

BEFORE THE DULY CONSTITUTED ELECTORAL BOARD

DAVID WALKER SR.,)
ROBERT J. DePOLO,)
MARINA I. PANGOPOULOS,)
)
Objectors,)
)
v.)
ROGER A. AGPAWA,)
)
Candidate.)

No. _____

Objectors' Petition

Objectors, David Walker Sr., Robert J. DePolo, Marina I. Pangopoulos (collectively referred to as "Objectors") are voters in Markham, Illinois, and file their Objectors' Petition pursuant to 10 ILCS 5/10-8 challenging the validity of the nomination papers submitted by Roger A. Agpawa for the office of Mayor of Markham, Illinois, and request that his nomination papers be found to be legally and factually insufficient, and that his name not be printed upon the ballot for the February 23, 2021 consolidated primary election, or if no primary is held, then his name shall not be printed upon the April 6, 2021 consolidated election.

1. Objector, David Walker Sr. resides at and is registered to vote at 16236 Ashland Ave., Markham, Illinois 60428.

2. Objector Robert J. DePolo, resides at and is registered to vote at 16135 Springfield Ave., Markham, Illinois 60428.

3. Objector, Marina I. Panagopoulos resides at and is registered to vote at 16135 Springfield Ave., Markham, Illinois 60428.

4. Objectors' interest in filing this objectors' petition is that of voters and citizens of Markham, Illinois, desirous of seeing to it that the laws governing the filing of nomination papers for election to the office of Mayor of Markham are properly complied with and that only duly qualified candidates have their names appear on the ballot for said office.

4. Candidate, Roger A. Agpawa, filed his nomination papers seeking to be placed upon the ballot for the office of Mayor, including a Statement of Candidacy with a sworn oath, and signature petition sheets.

5. Candidate, Roger A. Agpawa, is not a duly qualified candidate, and has submitted a false statement of candidacy because he is not eligible to hold the office of Mayor of Markham, Illinois.

6. A municipal candidate's eligibility to hold office is defined by Illinois law, including but not limited to the Illinois Municipal Code, 65 ILCS 5/3.1-10-5,

and the Election Code 10 ILCS 5/29-15, which prohibit a felon convicted of an infamous crime from being eligible to hold elected office.

7. On or about December 20, 1999 Candidate, Roger A. Agpawa, admitted to violating federal law, and he pleaded guilty to the federal offense of "Mail Fraud" as defined in 18 U.S.C. §1341. See attached Judgment in a Criminal Case entered by Hon. James F. Holderman in case number 97-CR-0820-2 in the Northern District of Illinois, attached as Exhibit A. Agpawa admitted that he used his position as Captain of the Markham Fire Department to defraud an insurance company by writing and cashing forged and fraudulent checks, asserting only that he took such action because he was "strapped for cash, using drugs and going through marital problems." Despite completing his sentence, Agpawa remains ineligible to own a firearm, or obtain an Illinois Firearm Owners Identification Card, and otherwise subject to federal law governing felons. See Probation Letter and Memorandum of Proffer (12/05/1997) attached as Exhibit B.

8. Section 29-15 of the Illinois Election Code governs elections in Illinois and includes a general prohibition against a person convicted of an infamous crime or a felony from holding public office, and states as follows:

(10 ILCS 5/29-15) (from Ch. 46, par. 29-15)

Sec. 29-15. Conviction deemed infamous. Any person convicted of an infamous crime as such term is defined in Section 124-1 of the Code of Criminal Procedure of 1963, as amended, shall thereafter be prohibited from holding any office of honor, trust, or profit, unless such person is again restored to such rights by the terms of a pardon for the offense or otherwise according to law. (Source: P.A. 83-1097.)

9. Section 124-1 was cited and relied upon by the First District Appellate Court in *Alvarez v. Williams*, 2014 IL App (1st) 133443, ¶ 8 to confirm forgery was an infamous crime, as follows:

¶ 8 Under section 124-1 of the Code of Criminal Procedure of 1963 (Code of Criminal Procedure), an infamous crime was defined as:

"the offenses of arson, bigamy, bribery, burglary, deviate sexual assault, forgery, incest or aggravated incest, indecent liberties with a child, kidnaping or aggravated kidnaping, murder, perjury, rape, robbery, sale of narcotic drugs, subornation of perjury, and theft if the punishment imposed is imprisonment in the penitentiary." (Emphasis added.) Ill. Rev. Stat. 1983, ch. 38, ¶ 124-1 (repealed by Pub. Act 84-1047, § 2 (eff. July 1, 1986)).

