify that the Deputy Clerk whose name appears to be signed to the above certificate, is and was at the time of signing the same, the Deputy Clerk of said District Court therein mentioned, and as such was the proper person to make said certificate, and that the same is in due form.

Given under my hand officially this 4th day of October A.D. 19 91.


 Judge
Criminal DISTRICT COURT 213th
TARRANT COUNTY, TEXAS

THE STATE OF TEXAS }
COUNTY OF TARRANT }

I, THOMAS P. HUGHES, Clerk of the District Courts, Tarrant County, Texas do hereby certify that George Kredell Judge of the Criminal District Court 213th of Tarrant County, Texas, is, and was, at time of signing the same, the duly elected, qualified and acting Judge of said Court herein mentioned and as such was the proper person to make said certificate, and that the same is in due form.

Given under my hand and seal of office, at Fort Worth, in said County of Tarrant, State of Texas, this 4th day of October A.D. 19 91.

THOMAS P. HUGHES
CLERK OF THE DISTRICT COURTS
TARRANT COUNTY, TEXAS

by 

NAME RICHARD E DOW JR
ADDRESS RT 2 BOX 9
FORT WORTH TX -----
RACE WSEX MAGE 29 DOB 11-23-47
CASE NO. 0121573 FILED: (DATE) 09-30-77
TRANSFER: COURT DATE

OFFENSE BURGLARY & THEFT O/\$10,000
DATE 09-24-77 J.P. NO. 43956
I.P. LEWIS RAY WILSON
C.C. #0121572
AGENCY FORT WORTH PD
OFFENSE NO. 77-E-3061 COURT

INDICTMENT NO. 11411A

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURORS OF THE STATE OF TEXAS, duly elected, tried, empaneled, sworn and charged to inquire of offenses committed in Tarrant County, in the State of Texas, upon their oaths do present in and to the

~~EMERGENCY~~ District Court No. 213 of said County that * * * * *

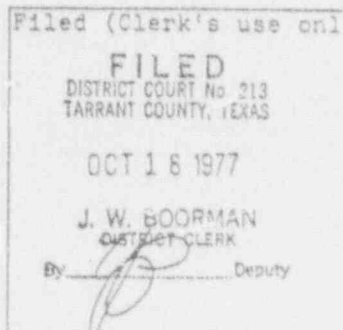
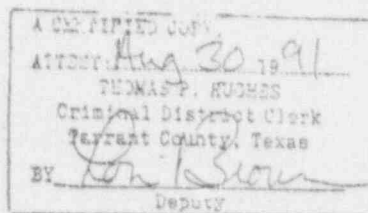
RICHARD E DOW JR hereinafter called Defendant, in the County of Tarrant and State aforesaid, on or about the 24TH day of SEPTEMBER 19 77, did

THEN AND THERE KNOWINGLY AND WITHOUT THE EFFECTIVE CONSENT OF LEWIS RAY WILSON, THE OWNER THEREOF, ENTER A BUILDING NOT THEN AND THERE OPEN TO THE PUBLIC, WITH INTENT TO COMMIT THEFT;

COUNT TWO: AND IT IS FURTHER PRESENTED IN AND TO THE SAID COURT THAT RICHARD E DOW, JR., IN THE COUNTY OF TARRANT AND STATE AFORESAID, ON OR ABOUT THE 24TH DAY OF SEPTEMBER, 1977, DID THEN AND HERE INTENTIONALLY AND KNOWINGLY, WITHOUT THE EFFECTIVE CONSENT OF LEWIS RAY WILSON, THE OWNER THEREOF, ENTER A HABITATION AND DID ATTEMPT TO COMMIT AND DID COMMIT THEFT;

COUNT THREE: AND IT IS FURTHER PRESENTED IN AND TO SAID COURT THAT THE SAID RICHARD E. DOW, JR., IN THE COUNTY OF TARRANT AND STATE AFORESAID, ON OR ABOUT THE 24TH DAY OF SEPTEMBER, 1977, DID THEN AND THERE KNOWINGLY AND INTENTIONALLY APPROPRIATE PROPERTY, OTHER THAN REAL PROPERTY, TO-WIT: A COIN COLLECTION, OF THE VALUE OF MORE THAN \$10,000, FROM THE OWNER, LEWIS RAY WILSON, WITHOUT THE EFFECTIVE CONSENT OF THE OWNER AND WITH INTENT TO DEPRIVE THE OWNER OF THE PROPERTY.

AGAINST THE PEACE AND DIGNITY OF THE STATE.



