

**MISSOURI STATE BOARD OF EDUCATION AGENDA ITEM:**

**March 2014**

**CONSIDERATION TO DISCIPLINE THE  
LICENSE TO TEACH OF JOHN PAUL HESS, CASE # HR 13-015**

**STATUTORY AUTHORITY:**

Section 168.071, RSMo

Consent  
Item

Action  
Item

Report  
Item

**DEPARTMENT GOAL NO. 3:**

Missouri will prepare, develop, and support effective educators.

**SUMMARY:**

John Paul Hess, Respondent, holds a lifetime teaching certificate in the area of English, grades 7-12.

In February 2003, Respondent pled guilty to one (1) count of Importation or Transportation of Obscene Matters in the United States District Court, Eastern District of Missouri. He was placed on probation for five (5) years and was ordered to pay a special assessment of \$100 and a fine of \$5,000. He was also placed on the Missouri sex offender registry.

Respondent received notice of a hearing on this matter, but was not present either personally or through counsel.

**PRESENTER(S):**

Mark Allan Van Zandt, General Counsel, will participate in the presentation and discussion of this agenda item.

**RECOMMENDATION:**

It is recommended that the State Board of Education revoke John Paul Hess's teaching certificate pursuant to its authority under Mo. Rev. Stat. § 168.071 (Supp. 2013).

BEFORE THE STATE BOARD OF EDUCATION  
STATE OF MISSOURI

IN THE MATTER OF:	)	
	)	
Department of Elementary and	)	
Secondary Education,	)	
Petitioner,	)	
	)	
v.	)	Case No. HR 13-015
	)	
John Paul Hess,	)	
Respondent.	)	

Introduction

This matter was held on December 19, 2013, before Kristen Morrow, Hearing Officer designated by the Commissioner of Education. Those present were:

- Margaret Landwehr, Counsel for Department of Elementary and Secondary Education;
- Todd Lucas, Counsel for Department of Elementary and Secondary Education;
- Margery Tanner, Director, Educator Certification, Department of Elementary and Secondary Education; and
- Dana Keilholz, Legal Assistant, Department of Elementary and Secondary Education.

Findings of Fact

1. John Paul Hess, Respondent, holds a lifetime teaching certificate in the area of English, grades 7-12. Respondent's certification is current and active and was so during all times material herein (Petitioner's Exhibit 1 ) (Transcript page 8, line 14 to page 10, line 19).
2. On or about February 3, 2003, Respondent pled guilty to one (1) count of Importation or Transportation of Obscene Matters in the United States District Court, Eastern District of Missouri, in the case styled *United States of America v. John P. Hess*, Case No. S1-4:02CR239 RHK. Respondent knowingly received, from an interactive computer service, computer data files which contained obscene, lewd and lascivious images. He was placed on probation for a term of five (5) years and ordered to pay a special assessment of \$100.00 and a fine of \$5,000.00 (Transcript page 19, line 4 to page 20, line 3).
3. Additional probation terms required Respondent to register as a sex offender and participate in a sex-offense specific treatment program. Terms also prohibited him from contact with children under the age of eighteen (18) without prior written permission from his probation officer and from engaging in any occupation, business, or

profession where Respondent would have access to children under the age of eighteen (18) without prior written approval from his probation officer (Petitioner's Exhibit 3) (Transcript page 19, line 4 to page 20, line 3).

4. Respondent is currently registered as a sex offender with the State of Missouri. (Petitioner's Exhibit 4) (Transcript page 13, line 18 to page 15, line 2).
5. By letter dated October 7, 2013, Respondent received notice of this complaint and of a hearing scheduled for December 19, 2013 (Petitioner's Exhibit 2) (Transcript page 16, line 12 to page 18, line 24).
6. On December 19, 2013, a hearing was held before Kristen Morrow, designated Hearing Officer. The Respondent was not present either personally or through counsel (Transcript page 4, lines 14 - 23).