10. "A felony is infamous when it is inconsistent with commonly accepted principles of honesty and decency, or involves moral turpitude." *People ex rel. City of Kankakee v. Morris*, 126 Ill.App.3d 722, 726 (1984). See also, *Alvarez v. Williams*, 2014 IL App (1st) 133443, ¶ 10.

11. Federal "Mail Fraud" as defined in 18 U.S.C. §1341 and based upon fraudulent and forged checks written by Agpawa, is a crime of dishonesty, fraud, and deceit, and within the definition of an infamous crime under Illinois law.

12. Section 3.1-10-5(b) of the Illinois Municipal Code also extends a prohibition to elected office for a person convicted of an infamous crime, bribery, perjury, or other felony" as follows:

(65 ILCS 5/3.1-10-5) (from Ch. 24, par. 3.1-10-5)

Sec. 3.1-10-5. Qualifications; elective office.

(a) A person is not eligible for an elective municipal office unless that person is a qualified elector of the municipality and has resided in the municipality at least one year next preceding the election or appointment, except as provided in Section 3.1-20-25, subsection (b) of Section 3.1-25-75, Section 5-2-2, or Section 5-2-11.

(b) A person is not eligible to take the oath of office for a municipal office if that person is, at the time required for taking the oath of office, in arrears in the payment of a tax or other indebtedness due to the municipality or has been convicted in any court located in the United States of any infamous crime, bribery, perjury, or other felony.

(b-5) (Blank).

(c) [* * *] (Source: P.A. 98-115, eff. 7-29-13; 99-449, eff. 8-24-15.)

13. Illinois has a strong policy against a person who was convicted of a felony or an infamous crime from holding elected office, and such a prohibition is included in the 1970 Illinois Constitution as follows:

SECTION 1. DISQUALIFICATION FOR PUBLIC OFFICE

A person convicted of a felony, bribery, perjury or other infamous crime shall be ineligible to hold an office created by this Constitution. Eligibility may be restored as provided by law.

14. The Legislature enacted the Officials Convicted of Infamous Crimes Act at 5 ILCS 280/1, which states legislative intent as follows:

(5 ILCS 280/1) (from Ch. 102, par. 120)

Sec. 1. Any person holding office under the Constitution of the State of Illinois and every elected official of local government or of any school district who is convicted in any court of the State of Illinois or of the United States of a felony, bribery, perjury, or other infamous crime, as understood in Section 1 of Article XIII of the Constitution of 1970, shall be, upon conviction, ineligible to continue in such office.

If, subsequently, a final order reverses the conviction, eligibility to hold the office, to the extent of the original term then remaining, is restored, and the officer shall be reinstated, for the duration of the term of office remaining. Each such officer shall be promptly repaid all compensation withheld from him as a result of his removal. No rights of an officer under any pension plan subject to the jurisdiction of this State, of which the officer is a member at the

time of his ineligibility for office, shall be abridged if the officer is returned to office by this Act.

After conviction and until a final order of reversal, there shall be no payment of compensation to any such officer. Upon the conviction and ineligibility of any person under this Act, a successor shall be chosen according to law. This successor shall hold office for the remainder of the term or until a final order reversing the conviction is entered. (*Source: P.A. 88-419.*)

15. Only the U.S. President may pardon or otherwise offer clemency for a person convicted of a federal criminal offense, after a sufficient and proper petition was first filed with the U.S. Department of Justice. See website for Office of the Pardon Attorney information <https://www.justice.gov/pardon>

16. Candidate, Roger A. Agpawa, has not received a pardon or other clemency from any U.S. President.

17. It is the policy under Illinois law that proceedings be open to the public with due process and notice to all interested parties. For example, proceedings to seal or expunge criminal proceedings require a petition publicly filed with a court clerk, then served upon the arresting agency, the appropriate state's attorney, and the State Police to allow for review and responses.

18. An Illinois Governor has authority to grant clemency only for crimes defined under Illinois law, including commutation of a sentence, a pardon, an expungement or a reprieve, but only through proper procedures, with a proper petition filed the Illinois Prison Review Board, and a public hearing, among other requirements. See Illinois Const. Art. V, Sect. 12; attached **Exhibit C**; and Prison Review Board at <https://www2.illinois.gov/sites/prb/pages/prbexclemex.aspx>

19. The Illinois Constitution of 1970 and other Illinois laws do not authorize an Illinois Governor to commute, pardon, or otherwise grant clemency for federal offenses.

