

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

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U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

NEAL ATWAY
SCOTT COCHRAN
MOHD RAWHNEH,

Defendants.

CASE NO. **1:14CR070**
JUDGE OLIVER
Title 18, United States Code Sections 2,
1001, 1951, 1512(c)(2) & 1512(k)

The Grand Jury charges:

GENERAL ALLEGATIONS

At all times material to this Indictment:

Defendants and Related Entities

1. Law Firm A was a law firm located in Youngstown, Ohio.
2. Defendant NEAL ATWAY ("ATWAY") was an attorney licensed to practice law in the State of Ohio and was a partner in Law Firm A.
3. Defendant SCOTT COCHRAN ("COCHRAN") was an attorney licensed to practice law in the State of Ohio and was a partner in Law Firm A.
4. As Ohio-licensed attorneys, ATWAY and COCHRAN were subject to the rules of ethics set forth in the Ohio Rules of Professional Conduct and former Ohio Code of Professional Responsibility, which along with other provisions of law, (1) imposed on attorneys a duty of loyalty to clients (Rule 1.6); (2) recognized that a lawyer shall not counsel a client to engage, or

assist a client, in conduct that the lawyer knows is illegal or fraudulent (Rule 1.2); (3) required that an attorney avoid personal conflicts of interest that had an adverse effect on the representation of a client (Rule 1.8); (4) prohibited an attorney from entering into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client, except under limited circumstances (Rule 1.8); (5) prohibited an attorney from using information relating to representation of a client to the disadvantage of the client (Rule 1.8); and, (6) forbade an attorney from acquiring a proprietary interest in the cause of action or subject matter of a litigation the lawyer is conducting for a client, except in limited circumstances (Rule 1.8).

5. Defendant MOHD RAWHNEH ("RAWHNEH") was an owner, employee, and agent of convenience stores in the Youngstown metropolitan area. RAWHNEH was acquainted with COCHRAN and ATWAY.

Other Individuals and Entities

6. Charles B. Muth ("Muth") owned several convenience stores in the Youngstown Metropolitan area, including a store in or around Dresden Avenue, East Liverpool, Ohio ("Dresden store").

7. Judges 1 and 2 were judges in the Mahoning County Common Pleas Court.

The Pending Court Cases

8. On or about December 28, 2011, Charles Muth and Donald K. Loveless were drinking heavily in Boardman, Ohio near what they believed to be RAWHNEH's residence on Jaguar Drive. They drove to the Jaguar Drive residence, Loveless exited the vehicle and fired several rounds from a pistol at the ground in front of the residence. A couple of the rounds

ricocheted off the ground and entered the residence. RAWHNEH no longer resided there, but the residence was occupied at the time by RAWHNEH's ex-wife ("Relative 1"), RAWHNEH's daughter ("Relative 2"), and another person ("Friend 1").

9. Law enforcement identified Muth as a subject in the Jaguar Drive shooting and obtained a search warrant for Muth's residence. Law enforcement seized over 100 marijuana plants growing in Muth's basement.

10. On or about January 6, 2012, a state arrest warrant was issued for Muth for Illegal Manufacture of Drugs, in violation of O.R.C. Section 2925.04, Ethnic Intimidation, in violation of O.R.C. Section 2927.12, and Aggravated Menacing, in violation of O.R.C. Section 2903.21 (collectively hereinafter "the State Case").

11. The Drug Enforcement Administration ("DEA") further investigated Muth about the marijuana plants seized from Muth's residence. On or about May 31, 2012, Muth was charged in the United States District Court for the Northern District of Ohio in a one-count information with Conspiracy to Manufacture and Distribute and Possess with Intent to Distribute 100 or More Marijuana Plants in violation of Title 18, United States Code Section 846, in Case No. 4:12CR277 (hereinafter "the Federal Case"). The case was randomly assigned to Judge Patricia Ann Gaughan, in the United States District Court, 801 West Superior Avenue, Cleveland, Ohio.

12. Muth retained ATWAY to represent him in both the Federal Case and State Case. On occasion, COCHRAN helped to represent Muth in the State Case. He also independently had recorded conversations with his lawyers.

13. Muth cooperated with law enforcement in the State and Federal Cases.

14. On or about June 20, 2012, Muth pleaded guilty in the Federal Case, pursuant to a written plea agreement. Muth's plea agreement did not require the court to impose a specific sentence, but rather, the court retained discretion to impose a lawful sentence, including the term of imprisonment, a term of supervised release, a fine, costs, and other financial penalties.

15. The court scheduled a September 12, 2012 sentencing hearing in the Federal Case in Cleveland, Ohio. During the time between Muth's guilty plea and sentencing hearing, the United States Pretrial and Probation Office prepared a Presentence Investigation Report ("PSR"), which was a comprehensive report that provided the court with important information about Muth's case, including more detail about Muth's background, his criminal history, and the facts and circumstances surrounding the offense.

16. In federal felony cases, the court considers the information contained in the PSR, as well as any evidence and arguments the parties present at the sentencing hearing, when imposing a sentence consistent with federal laws.

17. Crime victims also sometimes have an opportunity to present evidence and testimony directly to the court at sentencing.

18. In or around March 2012, the parties negotiated a plea agreement in Muth's State Case. The parties agreed that the plea agreement would be filed after Muth's sentencing hearing in the Federal Case. When Muth agreed to the state plea agreement, he believed that he would receive the same prison sentence in the State Case that he received in the Federal Case, both sentences to run concurrently.

19. On or about September 1, 2012, ATWAY filed a motion to continue Muth's Federal Sentencing hearing, which the Court granted, rescheduling the Federal Sentencing Hearing to November 6, 2012.

The Grand Jury further charges:

COUNT 1

(Hobbs Act Conspiracy, 18 U.S.C. §§ 1951 and 2)

20. Paragraphs 1-19 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

21. Law Firm A's operations affected interstate commerce.

22. The operations of Muth's convenience stores, including the Dresden store, affected interstate commerce.

THE CONSPIRACY

23. Beginning in or around April 2012, and continuing through on or about November 16, 2012, the exact dates being unknown to the Grand Jury, in the Northern District of Ohio, Eastern Division and elsewhere, Defendants NEAL ATWAY, SCOTT COCHRAN and MOHD RAWHNEH and others unknown to the Grand Jury, did knowingly and intentionally combine, conspire, confederate and agree with each other to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by extortion, in that RAWHNEH, with the assistance of ATWAY and COCHRAN, obtained and attempted to obtain property from Muth and Muth's convenience stores, with their consent, induced by wrongful use of actual and threatened force, violence and fear.

OBJECT OF THE CONSPIRACY

24. It was the object of the conspiracy that RAWHNEH, with the help of ATWAY and COCHRAN, would obtain things of value from Muth and Muth's convenience stores, to enrich themselves and their designees.

MANNER AND MEANS

It was part of the conspiracy that:

25. RAWHNEH solicited things of value from Muth and Muth's convenience stores, including money and an ownership interest in the Dresden store.

26. RAWHNEH and ATWAY led Muth to believe that unless RAWHNEH received money and property from Muth and Muth's stores, RAWHNEH would: (1) appear at Muth's sentencing hearings in the Federal Case and State Case and (2) communicate to the Federal and State courts, directly and indirectly, facts that could cause the courts to increase Muth's sentence.

27. To conceal the illicit nature of Muth's payment, the conspirators characterized the money and property RAWHNEH solicited as a "settlement" for any potential civil claims related to the Jaguar Drive residence shooting.

28. RAWHNEH and ATWAY led Muth to believe that RAWHNEH would cause physical harm to Muth, unless RAWHNEH received money and property from Muth and Muth's stores.

29. At times, RAWHNEH communicated to Muth through ATWAY and COCHRAN.

30. ATWAY and COCHRAN, while they were purportedly representing Muth as his lawyers, in fact, helped formulate the means by which RAWHNEH would obtain money and

property from Muth and Muth's stores and the means by which the conspirators would attempt to conceal the true nature of Muth's payment.

31. RAWHNEH agreed not to communicate to the Federal and State courts and prosecutors facts that might increase Muth's sentence, if Muth gave RAWHNEH money and property.

Acts in Furtherance of the Conspiracy

32. On or about April 6, 2012, Muth was driving when he noticed RAWHNEH's vehicle. RAWHNEH pulled alongside of Muth and made a hand signal resembling a gun. RAWHNEH pointed the sign of the gun towards Muth.

33. On or about June 27, 2012, Muth gave ATWAY approximately \$18,000, with the understanding that ATWAY would give the money to RAWHNEH.

August 13, 2012 Conversation Between ATWAY and Muth

34. On or about August 13, 2012 at approximately 4:50 p.m., ATWAY told Muth, "MOE's [MOHD RAWHNEH] p---ed off. MOE's p---ed off because I won't, I won't um, I said, 'I won't release any money unless um, unless you give me the green light.'" Muth replied, "No, I don't want you to until everything is" ATWAY continued, "Uh, he wants, he wanted the \$18,000 released to him now And then he wants payments at, you know, every month. And he wants a lien against your property. I said, 'You know what, you know what?' I said to him, 'I don't think that Chuck's [Muth] going to go for it.' And he, I said, 'The way you got to do it, you got to do it our way. Our way is, we'll sign a release, we'll sign an agreement, and you'll get your, you'll get your money um, after he goes to court. That's how we'll do it.'"

35. Muth questioned whether RAWHNEH would abide by the agreement and ATWAY said, "I don't think that you need to resolve this issue with him [RAWHNEH]. Because, you know, we have a good judge that will go along, my guess is, he'll go along with the agreement that, you know, we worked out with the State of Ohio. . . . That you and the State of Ohio worked out. I think, so that's, I think we can expect him to honor that agreement. No matter what MOE says. . . . Because we have Judge 1 and he's pretty reasonable."

36. Muth responded, "Well, I mean, this is the first I've heard of this from you. I mean, why all of the sudden, is it just because we switched judges?" ATWAY said, "No, no, no. It's, oh yeah, because we switched judges is a big deal. Heck yeah. Heck yeah, (SC) . . . Because Judge 2 would probably lock you up for a long time, if you went in front of him and the victim came in crying." Muth asked, "The most he could give me is 18 months, right?" ATWAY said, "Oh yeah. And he probably would give you 18 months in front of Judge 2. But you're not in front of Judge 2 now on this case."

37. Later in the conversation, ATWAY said, "I just really, I don't know how the guy thinks. I'm just relaying to you, he wants, he kept insisting he wants 20, he wants 20, he wants, he kept going on and on and on. And then 5,000 a month. . . . I said, 'Chuck only has 18,000. I'm telling you he has it and it's in my trust account.' He goes, 'Well then, forget it, no deal.' . . . He calls me back, 'Oh, you know what, I'll take the 18,000. For now. But he has to make the payments.' I said, 'Oh, I thought you said no deal if it's not 20.' He said, 'No, I'll take the 18,000 but he's got to make the payments for the rest of it.' I said, 'You know what, I don't think he's going to agree until we have everything signed, documented, and then once, it also has to then be (UI-Unintelligible), it gets released to you after he goes to court.'" Muth said, "If not, then I

guess I'll just take my chances. I don't know what else more to say. I'm not just going to give the enemy cash."