#### Conclusions of Law

1. The conviction of John Paul Hess, Respondent, of one (1) count of Importation or Transportation of Obscene Matters is a violation of 18 USC § 1462, which requires the violator to be fined or imprisoned not more than five (5) years, or both, for the first such offense and shall be fined or imprisoned not more than ten (10) years, or both, for each such offense thereafter.
2. These charges were set for hearing and notice was served on the Respondent in compliance with the requirements of Mo. Rev. Stat. § 536.067 (2000).
3. The Missouri Supreme Court has defined "moral turpitude" as:

*An act of baseness, vileness, or depravity in the private and social duties which man owes to his fellowman or to society in general, contrary to the accepted and customary rule of right and duty between man and man; everything 'done contrary to justice, honesty, modesty and good morals'. In re Frick, 694 S.W.2d 473, 479 (Mo. banc 1985).*

4. Mo. Rev. Stat. § 168.071.1 (1) (Supp. 2013) provides the following authority to the State Board of Education:

*The state board of education may refuse to issue or renew a certificate, or may, upon hearing, discipline the holder of a certificate of license to teach for the following causes: (1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;*

5. Based upon the notice of hearing and the documentation of the criminal conviction, the State Board of Education, pursuant to Mo. Rev. Stat. § 168.071 (Supp. 2013), is authorized to suspend or revoke the certification of John Paul Hess.

Recommendation

Respondent engaged in activity that is by definition a crime of moral turpitude. His act required his placement on the Missouri sex offender registry. Further, he is not to engage in any business, occupation or profession that requires him to have contact with minors. It is recommended the State Board of Education revoke Respondent's certification.

Submitted this 7th day of March 2014, by the designated Hearing Officer for the Commissioner of Education.



Kristen A. Morrow  
Hearing Officer



HEARING 12/19/2013

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DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
STATE OF MISSOURI

DEPARTMENT OF ELEMENTARY )  
AND SECONDARY EDUCATION, )  
Petitioner, )  
Hearing No. 13-015 )  
vs. )  
JOHN PAUL HESS, )  
Respondent. )

Discipline Hearing For John Paul Hess  
December 19, 2013  
Department of Elementary and Secondary Education  
Jefferson State Office Building  
205 Jefferson Street  
Jefferson City, Missouri 65101

BEFORE: Hearing Officer Kristen Morrow

Reported by:  
Julie K. Kearns, CCR 993  
Midwest Litigation Services  
3432 West Truman Boulevard, Suite 207  
Jefferson City, Missouri 65109  
(573)636-7551

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A P P E A R A N C E S

For the Petitioner:

Margaret K. Landwehr, Esq.

Todd Lucas, Esq.

STATE OF MISSOURI ATTORNEY GENERAL'S OFFICE

Supreme Court Building, P.O. Box 899

Jefferson City, Missouri 65102

The Court Reporter:

Ms. Julie K. Kearns

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P R O C E E D I N G S

(Hearing started at 9:10 A.M.)

HEARING OFFICER MORROW: This hearing is in the matter of Department of Elementary and Secondary Education versus John Paul Hess and has been designated Hearing No. 13-015. This hearing is being held pursuant to Section 168-071 of the Revised Statutes of Missouri which authorizes the State Board of Education to suspend or revoke certificate of license to teach if the certificate holder has pleaded to or been found guilty of a felony or a crime involving moral turpitude under the laws of this state or any other state of United States or any other country whether or not sentence is imposed.

Administrative rules adopted by the State Board of Education pursuant to this statute authorizes the Commissioner of Education to designate a hearing officer in these matters. My name is Kristen Morrow. I've been designated to hear this case. Unless otherwise provided for in Section 168-071, this hearing is being held pursuant to the procedural rules of Chapter 536, the Administrative Procedures Act.

The certificate holder, Mr. Hess, is not present at this hearing and is not represented by counsel. Let's let the record show that Margaret Landwehr is -- and Todd Lucas are present on behalf of the State. So, Counsel, we

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1 will let you begin.

2 MS. LANDWEHR: If I could do an opening  
3 statement, please.

4 HEARING OFFICER MORROW: Proceed.

5 OPENING STATEMENT BY MS. LANDWEHR:

6 John Paul Hess holds a lifetime certificate, a  
7 license to teach in the area of English, grades 7 through  
8 12, that was issued by the Department, interestingly  
9 enough, in September of 1976. So Mr. Hess was born on  
10 June 25 of 1945. The evidence will show that on or about  
11 May 8, 2002, Hess was charged with two federal crimes,  
12 Sexual Exploitation of Minors, one count, and one count of  
13 Importation or Transportation of Obscene Matters under 18  
14 USC Section 1462.