20. The provisions of Illinois law governing the restoration of rights of persons convicted of offenses defined by Illinois laws is contained in 730 ILCS 5/5-5-5, and this provision does not authorize the actions taken by Hon. Bruce Rauner in allegedly restoring Agpawa's rights, and such action by former Gov. Bruce Rauner was therefore void and exceeded a governor's authority.

21. Candidate, Roger A. Agpawa, has not received a pardon or other clemency from any Illinois Governor, nor is he eligible to receive any clemency from the State of Illinois in relation to his federal felony fraud conviction.

22. The Illinois Attorney General and the U.S. Department of Justice were not notified or afforded an opportunity to review, comment, and/or oppose the special request that was made of the former Governor by Agpawa's attorneys, Ross Secler and Burt Odelson, as Agpawa's personal attorneys.

23. The People of the State of Illinois, including but not limited to the voters and taxpayer of Cook County and Markham, Illinois, were not notified or afforded an opportunity to review, comment, and/or object to the special request that was made of the Governor by Agpawa's attorneys, Ross Secler and Burt Odelson, as Agpawa's personal attorneys.

24. Agpawa's personal attorneys, Ross Secler and Burt Odelson, privately emailed to former Governor Rauner's office designating communications "Confidential & Privileged" in order to procure an expedited and private arrangement between Agpawa's attorneys, Ross Secler and Burt Odelson, and former governor, Hon. Bruce Rauner, which did not comport with fundamental fairness, minimal due process, or equal protection of the laws, and was in derogation of Illinois laws that govern election of municipal officers.

25. There was no public comment or public hearing in relation to any action taken by former Gov. Bruce Rauner.

26. Former Governor Rauner's action to allegedly restore rights to Agpawa was not authorized by Illinois law and exceeded the authority vested in a governor to directly contradict the Legislature's intent as stated in Illinois Compiled Statutes which are written by the Legislature, and not the governor. Illinois laws allows no such restoration of rights to hold municipal office to convicted felons.

27. Objectors also request that the Markham Municipal Electoral Board members Roger A. Agpawa, and aligned officers recuse themselves from overseeing any Electoral Board proceedings, and that the law firm of Odelson & Sterk be recused from advising the Electoral Board, due to their conflicts of interest, and neutral members be appointed with a disinterested attorney advising them.

WHEREFORE, Objectors, David Walker Sr., Robert J. DePolo, Marina I. Pangopoulos, respectfully request that a fair and impartial Electoral Board be formed, that disinterested counsel be appointed to advise the Electoral Board, that the Electoral Board hold hearings to review Agpawa's nomination papers, and find that Agpawa's statement of candidacy and nomination papers are factually and legally insufficient and not in compliance with Illinois law, and that the name of Roger A. Agpawa be stricken as a candidate, and that the name of Roger A. Agpawa NOT be printed upon the February 23, 2021 consolidated primary election ballot, or if no primary is held, that his name shall NOT be printed upon the April 6, 2021 consolidated election ballot.

Respectfully submitted:

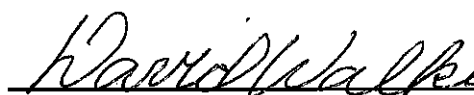


		
David Walker Sr. 16236 Ashland Ave. Markham, IL 60428	Robert J. DePolo 16135 Springfield Ave. Markham, IL 60428	Marina I. Pangopoulos 16135 Springfield Ave. Markham, IL 60428

EXHIBIT A

UNITED STATES DISTRICT COURT

NORTHERN

District of

ILLINOIS

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

V.

ROGER AGPAWA

Case Number: 97 CR 820-2

ELLEN DOMPH

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) one
- pleaded nolo contendere to count(s) _____ which was accepted by the court.
- was found guilty on count(s) _____ after a plea of not guilty.