38. ATWAY told Muth that RAWHNEH threatened to sue Muth, and said, "I got tired of him threatening. And he keeps threatening, to, threatens me to tell you, oh, you know, 'If you don't do this then I'm going to run, I'm going to tell, I'm going to be there with my.' I said, 'You know what, you can be there with whatever you want to be there.' I said, 'This is how it's going to be, MOE. You got to trust the fact that I have it in my trust account. I'll have him sign a document that says it's in my trust account. It's going to stay in my trust account. But it's not going to get released until after he gets sentenced in this state case. And you'll get it the same day that he gets sentenced. Whatever, no matter what the sentence is.'" Muth asked ATWAY, "Let me ask you a question. He's always been unreasonable. Is there, is there a possibility he [RAWHNEH] could come to the federal sentencing?" ATWAY replied, "No, he's not allowed to speak in the federal sentencing. . . . He's not allowed to. He's not a victim. . . . He can't. I mean, you know, he can come there and like, anybody in the public can come there and sit in the back of the courtroom, but, the moment he gets up and opens his mouth they'll lock his a-- up." Muth clarified, "Alright, so nothing, nothing can hurt me then, correct?" ATWAY responded, "Not in the federal system."

August 14, 2012 Conversation Between ATWAY and Muth

39. On or about August 14, 2012, ATWAY and Muth discussed Muth's Federal Case pending in Cleveland, Ohio. During their conversation, ATWAY contacted the prosecutor assigned to the Federal Case to discuss continuing Muth's sentencing date. Thereafter, ATWAY told Muth, "And the final thing, want to talk to you about the issue with, with MOE and the

settlement. He insisted, this is where, where we broke apart. He insisted on having uh, the release signed and done and um, having you sign a promissory note (UI) those payments and putting a lien on your property and getting the \$18,000 released to him immediately. And my response to him uh, no. The \$18,000 will stay in my trust account and uh, he will sign a settlement agreement and you'll sign a settlement agreement and the settle agreement's gonna say that the funds will be released to you after he goes to court in Judge 1's court. Uh, it's, that way or the highway for you, MOE. He freaked out on me. He's like, 'Fine, fine. I'll, I'm just gonna go to the lawyer. I got lawyers lined up and ready to file. I'm going to file a \$2 million lawsuit against him and I'm gonna file this, and I'm gonna take the store from him, and I'm (UI).' I said, '(UI) do what you gotta do.' But any sort of lawsuit that he files. First of all, he has to win it and second of all, it's gonna take at least two years before he gets anything. So he's not gonna have the money. And most lawyers that I know, are gonna ask him for money to file the suit."

40. Muth responded, "I'm not giving him, I am not giving him my hard earned money, for him not to show up if he's not gonna sign something. It's that simple. I am not doing that." ATWAY said, "No, he'll sign something and, and he'll. . . ." Muth interrupted, "But it's no guarantee that he's not gonna still throw me under the bus though. That's the problem." ATWAY said, "Think about it, think about it. He doesn't want you going to jail. How in the h-ll is he going to get paid the rest of the payments if you're in jail?"

41. Later in the conversation, Muth asked, "What do you feel now will happen? Or what do you, do you see there being a problem? I mean if he does try, the only thing he can do is. . . ." ATWAY said, "Yes, yes. They'll be a problem. If, if we had Judge 2 or if we draw

Judge 2. But we're doing our best. Um, to keep it, keep your ethnic intimidation case alive. You have court coming up on the ethnic intimidation case. I'll be in trial, but SCOTT's gonna go with you. And all you gotta do is to go there, we already signed the waivers for your trial already. But we're gonna go there and then he's gonna ask the judge to kick the case. Um (UI)." ATWAY later explained, "I think with Judge 1, Judge 1 would, would uh, honor the agreement between the parties, but it'll make, it'll make his decision a little bit difficult and he'll, he'll give us a little bit of a hard time, but especially if MOE's going in there. Because I know what MOE's gonna be like. He's gonna have his daughter there, he's gonna have his ex-wife there." At the end of the conversation, Muth asked ATWAY to return money that Muth had given ATWAY to hold for RAWHNEH in ATWAY's trust account. ATWAY agreed to return the money that he had been holding to ultimately pay RAWHNEH.

August 16, 2012 Repayment

42. On or about August 16, 2012, Muth received a check in the amount of \$18,000 from ATWAY's trust account.

August 31, 2012 Conversation Between ATWAY and Muth

43. On or about August 31, 2012, ATWAY told Muth, "But this case here, you just don't know, if the wrong thing comes out, then, p-ss somebody off, (UI) has a bad day or pre-disposition has a bad day (UI) or MOE says something to the federal prosecutor, you made that comment, you know, you said, I would do the 12 to 18 months, the judge says that's what I'm sentencing to be. So she may split it. So, you know, right now, the judge could give you 12 to 18 months, split it, nine months jail, nine months (UI), (UI) jail that you can do. You can do a combination I think. She can say no, I don't want to give him jail. If you have a victim in the

case, you know, and Youngstown saying I don't have a problem, then that helps. What if MOE wants to screw you. He shows up in Cleveland [where the Federal Sentencing Hearing will be held], and tells the prosecutor, 'I just want you to know, that the reason you guys got this weed case is because of me. I just want you to know who I am. Please (UI) who I am. This is what happened to my daughter.' (UI) heard of, the judge, the prosecutors they say it's unrelated to this case, but, you know, it's how we, it's how they interpret as to how it happened. But now we get the pre-sentence report, but you know, for if example, MOE is on your side, he doesn't show up for the trial it helps. But if decides to show up over there, he's going to f--k this up."

44. Muth replied, "Well, first of all, I mean, you, you're throwing. He, I'm like being thrown for a loop here man. I don't understand what you're trying to tell me. Are you trying to tell me that MOE's going to come to Cleveland [to Federal Court for Muth's Federal Sentencing Hearing]?" ATWAY answered, "No, no. I'm trying to tell you that he may." Muth questioned, "I thought you told me that they would throw him out of there." ATWAY answered, "They won't let him speak . . . Anybody can come in there. It's open to the f--king public."

45. Muth asked, "So now, the guy, unless. Now, unless I pay him, he wants to come to federal court and try to f--k me up there." ATWAY said, "He goes wherever he can to f--k you up there. He'll sue you civilly, he's going to go to court and uh, start crying in court. How scared he is of you. He's going to bring his daughter with her jewelry box. . . . He's going to do it." Muth asked, "So he's going to do that all because I'm not paying." ATWAY replied, "Absolutely, because you're not paying. He absolutely is. And you know how he is. If you cross him, that's how he's going to do it. You know what he's going to do. He's going to do to make your life miserable. . . . He's going to do everything he can to make your life miserable."

On your case. That's why I wanted to kinda, have you resolve your civil case, so he is not, we don't have to worry about him. He's not in the equation."

46. ATWAY told Muth, "I called him [RAWHNEH] up and asked him, 'Did we have a chance to resurrect the deal, make the deal work.' And he said, 'Nah, you know, I don't trust Chuck anymore. Unless I get all the money, plus (UI) now.' I said, 'Look, you know, Chuck can't come up with all the money right now.' He said, 'Well, you know what, tell him (UI) I'll talk to Relative 1, and I'll see what she says (UI) f--k it. I'm not going to agree to back off and say I'm satisfied with everything and not her, of course, unless I get my money and see the civil settlement done. He doesn't want to pay me the money now, he wants to wait for sentencing. Fine, I don't want the money. Tell him keep it."

47. Muth said, "Yeah, but you're, but what you're telling me is that if I don't pay, he's coming, he's coming to my criminal stuff to mess with me." ATWAY responded, "That's what I'm saying."

48. Muth then told ATWAY, "Well, I've got something to tell you about, about what, uh, what I wanted to talk to you about. He went and told, he went and told Friend 3 that he was going to kill me." Muth later explained, "He's going to kill me because he wants paid. And that's why I'm so stressed out about this. That's one of the reasons why I wanted to, get, get the deal alive again, NEAL. I don't want to f--king die."

49. ATWAY responded, "Look, let me talk to him this weekend, let's get this done." Muth said, "I don't want to f--king die. I mean, I mean." ATWAY said, "You don't want to die, then, you know what, what you got to do is you got to make peace with everybody." ATWAY said, "Yeah. But try to see that (UI) the way we wanted to settle with MOE, is we wanted to wait

'til the case was done. Because that's the easiest way to make sure, yeah, you're right, you're, Friend 2's right about that. That's the safest way to make sure, so it's done. But, he took it as an insult, trying to help you out, trying to resolve the (UI) so you don't go to jail. He just wants to release the money to him now, and then make payments to pay him, and he'll fight like h--l to keep you out of jail, then you said no, I want to wait 'til it's all done. That's when he got pissed off."

50. ATWAY later said, "No, no. Because you told me that you wanted to make sure, don't give him the money, don't give him the money until after you know, we, you're done with your case. That's what you wanted. And I told him, that's how we wanted to do it. He goes, he goes, 'You wanted him to sign the papers and then wait? He said, 'Absolutely not. I will not wait.' He goes, 'I will sign the papers that we'll settled [sic] the case for \$50,000, you give me the \$20,000,' actually he wanted \$25,000, and you have to make payments on the rest of it. He's going to let you make a monthly payment, and then we have no problem. You miss a payment, the whole amount is due. So. I mean, I can get that done. If you want me to get it done? I'll get it done. But uh, you know, I'm going to have to go to him and beg him to agree to do this, do me a personal favor. But I'm not going to do it unless we're all on board."

51. Muth responded, "Listen. We must, then me and you must have had a communication mix up. Because I said release the money to him, but he has to sign off on the paperwork. And you told me that he said he was not going to sign off on anything and that it was like, f--k Chuck, I want the money and he can get my signature after, after, after the trial or whatever."

52. ATWAY informed Muth that RAWHNEH would likely increase the initial payment from \$18,000 to \$30,000. Muth told ATWAY that he did not have that much money. ATWAY asked, "How much money have you, how much down-payment can you come up with to try and get this thing done with him?" Muth replied, "If I pay, if I pay him this money, he's not going to f--king kill me right?" ATWAY said, "I'll talk to him, I'll talk to him, to calm down here. He's not going to kill you. If you settle this thing, he won't kill you, because how the h--l is he going to get paid if he kills you. Think about it." Muth said, "Because he's crazy. Because the man's f---ing crazy. You even said it yourself. . . . I wouldn't be so f---ing fired up if, or so upset, let me say, distraught, if he didn't, had said that to Friend 3 and Friend 3 comes to me and told me. He said it to Friend 3. . . . Are you, are you going to make sure he doesn't kill me if I give him this f---ing money?"

53. ATWAY said, "I'll make sure he doesn't kill you. I'll make sure." Muth responded, "You promise me?" ATWAY said, "I promise you. . . . I promise if you settle with him, I promise I'll go to bat for you and I'll tell MOE don't kill this guy, just get away from him, and that maybe down the road, down the road, you know, you can [] down together. You got to make your amends with him if you want to get him off your back. Remember how I told you how we settled it in the old country?" Muth said, "Yeah, with money." ATWAY explained, "You crossed somebody, you could go and settle the thing with money. Okay. And that's what he's trying to do. He's trying to settle with money."