15 In February of 2003, February 3, he pled guilty  
16 to one count on the second charge of Importation or  
17 Transportation of Obscene Matters and the first count was  
18 dismissed on a motion by the United States. As a result  
19 of his guilty plea, he was placed on probation for a term  
20 of five years and was ordered to pay a special assessment  
21 in the amount of \$100 and a fine of 5,000.

22 The Importation or Transportation of Obscene  
23 Matters under Section 18 USC 1462 provides, in pertinent  
24 part, that whoever brings into the United States or any  
25 place subject to the jurisdiction of the United States or

1 knowingly uses any express company or other common carrier  
2 or interactive computer service for carriage in interstate  
3 or foreign commerce of -- and there are several things,  
4 I'll just mention a few, but any obscene, lewd, lascivious  
5 or filthy book, pamphlet, picture, motion picture, film,  
6 paper, letter, writing, print or other matter of indecent  
7 character or any article or thing capable of producing the  
8 obscene, lewd, lascivious or filthy phonograph recording,  
9 electrical transcription or sound, as well as any type of  
10 drugs, medicine, article or anything like that. And  
11 whoever -- it also provides that whoever knowingly takes  
12 or receives from such express company or other common  
13 carrier or interactive computer service or anything which  
14 is herein made unlawful.

15           So the conviction -- we propose that the  
16 conviction of Importation or Transportation of Obscene  
17 Matters constitutes a conviction of a crime involving  
18 moral turpitude and the above crime requires Hess to be  
19 registered on Missouri's sex offender registry. He is  
20 currently registered in Missouri and he is in compliant  
21 status. He just recently reregistered this month on  
22 December 3 and I have the paperwork to evidence that. And  
23 we also will show that you can find his sex offender  
24 registry right on the Missouri patrol's internet site.

25           So the Section 168-071 of the Revised Statutes

1 authorizes the Board to discipline a certificate if the  
2 holder has been found guilty of a felony or a crime  
3 involving moral turpitude and same thing with regs. So at  
4 this point in time, I'd like to call my first witness,  
5 Margery Tanner.

6 HEARING OFFICER MORROW: Okay. If you'll be  
7 sworn, please.

8 MARGERY TANNER,  
9 of lawful age, being produced, sworn and examined on  
10 behalf of the Petitioner, says:

11 EXAMINATION

12 QUESTIONS BY MS. LANDWEHR:

13 **Q. Could you please state and spell your name for**  
14 **the record?**

15 A. Margery Tanner, M-A-R-G-E-R-Y T-A-N-N-E-R.

16 **Q. And by whom are you employed?**

17 A. The Department of Elementary and Secondary  
18 Education.

19 **Q. And how long have you been employed by the**  
20 **Department?**

21 A. Almost 20 years.

22 **Q. And what's your current position with the**  
23 **Department?**

24 A. I'm the Director with the Office of Educator  
25 Quality.

1           **Q.    And what are your responsibilities as the**  
2 **director?**

3           A.    I license educators for the state of Missouri.

4           **Q.    And do your duties include maintaining the**  
5 **teacher licenses or certification records?**

6           A.    Yes.

7           **Q.    And are these certification records prepared and**  
8 **maintained in the regular course of business?**

9           A.    Yes.

10          **Q.    And are they -- these records prepared and**  
11 **maintained at or near the time of the events that are**  
12 **recorded therein?**

13          A.    Yes.

14          **Q.    And are you aware of the Department's case**  
15 **against John Paul Hess?**

16          A.    Yes, I am.

17          **Q.    If you could turn to what's been marked as**  
18 **Petitioner's Exhibit 1 and take a moment to look at it.**

19          A.    All right.

20          **Q.    Do you -- do you recognize it?**

21          A.    Yes, I do.

22          **Q.    And can you tell us what it is?**

23          A.    This is a certification record for John Paul  
24 Hess.

25          **Q.    And is this record kept by the Department in the**

1 regular course of business that you just outlined above?

2 A. Yes, it is.

3 Q. And was it made by -- and the Department -- I'm  
4 sorry, is it a true and accurate copy of John Paul Hess's  
5 certifications?