DOCKETED
DEC 22 1999

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 1341	MAIL FRAUD		1

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____

~~Count(s)~~ ALL REMAINING COUNTS (s) (are) dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: _____ Date of Imposition of Judgment: 20 December 1999

Defendant's Date of Birth: _____

Defendant's USM No.: 08130-424 Signature of Judicial Officer: *James F. Holderman*

Defendant's Residence Address: _____

16629 Plainview Dr.

Markham, IL 60426

JAMES F. HOLDERMAN - U.S. District Judge
Name and Title of Judicial Officer

Defendant's Mailing Address: _____ Date: 20 December 1999

16629 Plainview Drive

Markham, IL 60426

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DEFENDANT: AGPAWA, Roger
 CASE NUMBER: 97 CR 820-2

Judgment 2 of 5

PROBATION

The defendant is hereby placed on probation for a term of THREE (3) YEARS.

IT IS FURTHER ORDERED, as a special condition of probation, that the defendant shall perform TWO HUNDRED (200) HOURS of community service as directed by the Probation Office.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of placement on probation and at least two periodic drug tests thereafter, as directed by the probation officer, up to a maximum of 104 tests per year as directed by the Probation Office.

The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)

The defendant shall not possess a firearm as defined in 18 U.S.C. § 921. (Check, if applicable.)

If this judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: AGPAWA, Roger
CASE NUMBER: 97 CR 820-2

Judgment 3 of 5

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	<u>Assessment</u>		<u>Fine</u>		<u>Restitution</u>
Totals:	\$ 50.00	\$		\$	\$ 60,907.00

If applicable, restitution amount ordered pursuant to plea agreement \$ _____

FINE

The above fine includes costs of incarceration and/or supervision in the amount of \$ _____

The defendant shall pay interest on any fine more than \$2,500, unless the fine is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

The interest requirement is waived.

The interest requirement is modified as follows:

RESTITUTION

The determination of restitution is deferred in a case brought under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after 09/13/1994, until _____. An Amended Judgment in a Criminal Case will be entered after such a determination.

The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below.

<u>Name of Payee</u>	<u>* Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
Metropolitan Life Insurance Co. 1400 East Golf Rd. Schaumburg, IL 60194		\$60,907.00	
Totals:	\$ _____	\$ 60,907.00	

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994.

DEFENDANT: AGPAWA, Roger
CASE NUMBER: 97 CR 820-2

SCHEDULE OF PAYMENTS

Payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A In full immediately; or
- B \$ _____ immediately, balance due (in accordance with C, D, or E); or
- C not later than _____; or,
- D In installments to commence _____ days after the date of this judgment. In the event the entire amount of criminal monetary penalties imposed is not paid prior to the commencement of supervision, the U.S. probation officer shall pursue collection of the amount due, and shall request the court to establish a payment schedule if appropriate; or
- E In _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ year(s) to commence _____ days after the date of this judgment.

The National Fine Center will credit the defendant for all payments previously made toward any criminal monetary penalties imposed.

Special instructions regarding the payment of criminal monetary penalties:

- The defendant shall pay the cost of prosecution.
- The defendant shall forfeit the defendant's interest in the following property to the United States:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments are to be made to the United States Courts National Fine Center, Administrative Office of the United States Courts, Washington, DC 20544, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program. If the National Fine Center is not operating in this district, all criminal monetary penalty payments are to be made as directed by the court, the probation officer, or the United States attorney.

DEFENDANT: AGPAWA, Roger
CASE NUMBER: 97 CR 820-2

Judgment 5 of 5

STATEMENT OF REASONS

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

OR

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

Guideline Range Determined by the Court :

Total Offense Level: 11

Criminal History Category: I

Imprisonment Range: 8 to 14 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000.00 to \$ 20,000.00

Fine waived or below the guideline range because of inability to pay.

Total Amount of Restitution: \$ _____

Restitution is not ordered because the complication and prolongation of the sentencing process resulting from the fashioning of a restitution order outweighs the need to provide restitution to any victims, pursuant to 18 U.S.C. § 3663(d).

For offenses that require the total amount of loss to be stated, pursuant to Chapters 109A, 110, 110A, and 119A of Title 18, restitution is not ordered because the economic circumstances of the defendant do not allow for the payment of any amount of a restitution order, and do not allow for the payment of any or some portion of a restitution order in the foreseeable future under any reasonable schedule of payments.

Partial restitution is ordered for the following reason(s):

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

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons:

OR

The sentence departs from the guideline range:

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

for the following specific reason(s):

EXHIBIT B

COPY

December 5, 1997

MEMORANDUM OF A PROFFER

Proffer Interview of Roger Agpawa

Person Interviewed : Roger Agpawa
Interviewed By : Assistant U.S. Attorney William Shaver
Date of Interview : May 5, 1995
Others Present : Earl Taylor, Attorney for Agpawa
Postal Inspector D.J. Leonhardt

Mr. Roger Agpawa was interviewed under the terms and conditions of a proffer letter from the United States Attorney's office, Northern District of Illinois. Prior to being interviewed, the terms and conditions of the letter were explained to Agpawa. Present throughout the interview was Earl Taylor, attorney for Agpawa.