54. ATWAY concluded, "If you want to resolve it, I'll go to him and beg him to accept this thing here. Work on getting the money together and then, I'll get him to sign the releases (UI) that says you're going to sign over the balance of the money you're going to make

him payments, and then I'll make things right. And I'll get him to promise me that he's not going to f--k with you."

55. MUTH asked, "Yeah, but my federal case now? He's going to try and mess with my federal case?" ATWAY said, "He'll do anything to f--k with you if you, if he doesn't get what he wants. He's going to look at, you don't think he can't do anything to hurt you? He'll try to hurt you. He'll do everything he can in his power."

56. Muth said, "But what about the federal case though, NEAL. That's the one." ATWAY replied, "Listen, I'm telling you right now. If you settle this case civilly with him, I'll make sure, I'll make sure that he doesn't show up to federal court [for the sentencing in Cleveland]. I'll make sure of that." Muth said, "He's not allowed up there is he?" ATWAY explained, "Yeah he is. Anybody can show up over there. Anybody." Muth asked ATWAY, "So what could, so what could happen if he did come. I want you to tell me what he, what could happen if he comes." ATWAY responded, "Going, going, Gaughan. That's her name. [referring to United States District Judge Patricia A. Gaughan.]"

57. Muth asked ATWAY, "Alright so, so, so what's worst case scenario. Let's just say, worst case scenario he f--ks me and says I'm going up there and he shows up. What's worst case scenario? Eighteen months?" ATWAY said, "Yeah." Muth confirmed, "So the worst case scenario, the worst case scenario is 18 months if he cries the blues and I don't have the money to give him. Am I right or wrong?" ATWAY said, "18 plus 18 is 36. . . .They could run them consecutive." ATWAY explained that the judge does not have to agree to the prosecutor's recommendation. "The judge usually goes along with it, if everybody else is in agreement. But if you have a victim in there crying, the judge doesn't have to go along with it."

September 5, 2012 Conversation Between ATWAY and Muth

58. On or about September 5, 2012, approximately two days before a pre-trial status conference in Muth's State Court Case, ATWAY told Muth, "I talked to the other guy. Um, I tried to resolve that, resolve that deal with him civilly to resolve the case. I think he'll agree, but he's going to want at least 25." Muth said, "I uh am scared sh--less you know that, of him right now." ATWAY said, "Yeah, I know. And I talked to him. I said, 'Look, if we resolve this everything, can we agree that you know, you're not even going to mess with the guy at all. Don't even go see him, don't file a lawsuit against him. Don't do anything to him. Don't threaten him.' He [RAWHNEH] was like, 'If we have a settlement, he won't even hear from me or know I'm even around.' And that, that thing is, he said, he denied he's threatened to kill you. He threatened to bury you in litigation. That's what he told me. Well that's what he's going to tell me, because it's a crime to admit to threaten to kill somebody."

59. Muth responded, "Right. I mean, but I mean, he, you know, I know that, I know that he denied what he said to Friend 3. And I also know that he would have, you know that he would have denied what he said to Friend 3, too. But I know this man, not, not as well as you do. But I spent time with him for awhile. And I know he's crazy enough to do it, and I just, I don't want to go on in life. I don't. Look, I don't want to die. I really don't, it's really bothering me now. . . . But I mean, do I know, do I know 100 percent for sure dude, if this guy, if I, if I take care of him with this, with this money, he is not going to f--ing kill me. He's not going to come after me." ATWAY replied, "I think that if you do that, he gave me his word he won't mess with you at all."

60. Later in the conversation, ATWAY explained RAWHNEH “agrees to accept 50,000 total. Twenty five thousand up front and 25,000 in payments. He wants a set number on the payments and a set number for each month. If you miss a payment, then he wants to have a judgment for higher than that amount. If you don’t miss a payment, then that’s all he wants is the additional 25,000. So in other words, let me give you an example. Um, he wants to be able to say that he settled with you for \$75,000 dollars. However, if you pay him 50,000, then that’s all that you do. And there’s no other 25,000. The balance of 25,000 is waived. However, if you miss a payment, after you’ve paid the initial 25,000. Say you agree to pay 5,000 a month for five months and then you don’t make a payment. Well then he has a judgment against you for the balance of the 50,000.”

61. Later in the conversation, Muth confirmed, “Well, those payments are going through you. I mean, I’m not going to see him directly.” ATWAY replied, “Absolutely, it has to go through me. That’s how I want it to be. But I think that that’s the way to handle it. Maybe I can even get him to agree to say, uh, yeah, the other payments that you’re going to be making per month are going to stay in my trust account, until the sentencing hearings are done, or I can’t say because of the sentencing hearings. We’ll have to say, I’ll pick a date that I know for sure everything is going to be done with you. Say for example, December 31. That’s when we release it to him . . . And this way, you have, you have assurance that he’s not going to screw with you.

October 17, 2012 Conversation Between ATWAY and Muth

62. On or about October 17, 2012 at approximately 4:29 p.m., Muth told ATWAY that Muth was “a mess today,” explaining, “the sentencings are comin’ up and I feel like

imminent doom is coming. That's what it feels like to me." ATWAY said, "The only thing that could be a problem is gonna be the state case, but because uh, but we got that under control. But the other guy [RAWHNEH] is still gonna come there [sic] difficult for us." Muth told ATWAY, "I don't give a sh-t about his civil case. His civil . . . lawsuit. That can happen years down the road and I mean God forbid, but I won't probably won't even have a God d--n dime at that time, NEAL. You know what I mean? He probably won't even be able to get nothin' out of me. And . . . But I'm just, you know, I'm worried about him showing up at my sentencing and doing this. And I, I, you gotta, you gotta plan or something for this?"

63. ATWAY replied, "Well, how about on Monday, you know, SCOTT will, I'll, I'll let him find out ahead of time what's going on. If, if he can get Monday canceled. If he doesn't get your hearing canceled Monday, I still wanna meet with you Monday afternoon. Just to prepare everything else. . . For the federal case. And I, we can chat on Monday, spend some time."

64. Muth told ATWAY, "I know, I mean, I, we haven't talked about it in the longest time. The last time . . . SCOTT was talking to me about it, I was, I got really upset. Not at him . . . I mean he . . . was tellin' me about everything, plus I didn't . . . I didn't like seeing him [RAWHNEH] there. . . he showed up with, he showed up with that baby doll. . . They had it in a bag. I'd seen it. I mean he made sure I seen it, trust me. I know him. I know how he is. I mean he walked right in front of me. He was but two feet in front of me. Three feet in front of me." ATWAY said, "He [RAWHNEH] said he, he said he was gonna do it, so he did it. I mean it's, it's (UI) I warned you ahead of time that he said he was gonna do it, you know?" Muth asked, "What can we do?"

65. ATWAY suggested that Muth meet with ATWAY and then ATWAY explained, "He [RAWHNEH] wants to, he wants to see, he wants to see uh, action. He wants to see, he wants to see sincerity, resolution. All that, he's just, you know. . . . If you solve, if you solve things with Relative 1, settling with Relative 1, say here Relative 1, I, I wanna give, you know, resolve my issue with you (UI) that'll go a long way and then the guy won't show up. That's how I believe it's gonna happen." Muth confirmed, "Right. You say he won't show up?" ATWAY said, "He will show up if you don't solve things, if you don't resolve things with him. . . . But if you don't, if you do resolve things with him, he won't show up."

66. Muth questioned whether RAWHNEH would even agree to accept Muth's money, and ATWAY said, "He [RAWHNEH] has you by the balls. I don't know. But if you want, I can reach out to him and I can say hey man, you, if you don't do this for Chuck, do this for me. Do me a favor. And he might do it for me."

November 2, 2012 Conversation Between ATWAY and Muth

67. On or about November 2, 2012, ATWAY told Muth that the court continued Muth's Federal Case sentencing hearing to November 16, 2013. ATWAY explained that the continuance benefitted Muth, because "if she [Judge Gaughan] gonna give you custody time um, you know, we can get it, usually, after the first of the year. So that's when you can work through uh, through Christmas and New Years. . . .so you can make all that money, right?"

November 2, 2012 Conversation Between ATWAY and RAWHNEH

68. On or about November 2, 2012 at approximately 7:08 p.m., ATWAY called RAWHNEH's phone and said that the court postponed Muth's Federal Case sentencing hearing

to November 16th. RAWHNEH asked if Muth's state court case would also be continued. ATWAY confirmed that it would be continued until after November 16th. RAWHNEH told ATWAY, "Make sure you keep me, mm, you know, posted on, please remind me. Have you talked to him [Muth]?" ATWAY said, "Yeah, today. . . . He told me, 'I, I, I'll call you back I gotta go puke.'" RAWHNEH asked, "Why?" ATWAY said, "Because he [Muth] is recording me. Instead of me calling him when he cannot record me; when he calls me, he can record. . . . He calls me, I call him back; he does not answer." ATWAY confirmed with RAWHNEH, "So, there will be no court session next week." RAWHNEH asked ATWAY to keep him posted.

November 7, 2012 Conversation Between ATWAY and Muth

69. On or about November 7, 2012 at approximately 5:48 p.m., ATWAY told Muth that the court continued his hearing until November 28, 2012. Muth told ATWAY, "I've been workin' on, on, on the rest of it. But I wanted something else to make him comfortable. . . I can't, I cannot afford to have him throw me under the bus. I cannot have trouble." ATWAY replied, "See, you wanna offer him to settle civilly to pay 5,000 right away, and then 5,000 a month for the next whatever amount of months, so everything's paid off." Muth replied, "For the most part, yes. But I, but, but in order to make him feel comfortable, I would let him lien something or whatever hard asset that I can think of, that, that I can let him hold." ATWAY told Muth, "I'll, I'll, I'll see if I can set up some kind of meeting if it would work. If it's even advisable. I gotta run it by SCOTT and see what he thinks. . . . I don't want to do something that's gonna like make things even worse for you. 'Cause right now, I mean I haven't heard the guy b--chin' or complainin' and all that kind of stuff."

70. After discussing the issue further, ATWAY said, "And so you say, you say you can come up with, you want me to offer him, tell him you can come up with five immediately by Friday, and then what's the next payment?" Muth said, "I don't know. I'm gonna try and work my a-- off to get, to get thousands more obviously." ATWAY said, "I'll talk to SCOTT and see what he, what he thinks."

November 7, 2012 Conversation between ATWAY and RAWHNEH

71. On or about November 7, 2012 at approximately 9:44 p.m., ATWAY called RAWHNEH's phone and asked RAWHNEH, "Guess who called me today?" RAWHNEH guessed a name, and ATWAY said, "The Donkey, no, no, the donkey, the one..." RAWHNEH said, "Chuck, Chuck," and ATWAY replied, "The donkey, yeah. . . . He wants to see if I can talk to you He wants to give you 5,000 he said." ATWAY explained, "He wants to give you 5,000. In other words, he will give it to you right away. And he will make payments with the rest. I told him, 'Listen, man you started off with 25,000, you want me to go call the guy back up.' I said, 'You see. You sure you want to do that because you are going to piss him off.' I said, 'That's insulting somebody.' He said, 'No, no, I think, I want to set up a meeting with him face to face. I want to talk to him, you know, I want to apologize to him, to his face.' I said, 'You know what, you know what? I, I will see if he's even wanting to do that, it's not a good idea ... you, know.' I said, 'Five thousand won't even fix the God d--n holes in the house that you created, and all the bullets holes in the bedroom and the walls, and the ceiling fan and the toys!' I said, 'That's an insult.'"