6 A. Yes, it is.

7 Q. And does the Department maintain the status of  
8 this record?

9 A. Yes, it does.

10 Q. And it was made in the regular course of  
11 business?

12 A. Yes.

13 Q. And was it also made by someone who has  
14 knowledge about the information --

15 A. Yes.

16 Q. -- that it contains?

17 A. Yes.

18 Q. Okay. So what type of certificate --

19 MS. LANDWEHR: I'm sorry. I'd like to offer  
20 into evidence Petitioner's Exhibit 1.

21 HEARING OFFICER MORROW: Petitioner's Exhibit 1  
22 will be admitted into the record.

23 Q. (By Ms. Landwehr) And does John Paul Hess -- can  
24 you tell me what certificate he does hold?

25 A. He holds a lifetime certificate for the area of

1 English, grades 7 through 12.

2 **Q. And when was this certificate issued?**

3 A. September 1, 1976.

4 **Q. And in what areas is he certified to teach?**

5 A. English, grades 7 through 12.

6 **Q. And so this certificate, does it expire at any**  
7 **time?**

8 A. No, it does not.

9 **Q. And is this one -- is it one of the older**  
10 **certificates? Like have you changed the process at this**  
11 **point?**

12 A. Yes. Lifetime certificates were issued up until  
13 1988, so it was issued prior to that.

14 **Q. And so -- but under this previous system, he**  
15 **would be able to hold it for a lifetime unless something**  
16 **should intervene?**

17 A. Correct.

18 **Q. And so is this certificate active and current?**

19 A. Yes, it is.

20 **Q. And does the Department require certificate**  
21 **holders to keep the Department apprised of their**  
22 **addresses?**

23 A. Yes.

24 **Q. And is there a regulation to that effect?**

25 A. Yes, there is.

1           **Q. Let me hand you what is a copy of regulation 5**  
2 **CSR 20-400. If you can turn to page two of what I've**  
3 **handed you. This is a -- 5 CSR 20-400.150; is that**  
4 **correct?**

5           A. Yes, it is.

6           **Q. And could you read to us the subsection 12 and**  
7 **then read the B part of 12 for me?**

8           A. It states that, "The holder of a certificate of  
9 license to teach shall ensure that DESE has a current  
10 legal name and address. A holder of a certificate of  
11 license to teach whose address has changed shall inform  
12 DESE in writing of the change within 90 days of the  
13 effective date of the change."

14           MS. LANDWEHR: And I would ask if the hearing  
15 officer could take official notice of this regulation.

16           HEARING OFFICER MORROW: Okay. I'll take  
17 official notice of 5 CSR 20-400.150, Application for  
18 Certificate of License to Teach, in particular subsection  
19 12.

20           **Q. (By Ms. Landwehr) And what address do you have on**  
21 **file for Mr. Hess?**

22           A. The certification record shows that we have  
23 none.

24           **Q. And so that's what all the blank fields are in**  
25 **the middle of this record?**

1 A. That is correct.

2 Q. So the only one that does show is his name --

3 A. Correct.

4 Q. -- is that correct? And then he has an educator  
5 ID?

6 A. Correct.

7 Q. And then if you look on the right side, I have  
8 redacted a Social Security number, but that would be on  
9 the portion of the record that you can see?

10 A. Absolutely.

11 Q. Is that correct?

12 A. Correct.

13 Q. And then it also shows his certification?

14 A. Correct.

15 Q. Then if you turn to page two of this -- of  
16 Exhibit 1, does this record reflect whether he's currently  
17 teaching or is an administrator in Missouri?

18 A. No, it does not reflect that he is employed in a  
19 public school in Missouri.

20 Q. So it -- that probably wasn't phrased very well.  
21 Is he currently teaching in -- as a teacher as far as your  
22 records tell us?

23 A. No. As far as we know, he is not.

24 Q. And then how far back -- I know you all changed  
25 your system at some point as well. How far back would

1     **this record go?**

2           A.    The core data record that reflects teaching?

3           **Q.    Yes.**

4           A.    It goes back ten years.

5           **Q.    Ten years.  So at least you know at this point**  
6 **he has not taught for ten years?**

7           A.    In Missouri, correct.

8           **Q.    In Missouri.**

9                   HEARING OFFICER MORROW:  Okay.  There's a page  
10 two?  I've just got one page.

11                   MS. KEILHOLZ:  There's not much to it.  It's  
12 just like one line.  Turn the page --

13                   HEARING OFFICER MORROW:  Okay.

14                   MS. KEILHOLZ:  I did that, too.

15                   MS. LANDWEHR:  Second page, yeah.

16                   HEARING OFFICER MORROW:  Thank you for  
17 clarifying that.  Gotcha.

18           **Q.    (By Ms. Landwehr) And then if you could please**  
19 **turn to Exhibit 4.  Do you recognize this?**