Agpawa said he is a captain at the Markham Fire Department (hereafter MFD). Agpawa said there are two to three other captains at MFD. Agpawa said he was the Chief at MFD from 1988-1992 until he resigned as chief.

Agpawa said he knows Dan Carmicheal, as he said Carmicheal worked with him at MFD as a part-time fireman. Agpawa mentioned there are approximately 30-35 part-time firemen at MFD who work up to 40 hours per month.

Agpawa admitted he uses the name Roger Carpenter.

AUSA Shaver presented Agpawa with copies of MET Life checks from Carmicheal to Carpenter, and copies of other checks from Carpenter to Carmicheal.

Agpawa said his birth name is Agpawa. Agpawa said his grandparents adopted him and gave him the last name of Carpenter in 1976, when Agpawa was 14 years old. Agpawa said his legal name is Carpenter. Agpawa said he handled his grandparents' money, particularly his grandmother's estate, and used the name Carpenter to do so. Agpawa said he maintained the name Carpenter in case something happened to his grandparents. Agpawa said the MFD employees may know that he uses the name Carpenter.

Agpawa said he had drivers licenses and social security numbers for both names (Agpawa and Carpenter) and said the birthdates on the drivers licenses are different. Agpawa said he changed his birth certificate to make it appear he was four years older in order to obtain a job at MFD. Agpawa said his real date of birth is 1961 and not 1957.

Agpawa said Carmicheal approached him and told him that he (Carmicheal) had a way to get into an insurance company's system and send out checks in various common last names. Agpawa said he is not sure when and where Carmicheal approached him. Agpawa said he could have been approached by Carmicheal before February 1991. Agpawa remarked that he is not real good with dates. Agpawa mentioned he (Agpawa) may have received a check before meeting with Carmicheal.

Agpawa said he was suspicious when Carmicheal approached him and said he did not realize the seriousness of what Carmicheal proposed.

Agpawa said Carmicheal explained that a large check would be written out to cash, and then another check would be sent right out after the first check. Agpawa said he would give Carmicheal the money, and Agpawa would take a certain percentage, with a cut-off of \$1,500. Agpawa said he would receive a certain dollar amount for cashing these checks.

Agpawa said these checks were deposited into his (Agpawa's) accounts, and when the checks cleared, Agpawa went back to the bank, obtained cash, and gave money to Carmicheal. Agpawa was asked how much money he (Agpawa) kept. Agpawa replied he was lucky if he received \$10,000. Agpawa said he also wrote out checks in the same amount to Carmicheal because Carmicheal asked him to do so, but on the other occasions Agpawa said he gave Carmicheal the money in cash.

Agpawa said during the time period he was involved in this scheme, he was strapped for cash, using drugs and going through marital problems. Agpawa mentioned he was in a place called Riverside for 30 days for drug rehabilitation. Agpawa said he was living at [REDACTED] when Carmicheal first approached him. Agpawa said he previously lived at [REDACTED].

Agpawa said at some point he told Carmicheal this had to stop and told Carmicheal this was not right. Agpawa said for the last couple of checks that came in, he destroyed the checks or sent the checks back to Carmicheal.

Agpawa said he went to Ron Wilson, a Pastor at the Christian Ascenity Church, for advice. Agpawa said he (Agpawa) knew what he was doing with these checks was wrong.

Agpawa remarked he was afraid to tell anyone else what he was doing. However, Agpawa said he knew others were involved in this scheme.

Agpawa said Carmicheal asked him to write a check out to Angela Henderson. Agpawa said Carmicheal was dating Henderson.

Agpawa said another MFD employee named Charles Smith was involved, because of Smith's common last name.

Agpawa said he asked a friend of his from school, Bill Baker, if Baker was involved. Agpawa said Baker worked at MFD from 1978-79 and said Carmicheal knew Baker socially. Agpawa said he told Baker not to cash checks Baker received from Carmicheal. Agpawa said he thought Baker was approached by Carmicheal because of Baker's common last name.