72. RAWHNEH said, "Yeah." ATWAY continued, "No man, no, I want to pay him." I said, "Why do you want to pay him?" He said, "I am scared that he will kill me." You know, I

said, 'Listen man, he's not gonna do nothing like that. MOE, you don't know him, I know him.' He said, 'I know him [UI].'" ATWAY continued, "I told him, 'You are worried about that other guy to kill you.' [Muth replied], 'No, no, he [RAHWNEH] makes [the others] sound like uh boys scouts when it comes to, what's this man.' He said, 'I am scared of him, and I want to settle the matter with him.' I told him, 'You know what, you've got to come with better than that.'"

73. RAWHNEH told ATWAY, "Tell him that you talked to me and I want the 50 upfront. . . . I am going to the Federal Court to talk to the prosecutor, tell them what was going on. In Cleveland, and I am gonna go downtown for his hearing. I am, I am going to be in his Federal Court too. . . . Tell him you cannot control that. You know what I mean?"

74. ATWAY replied, "I agree with you." ATWAY reminded RAWHNEH that Muth's Federal Case sentencing hearing was November 16th, and updated RAWHNEH that Muth's state court hearing had been postponed to November 28th. RAWHNEH said, "NEAL, make sure to remind me OK? Please." RAWHNEH continued, "Tell him I talked to him and he is telling you no deal. Everything up front, or no deal. I am going to go to the Federal court and take my daughter and tell the prosecutor and tell the judge . . . You know what I mean [IU] You know. They might listen to him, which is that true, right? And tell him [Muth] that he [RAHWNEH] is going to Judge 1 and he is going to take everything you shot you, fa---t. Tell him MOE said you're fa---t. Tell him [tell Muth] "You don't understand, the toys, kids's toys [UI], you fa---t. He [RAHWNEH] is going all the way. He wants no money, he wants nothing. I am going all the way, that's all. Just tell him like that. . . . Tell him no f--ing deal, to go f--k himself. I am going all the way. Because, tell him, when he spends another three to four years extra in jail, how much can he get more?" ATWAY said, "Yeah."

75. RAHWNEH said, "Tell him MOE said you'll be somebody's b--ch when you come outside. You'll be a horny f--king fa---t, and then we'll talk. Tell him, we're gonna be paying people to f--k you in the a-- when you come out. Which do you think how much he is going to get more if I cause all that chaos?" ATWAY replied, "Probably 18 months at least in Youngstown from Mahoning County, plus another 18 months in Cleveland [UI] the 16th." RAWHNEH said, "Okay, tell him 36 months, at a \$1,000 a month you want a f--king fix the house and you keep f--king around. Thirty-six, you know, 36 months. It's worth to put you're a-- in jail, and I will settle with you later, that's all...and he's not done, you know. I am going to settle with him later, sue him."

76. RAWHNEH continued, "Tell him MOE said the whole thing upfront or 36 more months you gonna do more, you mother f--ker. And tell him not to give you any more aggravations, any more messages...for settlements or anything. That's a done deal. That's it." ATWAY said, "That's, that's a good response."

77. RAWHNEH said, "And tell him that I am going to the Federal Court, taking my daughter, and I am going to talk to the Federal prosecutor, and I am going to talk to the judge, in the same time in court. I am going to show them what kind of a fa---t you are. You know what I mean?" ATWAY said, "All right. I'll tell him you said, "There is no deal you fa---t. . . . He's going go all the way with this case, and he's gonna sue you, and he is coming after you, and he is going to go to court [UI] in Cleveland and Youngstown [UI] and he's gonna speak his mind." RAWHNEH said, "And 36 months more, I am gonna cause him to do."

78. ATWAY told RAWHNEH that Muth had told ATWAY, "I want to do it because I want a guarantee that he won't screw with me. I told him, 'There is nothing in life guaranteed.

The only thing that I can guarantee you is that you are going to end up dying and paying up taxes, that's it. There is nothing else in life guaranteed, except that every one of us is going to die, and every one of us we gonna pay taxes. You heard that saying before; otherwise, you cannot guarantee nothing.”

79. RAWHNEH said, “No, I mean if, if, if did it the right way, wouldn't you guarantee him that nothing is going to happen. I'm gonna stick with my commitment, you know what I mean?” ATWAY answered, “Yeah, yeah, there is no [UI] all this, but no guarantee, we settle it civilly matter [UI] that's it. You paid him the money to fix the house up, and for the girl to go to counseling, and to deal with the aggravation, then that's all we did.”

November 8, 2012 Text Messages

80. On or about November 8, 2012 at approximately 8:23 p.m., RAWHNEH sent a text message from his phone to ATWAY asking, “Have u talk 2 d ass?”

81. On or about November 8, 2012 at approximately 9:32 p.m., ATWAY responded to RAWHNEH's text, “Not yet.”

November 9, 2012 Meeting between ATWAY, COCHRAN and Muth

82. On or about November 9, 2012 at approximately 2:35 p.m., Muth met with ATWAY at Law Firm A's office. ATWAY updated Muth about his conversation with RAWHNEH, stating, “He told me to tell you, tell that fa---t no. . . . He said he just, (UI) he wants to settle it civilly with you, and go your separate ways. But he wants all fifty, all up front. No f--king payments or nothing. Otherwise go tell him to go f--k himself and I'm going to see him in Federal Court. What are you talking about? You can't speak in Federal Court. The h--l I can't.

You watch and see. . . He's going to make you sound like a bad person. I can keep his mouth shut. I'll object to the judge. Look judge, just want you to, he is not a victim in this case." Muth said, "I want him to keep his mouth shut the other way. I, I brought money down in good faith. And I want him to f--king leave me alone. Call it whatever you want to call it, I don't give a s--t. I cannot afford to have this guy do this to me."

83. ATWAY said, "He's going to show up to federal court [in Cleveland], and he told me he's going to have Relative 1 show up and Relative 2. They're going to sit in the back of the court room and uh, he said he's going to be sitting on the side with the Prosecutor. . . . I said, 'Listen man, don't do that.'" ATWAY added that RAWHNEH had told ATWAY, "This is how much I want from him. I want nothing. I would like, I'd love to see him be somebody's bi--h in prison."

84. Muth said, "NEAL, you got to help me out. You got to f--king help me out. Don't do this to me." ATWAY replied, "I tried. . . . I tried with him. He was, and like, 'You know what, I told you before that I don't forget about it.' He's going to f--king blow the statute of limitations. I know he is. He's going to blow it. He's not going to sue you. . . . He kept saying, he goes, tell him my goal is to see how long I can keep him to be somebody's b--ch. The longer he goes away, the happier I am. This way I can see him be somebody's b--ch." ATWAY told Muth, "Let's, I'll do everything I can in Federal Court, to try and keep his mouth shut. The only problem I have, is if he talks to [the Prosecutor]?. . . . And, [the Prosecutor] can do one of two things. [The Prosecutor] could open up and say, 'Your honor, he's here because he's a victim in the case that is considered an unresolved case.' And, I'm going to say, 'Your honor, that's not why we're here. You know, this is improper, this is prejudicial, and we're going to try

and put a stop to it.' Now, the problem is, she's going to hear it. She [Judge Gaughan] may say, 'Okay, yeah, I'm not even going to factor that in, but I'm begging her to give you the low end of 12 months, and give you six and six.' She may think in her mind, no, I think I'm going to give the guy this. I'm going to still go within the [United States Federal Sentencing] guidelines and give him 18 months. She may do that."

85. Muth said, "I'm, like, I'm getting sick. I mean, this is like how it was when I was in court that one day with SCOTT. Okay. I seen him there, and I'm starting to shake out, and I'm starting to get sick over this. I want this f--king thing put to bed. I can't deal with this. I can't. What do you want me to do? Go put a bullet in my head? Huh?"

86. Muth asked, "How does he know about my federal sentencing being next week anyways? How does he even know?" ATWAY replied, "You think he can't look it up online?"

87. Muth asked ATWAY what Muth should do. ATWAY replied, "I say you, um, you let me handle it the way I want. I'll do everything to shut him up, SCOTT's gonna go in on the back in a pretrial before your hearing. You plea in sentencing. I tell the judge we had an agreement, we're asking him to honor it, and we're going to say judge, I think he's just trying, that MOHD is pissed off because he's trying to squeeze Chuck for money. And we will not let that happen. That's why he's pissed off. . . .SCOTT's going to tell the judge that. And he's got your back. SCOTT's got your back. You know, so he's not going to do it in open court and tell that you know, pi--ed off (UI) b--ching and moaning and ranting and raving. All he cares about is this judge. That's all he cares about. And he's trying to squeeze our client. We're not going to let that happen. That's why he's pissed off. It's all about this judge." ATWAY said, "I'm telling you f--k him. Don't give him anything. Don't give him a f--king dime."

88. At this point, COCHRAN joined the meeting. ATWAY updated COCHRAN, "He wants me to put \$5,600 in my trust account and try to see if I can rekindle some kind of civil settlement with MOE. And I told him that that's not going to happen. He said to let MOE know that he's, he's straight up. Last time, he called me, I don't think I told you. Actually he called me about, earlier this week. He said, 'Can you do me a favor and reach out to MOE and see if we can settle it civilly?' I said, 'Why?' And he said, 'I just, I feel more comfortable if I settle up with him civilly because I figure that he's not going to be as aggressive.'"

89. COCHRAN said, "He's not rational Chuck. He's not being rational." COCHRAN said, "Here's the situation you're in." He's squeezing you for money to try to settle for his daughter's claims and the (UI) over this. You don't have the kind of money he, he knows you don't have the kind of money that he's talking about. And it ain't stopping him from squeezing and saying he ain't going to do it, he's not going to settle unless you do. Don't. There's nothing we can do about that. Okay. You can't deliver the impossible, which is what he's asking for."

90. Muth said, "I can deliver over a period of time if the guy would just. If you could talk some f---ing sense into him." COCHRAN replied, "We've tried." COCHRAN further explained, "Chuck, right now, he [RAWHNEH] thinks it's leverage over you, to force you to do this is what's going to happen in our court room. When that's over, he knows he doesn't have any leverage." COCHRAN further said, "Listen. He [RAWHNEH] can go berserk all he wants. He, he's going to stand up in the court room, he's going to make you sound like you're the devil. He's going to make the judge be angry about what happened. But the prosecutor and I, before you get sentenced, will be back there with the judge. And the judge will know everything that

happened in your case. He will know everything that you did to help the government in this case and the other case. Okay? He will also know that you haven't, you don't have a prior record before of anything of any substance. . . . So, you know, despite the leverage Chuck, that MOE thinks he has, I'm not convinced that he has that much. Alright, and, if, if he continues to be impossible for us to try and resolve things with you for civilly, then we have to go the other way and try to argue to the judge, that judge, no matter what this guy stands up and says, do, this is what you need to do."