20           A.    Yes, I do.

21           **Q.    And what is it?**

22           A.    This is a printout from the Missouri State  
23 Highway Patrol sex offender registry on the internet.

24           **Q.    And can you tell me what date this was printed?**

25           A.    It was printed out on December 17, 2013.

1 Q. And did you search the internet yourself for  
2 this record through the Highway Patrol's website?

3 A. Yes.

4 Q. And is this a true and accurate copy of the  
5 printout that you searched for and then ultimately printed  
6 out?

7 A. Correct.

8 Q. And so can you tell me, this -- does this have  
9 an address on it?

10 A. Yes, it does.

11 Q. And what's -- what address is that?

12 A. It states that Mr. Hess lives at 1152 Terrace  
13 Drive in Richmond Heights, Missouri 63117, ZIP code.

14 Q. And it also reflects his status, does it not?

15 A. It does.

16 Q. And what status is he in as far as this registry  
17 is concerned?

18 A. It states that he is compliant.

19 Q. And did you then place this record into your  
20 recordkeeping system with the Department?

21 A. Yes, we did.

22 Q. Okay. So is this the true and accurate -- you  
23 said it was the true and accurate copy.

24 MS. LANDWEHR: I'd like to offer Exhibit 4 into  
25 evidence.

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1 HEARING OFFICER MORROW: Petitioner's Exhibit 4  
2 will be admitted into the record.

3 MS. LANDWEHR: I don't have any other questions  
4 for this witness. Thank you, Miss Tanner.

5 HEARING OFFICER MORROW: Thank you. Okay. You  
6 can continue.

7 MS. LANDWEHR: I'd like to call Miss Keilholz.

8 HEARING OFFICER MORROW: If the witness will  
9 step up and be sworn, please.

10 DANA KEILHOLZ,  
11 of lawful age, being produced, sworn and examined on  
12 behalf of the Petitioner, says:

13 EXAMINATION

14 QUESTIONS BY MS. LANDWEHR:

15 Q. Could you please state and spell your name for  
16 the record?

17 A. Dana Keilholz, D-A-N-A K-E-I-L-H-O-L-Z.

18 Q. And, Miss Keilholz, by whom are you employed?

19 A. The Department of Elementary and Secondary  
20 Education.

21 Q. And how long have you been employed by the  
22 Department?

23 A. Over 20 years.

24 Q. And what is your current position with the  
25 Department?

1           A.    I am Legal Assistant for the General Counsel in  
2   Governmental Affairs.

3           **Q.    And how long have you had that position?**

4           A.    Around two years.

5           **Q.    And what are your duties as Legal Assistant?**

6           A.    One of the things that we do are arrange  
7   discipline hearings for certificate holders who have had a  
8   complaint filed against them.

9           **Q.    And do those duties include serving notices of**  
10 **hearings?**

11          A.    Yes.

12          **Q.    And did you send a notice of this hearing today**  
13 **to John Paul Hess, the respondent?**

14          A.    Yes.

15          **Q.    And if you could please turn to Exhibit 2 and**  
16 **tell me if you recognize it?**

17          A.    Yes, I do.

18          **Q.    And what is it?**

19          A.    It's a letter that we send out to the  
20   certificate holder notifying them that a complaint has  
21   been filed and sets a date for the hearing.

22          **Q.    And does the Department maintain this record --**  
23 **these documents as records?**

24          A.    Yes.

25          **Q.    And was this record made in the ordinary course**

1 of business by a person with relevant knowledge and  
2 information as to the notices?

3 A. Yes.

4 Q. And then I notice Exhibit 2 also has a copy of  
5 something else along with it. Can you tell me what that  
6 is?

7 A. Along with the notice, the letter, we send a  
8 copy of the complaint.

9 Q. And so -- sorry, go ahead.

10 A. So that's it.

11 Q. So is Exhibit 2 an accurate copy of the notice  
12 and complaint that was sent to Respondent Hess?

13 A. Yes.

14 MS. LANDWEHR: Then I'd like to offer into  
15 evidence Petitioner's Exhibit 2.

16 HEARING OFFICER MORROW: Petitioner's Exhibit 2  
17 will be admitted into the record.

18 Q. (By Ms. Landwehr) Miss Keilholz, when was the  
19 notice sent?

20 A. October the 7th, 2013.

21 Q. And what information was contained in the  
22 notice?

23 A. It was the date and time of the hearing that had  
24 been scheduled, the complaint that caused the hearing to  
25 be set and then the state statutes and the regulations

1 that gave us the authority to do that.