Agpawa said he did not recruit the above-mentioned people for Carmicheal. Agpawa said the names he mentioned are the only other people he knows that were involved in this scheme.

Agpawa said he does not recall when he opened the Midlothian bank account. Agpawa denied that he opened this account for the sole purpose of receiving checks from Carmicheal. When presented with the signature card for the Midlothian account, Agpawa admitted it was his signature on the card. Agpawa said he is not sure how long he had this account.

Agpawa said he has a business called Midwest Consumer Credit (hereafter MCC). Agpawa said MCC deals with credit reports. Agpawa said he has had MCC unofficially for approximately 15 years. Agpawa said his wife, until they split up, was the only other employee of MCC. Agpawa said no woman other than his wife would have answered the telephone at MCC. Agpawa said he does not recall telling a person at MCC to inform persons calling MCC: "Roger Carpenter is not here."

Agpawa said he has had a Post Office Box at the Hazelcrest Post Office for approximately 10-15 years.

Agpawa said he does not know a person named Nina Cravens Smith.

Agpawa was questioned about the address of [REDACTED]. Agpawa said a person named Gidlow, who worked at MFD, resides at this address. Agpawa admitted he (Agpawa) used this address under the name Roger Carpenter.

Agpawa was questioned about a person named Jeff Wright. Agpawa said Wright used to work for MFD. Agpawa said Wright may have been involved in the scheme because Wright knew Carmicheal.

Agpawa was questioned about Sibley Calumet Bank. AUSA Shaver presented Agpawa with the signature card for an account at Sibley Calumet.

AUSA Shaver presented Agpawa with a copy of a check numbered 298 in the amount of \$6496. Agpawa admitted he endorsed this check using the name Roger Carpenter. AUSA Shaver presented Agpawa with a copy of a check numbered 207 in the amount of \$3072. Agpawa admitted he endorsed both of the names appearing on the back of this check. Agpawa said checks were endorsed from Roger Carpenter to Roger Agpawa because it was quicker to get money this way.

Agpawa said he is still a captain at MFD. Agpawa mentioned he recently lost an aldermanic election.

DJL

J. Leonhardt
Postal Inspector
U.S. Postal Inspection Service
Chicago Division

UNITED STATES DISTRICT COURTS
NORTHERN DISTRICT OF ILLINOIS
U.S. PROBATION

RICHARD L. TRACY
CHIEF U.S. PROBATION OFFICER

55 E. MONROE STREET
SUITE 1500
CHICAGO, IL 60603
TEL 312-435-5700
FAX 312-408-6045

December 30, 2002

Roger Agpawa


RE: Docket No. 97 CR 820-2
Northern District of Illinois

Dear Mr. Agpawa:

Your supervision was terminated on December 19, 2002, and you are no longer under the supervision of the United States Probation Office. However, there are some lasting effects of the conviction itself. You are still responsible for paying the remaining balance of the Restitution ordered in your case of \$56,982.00. Travel into Canada is controlled by the Canadian Government. If you wish to travel into Canada, you should first contact the Canadian Consulate Office in downtown Chicago to receive instructions. Furthermore, if you wish to travel into the State of Nevada or Florida, you are obligated by local law to register with local authorities within 24 hours of your arrival. Your prior convictions also preclude you from owning any type of firearm, firearms card or firearms ammunition for the rest of your life. If you are seriously interested in obtaining gun privileges back, you may apply through the Bureau of Alcohol, Tobacco and Firearms.

In the State of Illinois, your voting rights are not impaired unless you are incarcerated at the time of the election. However, this regulation may vary from state to state. Therefore, if you move to another state, you should contact local authorities regarding their voting laws.

Thank you for your cooperation while on supervision. Please do not hesitate to contact me at 312/435-5710, if you have any questions regarding these matters.

Sincerely,



Marita A. DeMarinis
U.S. Probation Officer
Tel: 312/435-5710

EXHIBIT C

ILLINOIS PRISONER REVIEW BOARD
Guidelines for Executive Clemency

NOTE # 1. No petition will be accepted for review within one year of the date of the denial of a prior petition on behalf of the same individual. The Chairman of the Board may permit an exception to this limitation for compelling reasons.

NOTE # 2. A clemency petition may be withheld from the soonest available docket if any essential relevant information from other sources has not been received by the Board, even if a complete petition has been filed according to the directions herein.