91. COCHRAN said, "If we settle with him, all we are doing it for is to be able to tell the judge that you did one step further and tried to civilly satisfy your debt to his family for the damages that you caused. We're not getting, we're not even asking for, because we're not allowed to, we're not going to get a commitment from him that he's not going to say or do anything in the courtroom."

92. COCHRAN added, "You know he's [RAWHNEH's] trying to squeeze you. I mean, you know he is." Muth said, "He told Friend 3 he was going to pop me. Okay. And the guy didn't say it in a joking way. He went to my, he went to one of my, he's not an employee really, he's the son of a friend, worked for me for six years. He told me his demeanor beforehand. He told me he was, you know, infuriated." Muth said, "He's telling me, he's going to come next Friday." COCHRAN said, "Uh, yeah, he's not going to be allowed to talk next Friday. He's not going to be allowed to say anything in that court room."

93. ATWAY added, "The only thing he can do is talk to the prosecutor. Our case is, the prosecutor can speak on his behalf." COCHRAN added, "What you're doing by trying to settle with him civilly is not illegal. All right? You're allowed to do that, but that's all you're

doing is, you're settling with him civilly. It may not pass the judge's sniff test if the judge knows that he's trying to squeeze you for money."

November 9, 2012 Conversation between ATWAY, COCHRAN and RAWHNEH

94. On or about November 9, 2012 at approximately 4:22 p.m., COCHRAN and ATWAY spoke to RAWHNEH. ATWAY said, "I got you on speaker phone me and COCHRAN are together." COCHRAN said, "MOE, you got to pay for the dry cleaner coming in and wash my couch and chair, because this guy just shi--ed in his pants in my conference room." RAWHNEH asked what happened and ATWAY explained, "Well, he came in with \$5,600 in cash. He wanted me to put it in my trust account and said to tell you that I have his, I have money, and I am authorized to release it to your wife, your ex-wife for your daughter to settle, and he, he agreed to give you a mortgage against his property, and he agreed to promise to pay you \$5,000 a month for the next nine months because that all he can afford to pay, and he is begging you to take this offer and he wants to apologize to you face to face like a man."

95. Later in the conversation, RAWHNEH said, "But with down payment is not enough. That's not enough to put f--king dents in the holes man." ATWAY replied, "I know, I know, I told him. I told him \$5,000 doesn't even cover the holes, and the girl's bedroom and the holes in her ceiling fan. And the walls. . . ." COCHRAN said, "I don't know any other way to get you the money. I mean, other than we got we've got some ideas of how to get it guaranteed." ATWAY said, "Take whatever you can get off of this fa---t. . . This is what I'm thinking, I'm thinking, you can come back and say what, "You know what? If you don't have this fifty up front, you can come back and say I want \$75,000 in payments- - what's that? Hold on one second. . . The, the guy wants to pay you, he, he, he, he swears he's not gonna miss a payment;

[UI] him, that's why. Okay, so, if, if he making you payments, he figures that he is, he is gonna be working, making your payment and he is worth more to alive than dead." RAWHNEH replied, "Not really. I would rather see somebody kill him and he can shove that f--ing money up his a--. You know what I mean. F--k him and f--k the money if you want the truth."

96. COCHRAN added, "And, the judge ain't gonna order it, so we [ATWAY, COCHRAN and RAWHNEH] need to get what we can [UI] get [from Muth]. . . ." ATWAY interrupted, "I mean what SCOTT tries to say here, if you don't get any money from him now, and work something out, you are not going to get a judgment against him ah, or, restitution order in any of the cases. That means you are gonna have to sue him and you have to prove that you have that much in damages." RAWHNEH said, "I am not going to sue him, man! I am not going to sue him." ATWAY answered, "Well, I am just telling you that, that, you know, this is the way to get some money, this is, this is a good, this is better chance for getting the money, and it assures you that you gonna get the money if you take a lien against his property, and you take an assignment of rents, because that means that instead him; the rent being paid to Chuck, it gets, be paid to you, if he does not pay you, you can go after him personally; the person who paid the rent. So, I mean, a, we were just thinking about, SCOTT just brought that up right now, he goes, you can ask for an assignment of rents just like the banks do, so now you're guaranteed that you'll get the five thousand, and you are getting a guarantee that is from Friend 2's wife, you know, um -[OV-overlapping conversation]."

97. ATWAY explained, "It is guaranteed. Because if . . . he fails to pay the rent, then," COCHRAN interjected, "You can evict him." RAWHNEH said, "Whatever think you guys. I mean, you know what I mean! [OV] I will listen to you guys." ATWAY said, "He can

give you the assignment of rents and uh, have, have him, have Chuck sign it so that rent has to come to you, you'll serve him the notice of assignment rents, you get the rent directly from them. If you don't get the payment, you have a judgment for the whole thing and you can evict them from the store." RAWHNEH said, "Aw, f—k, that's what we want." Laughing is heard and ATWAY continued, "and SCOTT said he can find you a lawyer to do it for free, to evict him from the store." ATWAY repeated, "You can to evict him [UI] from the store, he [COCHRAN] will find you somebody to do it for free."

98. ATWAY asked if RAWHNEH intended to come to [Federal Court in] Cleveland the following week. RAWHNEH replied, "Next week, I'm, I'm going; I'm going to his hearing. . . I am going to the f--king hearing." COCHRAN laughed. ATWAY said, "Yeah, I told him that." RAWHNEH said, "What the f--k. Oh, you told him I am going?" ATWAY said, "Yeah, he [Muth] started shaking when told him that." RAWHNEH later said, "Is he [Muth] playing with f--king um, what do they call that, the Russian Roulette? Does this mother f--ker know that if I see him my blood pressure is going to 2,000? And I don't give a f--k if I get [a] f--king rocket, I am gonna blow it right there, me and him. Is he that stupid?" ATWAY told RAWHNEH, "Any time he [Muth] sees you, he gets nervous too."

99. COCHRAN added, "Well, I just don't want the mother f--ker crying in my office anymore, alright? RAWHNEH answered, "Well, too bad, he is your client. You are making money from him. The more cries, the more money you make. So shut the h--l up SCOTT." COCHRAN laughed and RAWHNEH said, "Tell him to come up with more money, and if you think guys; I'm going to do this favor for both of you, if you guarantee me, he is not to f--k me after the hearing."

100. COCHRAN said, "We're going, we're gonna structure it the best way that we can to make sure that you get paid. All right, um, but we are not going to tell him we have a deal. We're going to tell him that's, the easiest, it's not enough cash, and he has to come up with everything he possibly can, and we're going to make one more run at you right before, right before the [state court sentencing]." COCHRAN said, "I've got some creative ideas MOE. Things that, he, he can't get, he cannot avoid paying you if things work out the way I am thinking."

101. RAWHNEH said, "Ok, well as long as he signs it and he is right there, he moves quick before the hearing. Other than that, I am gonna find a way to continue the case; because I know this mother f---ker is gonna f--k around like [UI]. I am telling you guys. He thinks you're stupid, and he thinks I am stupid, and he is the stupid one. You know what I mean. He wants to keep me, keep my mouth shut, not to talk in front of the judge. You know what I mean?" COCHRAN replied, "Well, I think if wait 'til right before then, and we, we let him know that's the deadline and he's got to come up with whatever amount cash he's capable of doing, and you're still saying no right now, that got to get him to come up with more cash, and then we got to see what we got at that point in time, but, whatever left on the balance of it, we, we think we got to way to make sure that you are going to be covered because . . . the store's gonna go under, if he does not pay you."

102. RAWHNEH said, "It has to be signed before the hearing." COCHRAN replied, "Yeah, yeah, we can do all that. We don't want to, I just don't want to tell him about it until a couple of days before, 'cause I want him to come up with more money for you. So If I tell him

that right now, he will stop working on cash, so we will wait 'til we are closer to our hearing, and I'll tell him like four days before that."

103. RAWHNEH told ATWAY and COCHRAN, "And I am going to the Federal hearing, too. You know what I mean? He has to know that. I am going to go there and speak. And I am taking my daughter there, and she is going to speak too [OV]." ATWAY replied, "Just so you know MOHAMMAD, just so you know, for sure, in Federal Court, you are not going to be allowed to speak, neither is your daughter or Relative 1." RAWHNEH responded, "I am going to go to the prosecutor. I think I am allowed to talk to the prosecutor." COCHRAN said, "You can certainly talk to prosecutor and they already know about your case. I think we should use the case across the street [the state case], is the one we are using to try to force him to come up with more money with. . . . MOE, that's the one he's afraid of. That's the one where he, he really... you have the right to speak in that hearing."

104. ATWAY told RAWHNEH, "SCOTT was thinking maybe this, this might be a way to approach this, uh, telling him that you want ten thousand before the [Federal Court] hearing in Cleveland. . . Then another five thousand before the [State Court] hearing in Youngstown. And he has to sign the assignment, all of it and has to be recorded all before the hearing in Youngstown." ATWAY and COCHRAN spoke in the background and then ATWAY said, "So, how do we, then how do we release it to him? Okay. This, this is SCOTT's idea, then, you are not gonna sign the release, um, yourself, you are, we are gonna try to see if we can get him to get you the ten thousand as a deposit on the, on the settlement and then, uh, you'll sign the release, you'll sign, he'll sign the release, he'll sign the assignment of rents and the

mortgage and you'll sign the release once you get the other five thousands and before we go to Judge 1's court."

105. RAWHNEH asked if the payment was guaranteed, and ATWAY responded, "As best as it can because if he doesn't make a payment, if they miss a payment, then you can evict the person that's in the store for not paying you the rent. . . . I mean that's, that's really screwing with him, if you evict him from the store. . . . You know that's his only, that's the only source of income. Without the store he has no income."

106. ATWAY said, "Let me call him and tell him he has to come up with the uh, another forty, what is it, forty, forty four hundred between now and Friday, before Friday." RAWHNEH said, "And please make it clear I am going to the Federal Court, too." ATWAY said, "Oh yeah, yeah, that's, that's no problem. You know, I mean, if you go to the Federal Court, that's fine. Once he'll paid you the 10,000 you can just sit there, and, and hopefully don't say anything [OV]." RAWHNEH replied, "If I give you my word or something, I'll stick with it. You know that." RAWHNEH concluded, "You deal with it. But make sure I don't get screwed; that's the main thing."

107. RAWHNEH said, "I'll offer the 'Drive Thru' at Dresden." ATWAY said, "That's actually, not a bad idea." RAWHNEH asked, "How much tax does it owe?" ATWAY said, "We think it's gonna probably be about, about one hundred, hasn't; they haven't done it yet. [OV]." RAWHNEH suggested, "We go sell it and split it. [Meaning, at the expense of ATWAY's client, Muth]." ATWAY replied, "I'll talk to him and see about, about that." ATWAY said, "You know what? I just thought about something. [UI] if you also take, you know. What, I think I'm on a Dresden building; I think [UI] building does not have any owed

money. . . . Let him, let him give you Dresden building.” RAWHNEH replied, “Go ahead, make it work.” ATWAY said, “You take; you take residential building, then if you take building, let them pay you the rent [UI]. . . . Better, better than the money.”