2 **Q. And did it also include the location of the**  
3 **hearing?**

4 A. Yes.

5 **Q. And it was -- are we in the room where the**  
6 **location -- I'm sorry, the date, time, location, is that**  
7 **where we are today?**

8 A. Yes.

9 **Q. And what address did you mail this letter to?**

10 A. The letter was sent to 1152 Terrace Drive,  
11 Richmond Heights, Missouri 63117. It was sent first class  
12 mail and certified mail with return receipt requested.

13 **Q. And how did you obtain that address?**

14 A. It was on the complaint that we received from  
15 the Attorney General's Office.

16 **Q. And you said you sent it by first class mail and**  
17 **certified mail. Have you received the certified mailing**  
18 **receipt back?**

19 A. No.

20 **Q. And what about the first class mailing?**

21 A. No.

22 **Q. So you have not received either one of them**  
23 **back?**

24 A. No.

25 MS. LANDWEHR: Then I have no further questions

1 of this witness.

2 HEARING OFFICER MORROW: Okay. Thank you. You  
3 may proceed.

4 MS. LANDWEHR: I do have another exhibit to  
5 offer. It's Petitioner's Exhibit 3 and it is an affidavit  
6 from the records custodian at the Highway Patrol. And  
7 Lieutenant McCollum produced a business record affidavit  
8 for me and in it it has the judgment in the criminal case  
9 of the federal crime on the first couple of pages, as well  
10 as it starts off with a fax that they received from the  
11 federal government. And after that, there is the Missouri  
12 Sex Offender Registration, which is actually on the last  
13 three pages.

14 And if you notice, the address -- current  
15 address listed is 15 -- 1152 Terrace Drive in St. Louis  
16 and it also lists his date of birth and other things that  
17 he had to list as well. And then the last page of this  
18 last little section has the submitting agency as well that  
19 they sent in the notification.

20 And if you notice the date that it was sent was  
21 December 3 of 2013, he reregistered with the Missouri  
22 Highway Patrol. With -- it looks like there was a  
23 detective that he came and signed the paperwork in front  
24 of and then it was submitted to the Highway Patrol. And  
25 so I would like to offer into evidence Petitioner's

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1 Exhibit 3.

2 HEARING OFFICER MORROW: Okay. Petitioner's  
3 Exhibit 3 will be admitted into the record.

4 MS. LANDWEHR: And, Your Honor, I would like to  
5 have the record left open. We are -- developed a new  
6 process working with the Department in terms of getting  
7 exemplified records from the federal court, certified or  
8 exemplified, and part of what -- the reason why I'm going  
9 to that length, you do have this record from the U.S.  
10 District Court certified by the Department, but they  
11 are -- or by the Highway Patrol, but they did not create  
12 that record of the conviction. And even though they are  
13 relying it to register, I just felt to make a better  
14 record, I would like to hold the record open and as soon  
15 as I receive the certified record from the federal court,  
16 I would -- asking for the charges as well as the judgment,  
17 I'd like to submit those into evidence.

18 HEARING OFFICER MORROW: Do you have any sense  
19 of time about when that might occur or are we just --

20 MS. LANDWEHR: Within -- I would say at least  
21 within, the latest, a month, but I would hope it would be  
22 here within like two weeks.

23 HEARING OFFICER MORROW: Okay. Do we want to  
24 set a time or do you want me to just allow the record to  
25 be open until such time that you receive the federal --

## HEARING 12/19/2013

Page 21

1 MS. LANDWEHR: That would be the best.

2 HEARING OFFICER MORROW: Okay. In that case,  
3 I'll allow this hearing record to remain open until such  
4 time as you receive the federal court exemplified record.

5 MS. LANDWEHR: I apologize for the delay. The  
6 Department is -- there's charges for it with the federal  
7 court. State court we get -- the state agencies get for  
8 free, but we're working through a new process system with  
9 DESE actually paying for it.