[Signature]
Criminal District Attorney

[Signature]
Foreman of the Grand Jury

VS.

NO. 11411A

COURT NUMBER FOUR OF

RICHARD E. DOW, JR.

TARRANT COUNTY, TEXAS

ORDER SETTING CONDITIONS OF PROBATION

Date of Entry : January 16th, 1978

Defendant : Richard E. Dow, Jr.

Presiding Judge : Hon. Gordon Gray

Attorney for State : Criminal District Attorney - Tim Curry

Attorney for Defendant : Robert Patton

Offense : Burglary

Probationary Term (1) : Ten (10) Years

On this day, above shown, in open court, the Defendant, the above attorney for defendant, and the attorney for the State, appeared and the Court considered the terms and conditions of probation in accordance with the judgment of conviction heretofore entered herein; and the Court being of the opinion that such terms and conditions should be subject to the supervision of the Court through the duly appointed and acting Director of Adult Probation of Tarrant County, Texas;

It is therefore ORDERED by the Court that the Defendant be, and is hereby placed on probation for the above named term beginning on the date of entry of judgment herein under the supervision of the Court, through the Director of Adult Probation of Tarrant County, Texas, subject to the following terms and conditions: namely, that during the term of this probation, the Defendant shall

- a. Commit no offense against the laws of this State or any other State of the United States;
- b. Avoid injurious or vicious habits;
- c. Avoid persons and places of disreputable or harmful character;
- d. Report to the Adult Probation Officer of Tarrant County, Texas on the 16th day of January, 1978, and on the 16th day of each month thereafter, during Probation;
- e. Permit the Adult Probation Office, to visit you at your home or elsewhere;
- f. Work faithfully at suitable employment as far as possible;
- g. Remain within the limits of Tarrant County, Texas, unless given permission by the Tarrant County Adult Probation Officer to leave therefrom;
- h. Support your dependents;
- i. Notify the Adult Probation Officer of Tarrant County, Texas, if your address or employment is changed, within five days from the date of change;
- j. Pay to and through the Adult Probation Officer of Tarrant County, Texas, the following:
 1. COURT COSTS in the amount of \$ 60.00 at the rate of \$ 5.00 per month; the first payment to be made on the 16th day of February, 1978, and a like payment on the 16th day of each month thereafter until full payment is made;
 2. PROBATION FEE in the amount of \$ 10.00 on the 16th of February, 1978, and on the 16th day of each month thereafter during Probation;
 3. RESTITUTION in the amount of \$ 20,000.00 at the rate of \$ 200.00 per month; the first payment to be made on the 16th day of February, 1978, and a like payment on the 16th day of each month thereafter until full payment is made;
 4. FINE in the amount of \$ at the rate of \$ per month; the first payment to be made on the day of 1978, and a like payment on the day of each month thereafter until full payment is made.
- k. Submit to a period of detention in the County Jail of Tarrant County, Texas, to serve a term of imprisonment of days, to begin on the day of 1978 (2)

(1)

The Clerk of this Court will furnish Defendant a copy of the above terms and conditions and note the date of delivery of such copy on the docket.

Footnotes:

- (1) Not less than the minimum prescribed for the offense nor more than 10 years (Sec. 3, Art. 42.12, C.C.P.).
- (2) Not to exceed 90 days or one-third of the sentence, whichever is lesser.
- (3) Additional terms may be added.

VS. NO. _____

RICHARD E DOW JR

ORDER :

Date of Entry
of this Order : Ser

Defendant : Ric

Judge Presiding : Hor

Attorney for State (1) : Criminal Distr

Attorney for Defendant : Fre

Date of Probation Order : Jar

Transfer (2) : Nor

Duration of
Probationary Period : 10

Date of Violation : Jan

Original Term of
Imprisonment Assessed (3) : ~~NINETEEN YEARS~~

Reduction of Imprisonment
Allowed by Court (4) : Red

Term of Imprisonment : Not Less Than

Paragraph of Probation
Order Alleged Violated (5) : One

Grounds for Revocation (6) : 1.

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of United States
as stated in St

On this day, set forth above, the Motion of the State of Texas, by its above named attorney, and the Defendant appeared ready for hearing, the Defendant having been notified of paragraphs of the probation order of the Court in writing, and hearing the evidence offered by both the State and the Defendant, the Court finding that since the time Defendant was placed on probation he has violated the terms and conditions of said probation should be revoked.

And, when shown above that a reduction of imprisonment of society and the probationer would be served more originally assessed.

It is therefore CONSIDERED by the Court that the Defendant on Probation heretofore entered in this cause, Court that the Defendant be now sentenced herein, in accordance with this order.