November 9, 2012 Conversation between ATWAY, COCHRAN and Muth

108. On or about November 9, 2012 at approximately 5:58 p.m., ATWAY and COCHRAN spoke to Muth. COCHRAN explained, “I said, ‘Look if I make this offer and if he accepts it, MOE, are you going to sign a release, along with these documents that you released civil liability,’ and he said (UI) but I told him, ‘No idea whether or not that something that you would do.’” ATWAY added, “I told him, ‘I didn’t think that you could deal with you or consider doing because it’s not your building it belongs to you and a partner.’” Muth asked, “So he wants so does he want to like how would you with Dresden?” COCHRAN asked, “How is the building titled is it in your name and his name individually or is it a corporation.” ATWAY answered, “Corporation.”

109. COCHRAN explained, “The corporation will be the one that would transfer the building over to him and the um, and the inventory and fixtures and uh, then we would in addition to that paperwork we’re going to draft a release that that his wife, his daughter, and him, and Friend 1 [] him and would all release you from any potential claims that they might have against you um, and that that’s relatively a simple transaction paperwork wise um, we didn’t get and cannot get a commitment from him about what that means in the context of our criminal cases but he said that if, he said, ‘if that goes through then he’s not going to Federal court I don’t think.’”

110. ATWAY said, "Well, he said, that no, he said, that he goes, that he won't, 'I'm going to court but I'm going to sit in the back and keep my mouth shut.'" Muth asked, "That's if, that's if what, that's if I come up with, up with fifty grand or if or does he want me to give him the store is that what he is saying." ATWAY said, "That either fifty grand or transfer the store to him."

111. COCHRAN said, "Chuck, I'm just telling you that he doesn't trust you, I told him that we think there are ways that we could secure the payment that would make sense that you would likely pay because we could put your, we could put your building up, not the Dresden building but the other building up as collateral and if he, if he doesn't, and if you don't pay, then you could essentially he could essentially evict close down the store. . . .But he won't do it. Um, I tried, then NEAL tried he, [RAWHNEH] said that there is not enough up front money, and two he said he doesn't trust that you are actually going to make the payment he thinks as soon as done with these criminal cases that you're going to think that you got away with it and you're going to f--k him over somehow."

112. Muth asked, "So, I want to do that instead of getting killed right?" COCHRAN replied, "Well listen I'm, I'm just telling you the conversation I had with him (UI) I told him that I thought you were afraid of him and that is reason why I was pretty sure you was going to pay him but, you know, lock into it, I told you we were not dealing with we're not dealing with anybody who is being rational, um, and he just kept saying no, I'm not going to let him f--k me over that way and you know, f--k him he got what he was coming to him and if he can't, if don't pay then I'm you know, what then I'm going to do, what I got to do and I'm like MOE and we could guarantee you the payment, but, uh, he, he said I'm not, he wasn't going to trust you, he

doesn't even trust us when I told him, you know we're not his lawyers in this and we keep telling him so look we know that we're not your lawyers in this, but we would do this in a way where it would be the best thing that could be done to protect you, 'cause Chuck wants us to resolve this with you and he said that, you know, no matter what we do he still thinks that you are going to find a way to f--k him over."

113. Muth said, "So his, his, his pitch is that wants, he wants, he wants Dresden?"

COCHRAN said, "He wants, well no he wants fifty thousand, he wants payment of fifty thousand and if you don't have that he said he would take Dresden. He'd prefer you just pay him the money."

November 10, 2012 Conversation Between ATWAY and RAWHNEH

114. On or about November 10, 2012 at approximately 11:08 a.m., ATWAY told RAWHNEH on RAWHNEH's phone, "We talked to the jacka-- yesterday.... Chuck [ATWAY's client]. . . . SCOTT and I talked to him and told him you refused the payment plan." ATWAY said, "He was gonna give him Dresden also. You what he said, 'I rather, I rather, spend, I'm blowing money, I might as well blow it to try to save my life.' That's what he said. 'I'm so getting f--ked left and right might as well have it give it to MOE and maybe have a chance to stay alive.' He's convinced you'll kill him, he's convinced." RAWHNEH asked, "How's he convinced?" ATWAY said, "I don't know, he just says that, I know, I know he told Friend 3, I know he's was serious about it, I know he's going to do it, I want to pay him so he, so he won't kill me. I'm like, 'Ah, well, I don't think he will do it, 'cause, no you don't know him man, I know, I know him,' He told Friend 3, he told Friend 3, you know, I believe him, I believe him."

115. ATWAY told RAWHNEH, "He was like, he was going crazy on the phone, 'Oh man, oh man, I don't want to die.'" ATWAY said, "I told him, I told him, look if the guy comes into the court talks to the prosecutor you know what it, might be uh, it might, uh, she [United States District Judge Gaughan] might give you more time. I'm trying to make you sound like a good guy, he's gonna come and let the judge know what an a--hole you are."

116. Later, RAWHNEH said, "He [Muth] is a jack---. ATWAY laughed. RAWHNEH said, "I swear to God he is a jack---," and ATWAY responded, "Yeah, you are right." RAWHNEH said, "We'll try and get some out of that mother f---ker." ATWAY and RAWHNEH then discussed the Dresden store. ATWAY said, "Let him close it two months in the winter, get a new permit. You can buy a new permit, 15-20 thousand we transfer there." RAWHNEH said, "We will fix it up." ATWAY agreed, "Yeah. We will make, we will make a [], will get it a license, and it's gonna be, a, it will be worth it, [] will be worth more than 50...It will be worth 200, with the permit." RAWHNEH said, "No," and ATWAY responded, "Yeah, you can, you could, you could sell the business for 100. The, the building, keep it. You get rent out of it I don't know how much he is doing, but, you know, it's probably got to be about 50-60 thousand.

November 13, 2012 Conversation Between ATWAY and RAWHNEH

117. On or about November 13, 2012 at approximately 5:32 p.m., ATWAY told RAWHNEH on RAWHNEH's phone, "The court [in the state case] contacted me and told me they made a mistake in the court of the jack---. It was supposed to be the 28[th] of this month. They forgot to put it on the calendar, so now it's December 3rd. So we have a little bit [of] extra time to drive him [Muth] crazy."

118. ATWAY reminded RAWHNEH about the Federal Case sentencing on Friday. RAWHNEH asked ATWAY to remind him again Thursday night. ATWAY said, "I am telling you right now to get yourself ready... if it, it would not be seen as a scandal, I would take you with me." He laughed. RAWHNEH again asked ATWAY to remind him about the hearing, and ATWAY agreed to remind RAWHNEH. ATWAY further instructed RAWHNEH to leave at 8:30, arrive by 10:00, and go to the sixteenth floor. ATWAY said the prosecutor's office was located on the fourth floor.

**Events Following ATWAY's and COCHRAN's November 14, 2012
Interview with the FBI**

119. On or about November 15, 2012 at approximately 7:12 p.m., and a day after ATWAY and COCHRAN were interviewed by the FBI and gave statements to the FBI regarding Muth, RAWHNEH asked ATWAY to return his call.

120. On or about November 15, 2012 at approximately 9:30 p.m., RAWHNEH used his phone to send a text message to ATWAY, "I need the address 4 court." ATWAY replied, "There is no court tomorrow."

121. On or about November 15, 2012 at approximately 9:35 p.m., ATWAY spoke to RAWHNEH. RAWHNEH asked, "Are, are you sure there is no court tomorrow?" ATWAY replied, "Yeah, I don't represent anymore, so I don't know." RAWHNEH asked, "Is SCOTT going to court tomorrow?" ATWAY replied, "No." RAWHNEH asked several times about the federal court sentencing scheduled for the following day and told ATWAY, "Or, you don't want me to go. If you don't want me to go, I would not go man." ATWAY replied, "No, no everything changed. I am not representing [him] anymore, believe me."

All in violation of Title 18, United States Code, Section 1951.

The Grand Jury further charges:

COUNT 2

(Hobbs Act, 18 U.S.C. §§ 1951 and 2)

122. Paragraphs 1-19 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

123. From in or around April 2012 and continuing through on or about November 16, 2012, the exact dates being unknown to the Grand Jury, in the Northern District of Ohio, Eastern Division and elsewhere, Defendants NEAL ATWAY, SCOTT COCHRAN and MOHD RAWHNEH, aiding and abetting one another, did knowingly attempt to obstruct, delay and affect commerce and the movement of articles and commodities in commerce by extortion; that is ATWAY and COCHRAN helped RAWHNEH attempt to obtain property from Muth and Muth's convenience stores, including money and Muth's interest in the Dresden store, with their consent, inducted by wrongful use of actual and threatened force, violence and fear.

All in violation of Title 18, United States Code, Sections 1951 and 2.

The Grand Jury further charges:

COUNT 3

(Conspiracy to Obstruct Justice, 18 U.S.C. § 1512(k))

124. Paragraphs 1-3 and 5-19 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

THE CONSPIRACY

125. From in or around August 2012 to on or about November 16, 2012, in the Northern District of Ohio, Eastern Division and elsewhere, Defendants NEAL ATWAY, SCOTT

COCHRAN, and MOHD RAWHNEH, and Charles B. Muth (not charged herein) and others known and unknown to the Grand Jury, did knowingly and intentionally conspire, combine, confederate and agree together and with each other and with other persons known and unknown to the Grand Jury, to commit an offense against the United States, namely, to violate Title 18, United States Code, Section 1512(b)(2)(A), that is, knowingly uses intimidation, threatens, and corruptly persuades another person, and attempts to do so, and engages in misleading conduct toward another person, with intent to cause and induce any person to withhold testimony, and withhold a record, document, and other object, from an official proceeding; and to violate Title 18, United States Code, Section 1512(c)(2), that is; did corruptly otherwise obstruct, influence and impede any official proceeding and attempts to do so.

OBJECT OF THE CONSPIRACY

126. It was an object of the conspiracy that Muth, assisted by ATWAY and COCHRAN, Muth gave and offered to give money and property to RAWHNEH to cause and induce RAWHNEH and Relative 2 to withhold testimony and other objects from Muth's Federal case.

127. It was a further object of the conspiracy that Muth, assisted by ATWAY and COCHRAN, gave and offered to give money and property to RAWHNEH to otherwise obstruct, influence and impede Muth's Federal Case.

MANNER AND MEANS

It was part of the conspiracy that:

128. RAWHNEH told ATWAY that he (RAWHNEH) intended to present testimony and other evidence at the sentencing hearing in Muth's Federal Case unless Muth gave RAWHNEH money and property.

129. ATWAY told Muth that unless Muth gave RAWHNEH money and property, RAWHNEH would present testimony and evidence at Muth's Federal Sentencing Hearing that might cause the Federal Court to increase Muth's sentence.

130. Muth agreed to give money and property to RAWHNEH in return for RAWHNEH's agreement to withhold information, evidence and objects from the judge presiding over Muth's Federal Sentencing Hearing.

131. ATWAY and COCHRAN devised and assisted in devising means by which to transfer the money and property from Muth to RAWHNEH.

132. Some of the money that Muth intended to give to RAWHNEH was first deposited into financial accounts related to Law Firm A attorneys.