10 HEARING OFFICER MORROW: Okay.

11 MS. LANDWEHR: And having it billed through you  
12 all as opposed to coming through the Attorney General's  
13 Office. So that was part of the hitch. But once -- that  
14 should not happen again.

15 HEARING OFFICER MORROW: Okay. Well, we will --

16 MS. LANDWEHR: I apologize for the delay, but I  
17 felt it was best to go ahead and go on and have the  
18 hearings.

19 HEARING OFFICER MORROW: Okay. In that case, we  
20 will leave the record open until such time as that is  
21 received and once it is received, we will put it into the  
22 record as an exhibit.

23 MS. LANDWEHR: And I do know that it is in the  
24 process.

25 HEARING OFFICER MORROW: Okay. Great.

## HEARING 12/19/2013

Page 22

1 MS. LANDWEHR: I learned yesterday.

2 HEARING OFFICER MORROW: Okay. Anything  
3 further?

4 MS. LANDWEHR: Just a brief closing statement,  
5 if I could.

6 CLOSING STATEMENT BY MS. LANDWEHR:

7 The evidence shows that Mr. Hess does hold a  
8 lifetime certificate to teach and it also shows that he's  
9 been found guilty of one count of Importation or  
10 Transportation of Obscene Matters in violation of federal  
11 law. Hess's conviction is a crime involving moral  
12 turpitude and constitutes cause to discipline his license.

13 The Missouri Supreme Court has defined moral  
14 turpitude as an act that is contrary to the accepted and  
15 customary rules and duties between people or an act done  
16 contrary to justice, honesty, modesty and good morals, and  
17 that was in the Frick case that was decided by Missouri  
18 Supreme Court in 1985.

19 But also, in the case of Brehe versus the  
20 Missouri Department of Elementary and Secondary Education,  
21 this case involved a teacher -- disciplining a teacher  
22 certificate like the one we have today and they had three  
23 different classifications of crimes of moral turpitude.  
24 The first one were crimes that necessarily involved moral  
25 turpitude, they called Category 1 crimes, the second one

1 are crimes that are so obviously petty that there's no  
2 moral turpitude, and then the third one would be crimes  
3 that may be saturated with moral turpitude, but you do  
4 need to look at the facts and circumstances in a Category  
5 3 crime.

6 This crime is a crime that necessarily involves  
7 moral turpitude. I believe it would fall under Category 1  
8 and I've got two Administrative Hearing Commission cases  
9 that I'd like to give to you, Your Honor, to take a look  
10 at. One is Winn versus Department of Insurance. They're  
11 actually both Department of Insurance cases and these were  
12 both license denials, so they're a little different, but I  
13 feel like they are instructive, especially given the fact  
14 that they -- at least the second one I know came out --  
15 no, they both came out after the Brehe case.

16 But in Winn, this person did violate the federal  
17 law by using means of interstate commerce to knowingly  
18 transfer obscene materials to a minor and he sent digital  
19 photographs of parts of his body over the internet. And  
20 this -- the Administrative Hearing Commissioner did cite a  
21 Duncan case that it relied on that said it's defined moral  
22 turpitude as baseness, vileness or depravity, or acts  
23 contrary to justice, honesty, modesty or good morals. But  
24 the agency did find that it was a Category 1 crime and  
25 necessarily involved moral turpitude. So he did not

1 receive an insurance producer license.

2           And then there was a similar one, a state case  
3 that came out of St. Charles County, but it was Bacon --  
4 the crime came out of St. Charles County. It was Bacon  
5 versus Department of Insurance and in that one, he  
6 possessed compact discs that depicted a minor under the  
7 age of 18 as a participant and observer of sexual contact  
8 with Bacon. So that, again, was a crime of moral  
9 turpitude and he was not -- did not meet the  
10 qualifications for a surety on becoming a bail bondsman.

11           So these crimes are similar to Hess and we ask  
12 that the Board find that Hess's crime of Importation or  
13 Transportation of Obscene Materials is a crime of moral  
14 turpitude and we ask the Department to consider the  
15 evidence before it and impose the appropriate discipline  
16 on Mr. Hess's certificate.