(1) Show name and title of prosecutor.

(2) Show "None" or show cause number, district court at

(3) Obtain Punishment from original judgment placing

(4) Show "None" or show "Reduced _____ years".

(5) Show paragraphs of original probation order name

(6) Recite the grounds announced by the Court as the

C.C. 200

CRIMINAL DOCKET

PROCEDURE 10-1-75

Attorneys

Offense

THE STATE OF TEXAS

vs.

Tim Lunny Dist.

OFFENSE DATE 09/24/77

RICHARD E DDA JR

Frank McCown

OFFENSE DATE 09/24/77

Date of
Orders

Orders of Court

10/18/77 INDICTMENT RETURNED AND CAPIAS ORDERED. BOND SET AT \$20000

OCT 13 1977

DEC 13 1977

Transferred to Criminal District Court No. 4
Tarrant Co, Texas, on motion of District Attorney

1-6-78

Pre trial, no motions.

1-16-78

Defendant waived arraignment.

Presiding

Judge Criminal District Court #2

Waiver of jury filed. Defendant, after being warned, entered plea of guilty before the Court. After hearing the evidence, the Court found defendant guilty and assessed his punishment at -10- years in the Texas Department of Corrections. Judgment.

Imposition of Sentence suspended and Defendant placed on Probation for -10- years under terms and conditions that during the terms of Probation the Defendant shall: Nos. 1 to 10 inclusive, regular terms. The Conditions of Probation were served on the Defendant.

Plea bargaining agreement followed:

Art. 26.13 No right of appeal.

5-1-79

Petition for revocation filed, warrant issued

5-4-79

Petition to revoke dismissed, recall warrant

6-11-79

Petition to revoke probated sentence filed, warrant issued

7-20-79

Hon Frank McCown appointed as attorney

9-7-79

Petition to revoke granted, sentenced to Not less than 2 years and not more than 4 years in the Texas Department of Corrections, concurrent with federal CR4-79-64, Credit 9-30-77 to 1-16-78
6-20-79 to 9-10-79

8-12-80

Order Granting Defendant Credit for all time spent in Jail while in a hospital

A CERTIFIED COPY	
ATTEST:	Aug 30 1991
THOMAS F. HENNING	
Criminal District Clerk	
Tarrant County, Texas	
BY	[Signature]
	Deputy

TU SERVICES

David L. Andrews
Director of Corporate Security

April 8, 1991

Mr. Mickey Dow
586 N. Clinton
Stephenville, Texas 76401

Dear Mr. Dow:

Through our meetings on March 22, 1991 and April 1, 1991, it is our understanding that we have now learned from you, and from those you have identified as your "clients," all concerns that any of you have relating to the Comanche Peak Steam Electric Station. As you know, we are currently investigating any concern not previously investigated and resolved and intend to take appropriate action should our investigation determine that the previous investigation was incomplete or that further action is warranted. Furthermore, we have advised the Nuclear Regulatory Commission of any such concerns that might relate to activities which that agency regulates.

In our meetings, you have indicated an interest in discussing with company representatives the settlement and negotiation of your "clients'" claims. Since you are not licensed to practice law in this state, we do not believe that you have the authority to represent, negotiate, or enter into binding obligations on others behalf. We thus cannot and will not engage in any such discussions with you regarding the claims of others. Additionally, our lawyers have advised us that to engage in such discussions might be improperly aiding in the unauthorized practice of law.

We will, of course, listen to any further concerns you might have about Comanche Peak and act appropriately thereon. We will also discuss any claims of the individuals you have claimed to represent, either directly with them if they so desire, or with a licensed attorney of their choice. We continue to encourage you and those you are working with to discuss any concerns you may have with the Nuclear Regulatory Commission, or with any other appropriate state or federal agency, or with SAFETEAM.

Mr. Mickey Dow
April 8, 1991
Page Two

Regarding your possession of TU Electric's property, specifically the telephone tapes, we again request that you immediately return them to the company, where they will be safely maintained during the pendency of any claims that may relate to them. Your continued withholding of this property is not legally justified and hampers our ability to investigate fully your claims about them. Should your refusal to return these items be based upon a mistaken belief that they will not be properly cared for, we encourage you to place them in the custody of a local law enforcement agency near the plant for safekeeping, and with the express understanding that they will be accessible for investigation and review by the company and any regulatory agency, including the Nuclear Regulatory Commission, during the pendency of any claims.

Very truly yours,

David L. Andrews

David L. Andrews