Acts in Furtherance of the Conspiracy

133. ATWAY, COCHRAN, RAWHNEH, and Muth participated in the following conversations, among others:

A. On or about August 31, 2012:

ATWAY: Listen, I'm telling you right now. If you settle this case civilly with [RAWHNEH], I'll make sure, I'll make sure that he doesn't show up to federal court. I'll make sure of that.

MUTH: [RAWHNEH's] not allowed up there is he?

ATWAY: Yeah he is. Anybody can show up over there. Anybody.

MUTH: So what could, so what could happen if [RAWHNEH] did come. I want you to tell me what he, what could happen if he comes.

ATWAY: Going, going, Gaughan. That's her name.

B. On or about September 5, 2012:

ATWAY: Absolutely, [the payment to RAWHNEH] has to go through me. That's how I want it to be. But I think that that's the way to handle it. Maybe I can even get [RAWHNEH] to agree to say, uh, yeah, the other payments that you're going to be making per month are going to stay in my trust account, until the sentencing hearings are done, or I can't say because of the sentencing hearings. We'll have to say, I'll pick a date that I know for sure everything is going to be done with you. Say for example, December 31. That's when we release it to [RAWHNEH].

MUTH: Okay.

ATWAY: And this way, you have, you have assurance that he's not going to screw with you.

C. On or about October 17, 2012:

ATWAY: [RAWHNEH] will show up if you don't solve things, if you don't resolve things with him.

MUTH: Okay.

ATWAY: But if you don't, if you do resolve things with him, he won't show up.

D. On or about November 7, 2012

Muth: [RAWHNEH] has made up his mind to put the nails in my coffin. I know it for a fact. I can read it. I read it when I was in [State] court on the fifth of September. I knew what was coming, and it's made me a f--king basket case ever since then, and I just have to make some sort of an attempt to make things right. I can't...

ATWAY: All right.

Muth: ...have [RAWHNEH] f--kin' do this to me man. I can't, not have him f--kin' go ball..., go ballistic on me down, down there.

ATWAY: Well, then you gotta, you, you gotta actually be sincere and come up with as much as you can, that, that you can realistically talk with, and then let me approach him that way. I mean I still think...

E. On or about November 9, 2012:

ATWAY: He's going to show up to federal court, and he told me he's going to have Relative 1 show up and Relative 2. They're going to sit in the back of the court room and uh, he said he's going to be sitting on the side with the Prosecutor.

Muth: NEAL, I can't have this.

[Later in this same conversation],

ATWAY: I know that. And I told you. Let's, I'll do a preempt in Federal court, to try and keep [RAWHNEH's] mouth shut. The only problem I have, is if he talks to [the prosecutor]?

Muth: How does he even know? If he talks to [the prosecutor], what?

ATWAY: And, [the prosecutor] can do one of two things. [The prosecutor] could open up and say, "Your honor [RAWHNEH's] here because he's a victim in the case that is considered an unresolved case." And, I'm going to say, "Your honor, that's not why we're here. You know, this is improper, this is prejudicial, and we're going to try and put a stop to it." Now, the problem is, [Judge Gaughan]'s going to hear it. She may say, okay, yeah, I'm not even going to factor that in, but I'm begging her to give you the low end of 12 months, and give you six and six. She may think in her mind, no, I think I'm going to give the guy this. I'm going to still go within the guidelines and give him 18 months. She may do that.

Muth: Don't make me sick.

F. On or about November 9, 2012:

RAWHNEH: And please make it clear [to Muth] I am going to the Federal court too.

ATWAY: Oh yeah, yeah, that's, that's no problem. You know, I mean, if you go to the Federal Court, that's fine. Once he'll paid you the 10,000 you can just sit there, and, and hopefully don't say anything [OV].

RAWHNEH: [UI] if I give you my word or something, I'll stick with it. You know that.

ATWAY: Al- alright. Then, then [Muth] has to come with another five thousand before Judge 1's court and then he has, then he has to sign all the assignments for you. We'll tell him that, he has to pay the, he has to sign the assignment, otherwise, no deal.

G. On or about November 9, 2012

COCHRAN: [RAWHNEH] said, "If that goes through then he's not going to Federal court I don't think.

ATWAY: Well, [RAWHNEH] said, that no he said that, he goes, that he won't, "I'm going to court but I'm going to sit in the back and keep my mouth shut." I said, "Well I'm not going..."

Muth: That's if .. that's if what that's if I come up with up with fifty grand or if or does he want me to give him the store is that what he is saying.

ATWAY: That either fifty grand or transfer the store to him.

H. On or about November 10, 2012

ATWAY: I told [Muth], I told him, "Look, if the guy comes into the court talks to the prosecutor you know what it, might be uh, it might, uh, she might give you more time. I'm trying to make you sound like a good guy, he's gonna come and let the judge know what an asshole you are."

RAWHNEH: We'll try and get some out of that mother f--ker.

All in violation of Title 18, United States Code, Section 1512(k).

The Grand Jury further charges:

COUNT 4
(Obstruction of Justice, 18 U.S.C. § 1512(c)(2) and 2)

134. Paragraphs 1-3, 5 and 6 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

135. From in or around October 9, 2012 through the date of the filing of this Indictment, the Federal Bureau of Investigation ("FBI") was investigating, among other things,

(1) ATWAY and COCHRAN helping Rawhneh extort and attempt to extort money and property from Muth, and (2) whether that extortion obstructed and attempted to obstruct Muth's Federal Case by, among other means, concealing facts from the Federal Court which may have resulted in the Court imposing a different sentence (hereinafter "Extortion and Obstruction Investigation"). In the course of the Extortion and Obstruction Investigation, federal grand jury subpoenas from the Northern District of Ohio were issued.

136. On or about November 14, 2012, in one of the first overt steps in the Extortion and Obstruction Investigation, FBI agents interviewed ATWAY. During the interview, ATWAY asked if COCHRAN could be present. The FBI agreed to ATWAY's request, and thereafter, COCHRAN participated in the interview. The FBI told ATWAY and COCHRAN that the grand jury was conducting an investigation and grand jury subpoenas had been issued.

The Offense

137. On or about November 14, 2012, in the Northern District of Ohio, Eastern Division and elsewhere, Defendants NEAL ATWAY and SCOTT COCHRAN, aiding and abetting one another, did corruptly otherwise obstruct, influence and impede any official proceeding and did corruptly attempt to do so.

It was part of the offense that:

138. ATWAY, COCHRAN and Rawhneh made false and misleading statements and material misrepresentations to the FBI.

139. ATWAY failed to correct statements COCHRAN gave to the FBI, in ATWAY's presence, which ATWAY knew to be false and misleading.

140. ATWAY and COCHRAN made the following false and misleading statements and material misrepresentations to the FBI on or about November 14, 2012, knowing such states to be false and misleading and material misrepresentations:

A. When the FBI asked, "Has, has Moe [Rawhneh] ever said anything like in a third person, I wish somebody would kill him?" ATWAY replied, "No." The FBI continued the question and asked, "Or kill Chuck [Muth]?" ATWAY again replied, "No."

B. When the FBI asked, "Did Moe [Rawhneh] ever promise that if this gets settled, he would either (a) do you a favor, or (b) split some of the, the, the profit or proceeds or benefit the fact that he got a settlement?" ATWAY responded, "No, quid pro quo for this."

C. When the FBI asked, "Has, has Moe [Rawhneh] said anything about taking his daughter to Federal court?" ATWAY replied, "Moe told me he's not gonna take his daughter to Federal Court."

D. When the FBI asked, "Would, would Moe [Rawhneh] have ever said if he, if he had just settled, I would've kept my word and not, not spoken?" ATWAY replied, "No, no."

E. COCHRAN told the FBI, "The Federal sentencing was never a part of any discussion, uh, with, that I was aware of."

F. When the FBI asked, "Would, would Moe [Rawhneh] have ever said if he, if he had just settled, I would've kept my word and not, not spoken?" COCHRAN replied, "He never gave us that word."

G. COCHRAN told the FBI, "But I, I know no representations were made, in, in my mind, representing to a victim, don't show up or don't say anything to the court about asking for a sentence or something like that. That crosses the line for me, and that's something that we wouldn't do."

H. COCHRAN told the FBI, "If a client were to come to us and ask us to get a guarantee or assurance or something in writing that represented that the victim in the case wouldn't come to court or wouldn't ask that for a certain outcome or something like that, we would tell them you can't do that. And that's, that's not legal, and uh, that we wouldn't try to do that."

I. COCHRAN told the FBI, "We would never, never tell a client that if you pay victim X that they will not come to court, or that they will represent certain things position wise to the court. 'Cause in our eyes, that's we're not allowed to do that."

J. When the FBI told ATWAY, "Chuck [Muth] is claiming that you said something to the quote of, 'I'm telling you, Chuck, I'm telling you right, if you settle this case with Moe [Rawhneh], I'll make sure he doesn't show up in Federal Court," ATWAY replied, "I don't recall ever saying that." When the FBI asked, "Don't recall as in it might of happened, but you're not sure, or don't recall as in I wouldn't have said that," ATWAY responded, "I wouldn't, I wouldn't have said that."

K. When the FBI asked, "If there is any settlement between Chuck [Muth] and Moe [Rawhneh], is Moe [Rawhneh] gonna pay either one of you any money from that settlement?" ATWAY replied, "Absolutely not," and COCHRAN responded, "No."

All in violation of Title 18, United States Code, Sections 1512(c)(2) and 2.

The Grand Jury further charges:

COUNT 5

(False Statement to Law Enforcement, 18 U.S.C. § 1001)

141. Paragraphs 1-3, 5-6 and 135-36 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

General Allegations Related to False Statement 1

142. On or about November 9, 2012 at approximately 4:22 p.m., ATWAY, Cochran and Rawhneh had a conversation about Charles Muth, including the following:

Atway: [I]f, if [Muth is] making you payments, he figures that he is, he is gonna be working, making your payment and he is worth more to alive, alive than dead.

Rawhneh: Not really. I would rather see somebody kill him and he can shove that f--king money up his a--. You know what I mean. F--k him and f--k the money if you want the truth.

General Allegations Related to False Statement 2

143. On or about November 9, 2012 at approximately 4:22 p.m., ATWAY, Cochran and Rawhneh had a conversation about Charles Muth, including the following:

Rawhneh: I'll offer the "Drive Thru" at Dresden.

Atway: Ah, [OV]. That's actually, not a bad idea. [Laugh].

Rawhneh: Yeah! yeah, what? How much tax does it owe? One hundred and little more?

Atway: We thinks it's gonna probably be about, about one hundred, hasn't; they haven't done it yet. [OV].

Rawhneh: [UI]

Atway: Yeah!

Rawhneh: Yeah!

Atway: Okay. [OV].

Rawhneh: We go sell it and split it.

Atway: Ah, I'll talk to him and see about, about that.

144. On or about November 10, 2012 at approximately 11:08 a.m., ATWAY and RAWHNEH discussed Muth's Dresden store, including the following:

Atway: [UI] Dresden let him close it 2 months in the winter, get a new permit. You can buy a new permit, 15-20 thousand we transfer there...

Rawhneh: [UI] We will fix it up.

Atway: Yeah. [UI] will get it a license, and it's gonna be, a, it will be worth it, [UI][OV] will be worth more than 50.

Rawhneh: What?