A) The petition. Executive Clemency is requested by means of a typewritten petition. It must be a narrative or essay that is, written in complete sentences. Fill-in-the-blanks formats are not acceptable. The petition must contain all of the following or it will be rejected and returned:

- 1) Regarding the convictions for which clemency is being sought: State the offenses, counties of conviction, case numbers, sentences imposed, and dates sentenced, time served and dates of discharge. State whether convictions were the result of jury verdicts, bench trials or guilty pleas. Give the status of any pending court appeals.
- 2) State the name under which petitioner was convicted, any aliases, the social security number, and the state prisoner number, if applicable. Declare whether the petitioner previously asked for executive clemency for any conviction and, if so, the month and year in which it was considered.
- 3) A detailed statement of the facts of the offenses, including dates, places and all surrounding circumstances. This should include petitioner's version of the offenses.

- 4) Provide complete criminal history. This is to include every instance in which the petitioner was arrested for or charged with any offense in any jurisdiction, except for minor traffic violations, and the disposition of each criminal charge (whether it resulted in a conviction and sentence or some other determination). Provide a statement of the facts surrounding any conviction.
- 5) Criminal Background History. Prior to the hearing you will receive a confirmation letter with your docket number and date of hearing along with a Criminal Justice Applicant Card (CJE) and you must go to one of the Law Enforcement Agencies on the attached list in order to obtain a livescan fingerprint. When going to the Law Enforcement Agency you must tell them this is for the Prisoner Review Board. The Prisoner Review Board's Lead's Identification number is ORI #IL084045G and you must tell them that the purpose is for Criminal Justice Enforcement CJE. You will need to use a Criminal Justice Applicant Card that is provided. If the Law Enforcement Agency is not able to run the agency ORI number, then request to have your fingerprints inked and rolled onto the Criminal Justice Applicant Card provided. You will need to mail the Criminal Justice Applicant Card back to our agency once you have your fingerprints completed and all necessary information filled out on the card prior to your scheduled hearing date.
- 6) Provide a personal life history, a narrative biography. It must include date and place of birth, educational history, employment history, marital status and whether the petitioner did or did not serve in the military.
- 7) Give the reasons for seeking clemency and the type desired (commutation of sentence, pardon, expungement or reprieve).
- 8) Supporting materials. Claims made within the petition should be supported by documentation, for example, a DD 214 or similar form for proof of military service.
- 9) The petition must include the following: "I declare under penalty of perjury that all of the assertions made in this petition are complete, truthful and accurate." This statement must be signed and sworn to before a notary public by the petitioner.

NOTE: Perjury is a class 3 felony which is punishable by imprisonment for up to 10 years.

THE PETITION MUST CONTAIN THE PETITIONER'S CURRENT MAILING ADDRESS WITHIN THE PETITION ITSELF, NOT MERELY ON THE MAILING ENVELOPE.

B) Filing of petition.

- 1) Address the petition to the Governor, but mail or deliver the original petition to: Illinois Prisoner Review Board, 319 East Madison, Suite A, Springfield, Illinois 62701. Petitions are to be stapled or clipped together so that they are easily able to be separated. Do not bind them or submit them in plastic sleeve sheets.
- 2) The completed petition, as described in (A) above, must be received at the Board office at least 75 days prior to the first date of the public hearing in order to be considered on that docket.
- 3) A copy of the petition must be delivered or mailed to each of the following:
 - a) The sentencing judge or the chief judge of the circuit, if the sentencing judge is no longer on the bench.
 - b) The current State's Attorney of the county of conviction.
- 4) Proof that the parties in paragraph (3) above were sent copies of the petition must be demonstrated to the Board, either by affidavit with a notarized signature or by registered or certified mail receipt. This proof must accompany the completed petition.

C) Public Hearing. Petitioners, their supporters and any opponents may appear in person, unless currently incarcerated, at a public hearing scheduled by the Board, if they have requested to do so in their petition. Representatives of imprisoned petitioners may request to speak to the Board at public hearing, but a personal appearance is not required for the processing of a petition for executive clemency.

- 1) In order to obtain an appointment to appear at the public hearing, a request must be made in writing at the time the petition is filed. The names and addresses of any witnesses who wish to provide testimony must be provided with the request.
- 2) Personal presentations at the public hearing are limited. No more than four persons may speak during any presentation. Testimony is informal.
- 3) The recommendation to the Governor by the Board is confidential by law. The Board is not permitted under law to disclose it to anyone other than the Governor or his staff.