Atway: It will be worth 200, with the permit.

Rawhneh: No...

Atway: Yeah, you can, you could, you could sell the business for 100. The, the building, keep it. You get rent out of it.

Rawhneh: I don't know, how much he is doing, but you know, business is worth, I mean, [UI] he do?

Atway: I don't know, I don't know how much he is doing, but, you know, it's probably got to be about 50-60 thousand.

Rawhneh: Okay, my dear work on it, we'll work [UI] that side of it.

General Allegations Related to False Statement 3

145. On or about November 7, 2012 at approximately 9:44 p.m., ATWAY and Rawhneh discussed Charles Muth, including the following:

Rawhneh: Tell him I talked to him and he is telling you no deal. Everything up front, or no deal. I am going to go to the Federal Court and take my daughter and tell the prosecutor and tell the judge... You know what I mean [IU] You know. They might listen to him, which is that true, right?

Atway: Yeah

[Later in this same conversation]:

Rawhneh: Tell him Moe said the whole thing upfront or 36 more months you gonna do more, you mother f--ker. And tell him not to give you any more aggravations, any more messages.

Atway: All right.

Rawhneh: For settlements or anything. That's a done deal. That's it.

Atway: That's, that's a good response.

Rawhneh: And tell him that I am going to the Federal Court, taking my daughter, and I am going to talk to the Federal prosecutor, and I am going to talk to the judge, in the same time in court! I am going to show them what kind of a fa--t you are! You know what I mean?

Atway: All right.

Rawhneh: So, give him the message like that. That's all.

Atway: All right. I'll tell him you said, "There is no deal you fa--t."

Rawhneh: Yeah.

Atway: He's going go all the way with this case, and he's gonna sue you, and he is coming after you, and he is going to go to court [UI] in Cleveland and Youngstown [UI] and he's gonna speak his mind.

Rawhneh: And 36 months more, I am gonna 'cause him to do! I'm being honest with him; tell him [UI] might mention to him....

Atway: Yeah.

Rawhneh: You know what I mean?

Atway: Yeah.

Rawhneh: When they see an eight years old girl there, believe me, he is going regret that. Tell him she is coming, too. That's who's gonna speak.

146. On or about November 9, 2012 at approximately 4:22 p.m., ATWAY, Cochran and Rawhneh had a conversation about Charles Muth, including the following:

Rawhneh: And I am going to the Federal hearing, too. You know what I mean? He has to know that. I am going to go there and speak. And I am taking my daughter there, and she is going to speak, too [OV].

General Allegations Related to False Statement 4

147. On or about November 9, 2012 at approximately 4:22 p.m., ATWAY, Cochran and Rawhneh had a conversation about Charles Muth, including the following:

Atway: Well, let me call him and tell him he has to come up with the uh, another forty, what is it, forty, forty four hundred between now and Friday, before Friday.

Rawhneh: And please make it clear I am going to the Federal Court, too.

Atway: Oh yeah, yeah, that's, that's no problem. You know, I mean, if you go to the Federal Court, that's fine. Once he'll paid you the 10,000 you can just sit there, and, and hopefully don't say anything [OV].

Rawhneh: [UI] if I give you my word or something, I'll stick with it. You know that.

The Offense

148. On or about November 14, 2012, in the Northern District of Ohio, Eastern Division, Defendant NEAL ATWAY, knowingly and willfully made material false statements to Special Agents of the FBI in a matter within the jurisdiction of the executive branch of the Government of the United States, that is:

(1) When asked, "Has, has Moe [Rawhneh] ever said anything like in a third person, I wish somebody would kill him?" ATWAY replied, "No." The FBI continued the question and asked, "Or kill Chuck [Muth]?" ATWAY again replied, "No."

(2) When asked, "Did Moe [Rawhneh] ever promise that if this gets settled, he would either (a) do you a favor, or (b) split some of the, the, the profit or proceeds or benefit the fact that he got a settlement?" ATWAY responded, "No, quid pro quo for this."

(3) When asked, "Has, has Moe [Rawhneh] said anything about taking his daughter to Federal Court?" ATWAY replied, "Moe told me he's not gonna take his daughter to Federal Court."

(4) When asked, "Would, would Moe [Rawhneh] have ever said if he, if he had just settled, I would've kept my word and not, not spoken?" ATWAY replied, "No, no."

149. ATWAY well knew when he made those statements to Special Agents of the FBI that the statements were false.

All in violation of Title 18, United States Code, Section 1001.

The Grand Jury further charges:

COUNT 6

(False Statement to Law Enforcement, 18 U.S.C. § 1001)

150. Paragraphs 1-3, 5-6 and 135-36 of this Indictment are re-alleged and incorporated by reference as if fully set forth herein.

General Allegations Related to False Statement 1

151. On or about November 9, 2012 at approximately 4:22 p.m., COCHRAN, Atway and Rawhneh had a conversation about Muth, including the following:

Atway: You, you are, you are not coming, are you, to Cleveland next week?

Rawhneh: Next week, I'm, I'm going; I'm going to his hearing.

Cochran: [Laughing]

Rawhneh: I am going to the f--king hearing.

Atway: Yeah, I told him that. I told him you said you want to come to the hearing, he wants to know how you knew he has a hearing he has a hearing next week. I told him that you keep in touch with [a Boardman police detective], he keeps you informed.

Rawhneh: What the f--k? It's public record tell him; "Dumb f--k!"

Atway: Yeah [laughing]

Rawhneh: What the f--k! Oh, you told him I am going?

Atway: Yeah. He started shaking when I told him that.

[Later in this same conversation]:

Rawhneh: And I am going to the Federal hearing, too. You know what I mean? He has to know that. I am going to go there and speak. And I am taking my daughter there, and she is going to speak too [OV]

Atway: Just so you know Muhammad, just so you know, for sure, in Federal Court, you are not going to be allowed to speak, neither is your daughter or Relative 1.

Rawhneh: I am going to go to the prosecutor. I think I am allowed to talk to the prosecutor.

Atway: Yeah, yeah, yeah.

Cochran: You can certainly talk to prosecutor and they already know about your case. I think we should use the case across the street, is the one we are using to try to force him to come up with more money with. [OV]

Rawhneh: [UI].

Cochran: Moe, that's the one he's afraid of. That's the one where he, he really... you have the right to speak in that hearing.

Rawhneh: I know, I mean with both of them, I am going to speak in both of them. What the f--k are they going to do? Get the f--k out? I'll get the f--k out, it's no big deal, but at least, I give the prosecutor the knowledge of what happened, and I am sure, he will pass it to the judge.

Cochran: How much time do we have between the two hearings?

Atway: We have twelve days between the two hearings, 'cause the 16th, he goes in Cleveland, and the 28th, here in Youngstown [OV].

Cochran: [UI] [OV]

Rawhneh: Believe me SCOTT, SCOTT, tell him he [Moe] is going to go to the Federal hearing [OV] and I will [UI] too.

[Atway and COCHRAN are talking in the background.]

Cochran: . . . assignment of rents and everything, in place before we go over there.

Atway: All right, we can try that. Hey, Mo, SCOTT was thinking maybe this, this might be a way to approach this, uh, telling him that you want ten thousand before the hearing in Cleveland.

Rawhneh: Uh uh.

Atway: Then another five thousand before the hearing in Youngstown. And he has to sign the assignment, all of it and has to be recorded all before the hearing in Youngstown.

Rawhneh: Exactly.

General Allegations Related to False Statements 2 and 3

152. On or about November 9, 2012 at approximately 4:22 p.m., COCHRAN, Atway and Rawhneh had a conversation about Muth, including the following:

Atway: He, he, he, [Muth] any time he sees you, he gets nervous too.

Cochran: Well, I just don't want the mother f--ker crying in my office anymore, alright?

Rawhneh: Well, too bad, he is your client. You are making money from him. The more cries, the more money you make. So shut the h--l up SCOTT!

Cochran: [Laughing]

Rawhneh: Tell him to come up with more money, and if you think guys; I'm going to do this favor for both of you, if you guarantee me, he is not to f--k me after the hearing- -

Cochran: We're going, we're gonna structure it the best way that we can to make sure that you get paid. All right, um, but we are not going to tell him we have a deal. We're going to tell him that's, the easiest,- it's not enough cash, and he has to come up with everything he possibly can, and we're going to make one more run at you right before, right before the sentencing across the street [State Court Sentencing]. And

Rawhneh: Yeah, because I think he is playing games, because he thinks, after the hearing, everything, you can go f--k yourself SCOTT, go f--k yourself Neal, go f--k yourself, Moe. I am telling you right now. I am giving you heads up.

Cochran: Yeah, I've got some creative ideas Mo. Things that, he, he can't get, he cannot avoid paying you if things work out the way I am thinking.

Rawhneh: Ok, well as long as he signs it and he is right there, he moves quick before the hearing. Other than that, I am gonna find a way to continue the case; because I know this mother f--ker is gonna f--k around like [UI]. I am

telling you guys! He thinks you're stupid, and he thinks I am stupid, and he is the stupid one. You know what I mean. He wants to keep me, keep my mouth shut, not to talk in front of the judge. You know what I mean?

Cochran: Well, I think if wait 'til right before then, and we, we let him know that's the deadline and he's got to come up with whatever amount cash he's capable of doing, and you're still saying "no" right now, that got to get him to come up with more cash, and then we got to see what we got at that point in time, but... whatever left on the balance of it, we... we think we got to way to make sure that you are going to be covered because [OV].

[Later in this same conversation]:

Atway: Well, let me call him and tell him he has to come up with the uh, another forty, what is it, forty, forty four hundred between now and Friday, before Friday.

Rawhneh: And please make it clear I am going to the Federal court too.

Atway: Oh yeah, yeah, that's, that's no problem. You know, I mean, if you go to the Federal Court, that's fine. Once he'll paid you the 10,000 you can just sit there, and, and hopefully don't say anything [OV].

Rawhneh: [UI] if I give you my word or something, I'll stick with it. You know that.

Atway: Al- alright. Then, then he has to come with another five thousand before Judge 1's court and then he has, then he has to sign all the assignments for you. We'll tell him that, he has to pay the, he has to sign the assignment, otherwise, no deal.

Rawhneh: Exactly.[OV].

153. On or about November 14, 2012, in the Northern District of Ohio, Eastern Division, Defendant SCOTT COCHRAN, knowingly and willfully made material false statements to Special Agents of the FBI in a matter within the jurisdiction of the executive branch of the Government of the United States, that is:

(1) COCHRAN stated, "The Federal sentencing was never a part of any discussion, uh, with, that I was aware of."

(2) When asked, "Would, would Moe [Rawhneh] have ever said if he, if he had just settled, I would've kept my word and not, not spoken?" COCHRAN replied, "He never gave us that word."

(3) COCHRAN stated, "But I, I know no representations were made, in, in my mind, representing to a victim, don't show up or don't say anything to the court about asking for a sentence or something like that. That crosses the line for me, and that's something that we wouldn't do."

154. COCHRAN well knew when he made the statements to Special Agents of the FBI that the statements were false.

All in violation of Title 18, United States Code, Section 1001.

A TRUE BILL

Original document -- Signatures on file with the Clerk of Courts, pursuant to the E-Government Act of 2002.