17           HEARING OFFICER MORROW: Okay. Thank you,  
18 Counsel.

19           MS. LANDWEHR: And so I'll give you these two  
20 cases. I printed them out for you.

21           HEARING OFFICER MORROW: Thank you.

22           MS. LANDWEHR: And then, Your Honor, I do have  
23 the -- I gave you a notebook, but I do have the originals  
24 in a folder. My only thing that I did not do was in  
25 Exhibit 3 that came from the Highway Patrol, just to

## HEARING 12/19/2013

Page 25

1 preserve the integrity of it, I did not redact his Social  
2 Security on this page. So I don't know how you --

3 HEARING OFFICER MORROW: I am content with what  
4 you provided here, the copies.

5 MS. LANDWEHR: Well, do you want the original  
6 with the certification that the Highway Patrol did?

7 HEARING OFFICER MORROW: All right. If you  
8 would like to go ahead and provide me with that.  
9 Otherwise, the copies are fine.

10 MS. LANDWEHR: I can go ahead, if you want me to  
11 redact it here. Because technically, in Circuit Court,  
12 you can't provide anything with Social Security numbers.

13 HEARING OFFICER MORROW: Right. Well, we would  
14 prefer it.

15 MS. LANDWEHR: All right. I will redact it,  
16 then, and hand it to you.

17 MS. KEILHOLZ: I can do it.

18 MS. LANDWEHR: We'll get a marker and I'll give  
19 it to you.

20 HEARING OFFICER MORROW: Anything else?

21 MS. LANDWEHR: That's all I had.

22 HEARING OFFICER MORROW: Okay. The hearing will  
23 conclude at this time. Once again, let the record show  
24 that at this time Mr. Hess was notified of the hearing or  
25 to the best of our knowledge and at this time it would be

## HEARING 12/19/2013

Page 26

1 about 9:35 and that he was not here personally or through  
2 counsel. We'll also note that the hearing record remains  
3 open until such time as you are able to provide the  
4 federal court documents that you have indicated you will  
5 provide. And then at some point in time this matter will  
6 be brought before the State Board of Education at a day  
7 and time to be set by the Commissioner of Education. So  
8 with that, I guess we're done.

9 (Proceedings concluded at 9:36 A.M.)

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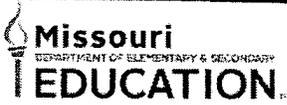
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CERTIFICATE OF REPORTER

I, Julie K. Kearns, Certified Court Reporter (MO), Certified Shorthand Reporter (IL), Registered Professional Reporter and Certified Realtime Reporter within and for the State of Missouri, do hereby certify that I was personally present at the proceedings had in the above-entitled cause at the time and place set forth in the caption sheet thereof; that I then and there took down in Stenotype the proceedings had; and that the foregoing is a true and correct transcript of such Stenotype notes so made at such time and place.

\_\_\_\_\_

Julie K. Kearns, CCR #993, CSR, RPR, CRR



DESE - Certificate Status

- ▼ DESE
  - ▶ Profile
  - ▶ Payments
  - ▶ DESE Work Log
  - ▶ Evaluation Entry
  - ▶ Dist./Inst. Work Log
  - ▶ Fingerprint Entry
  - ▶ Fingerprint Mass Entry
  - ▶ **Certificate Status**
  - ▶ Approved Programs
  - ▶ Discipline
  - ▶ Education
  - ▶ Occupational Exp.
  - ▼ Reports
    - ▶ Reports Menu
    - ▶ Reports Viewer
  - ▶ New Applications
  - ▶ Sub Cert. Log
  - ▶ Search Sub Certs
  - ▶ Appl CC Receipt
  - ▶ Maintenances
  - ▶ Payment Process
  - ▶ Web Application Menu
  - ▶ Help/Questions
  - ▶ Logon/Logoff
  - ▶ Admin Settings

DESE
Educator

▶ Selection Criteria

Educator ID: 34522 Social Security Number: XXXXXXXXXX  
 Name: JOHN PAUL HESS  
 Address:   
 City:  State:  Zip:   
 Personal Phone: (  )  -   
 Work Phone: (  )  -   
 Email Address:   
 \*View the Social Security Number Disclosure at [http://dese.mo.gov/schoollaw/freqaskques/SSN\\_Disclosure.pdf](http://dese.mo.gov/schoollaw/freqaskques/SSN_Disclosure.pdf)

1 record(s)

Certification						
Subject Area/Grade Level	Classification	Effective Date	Expiration Date	Analysis Indicator	Status	Evaluation
ENGLISH 7-12	LIFETIME	09/01/1976		COLLEGE RECOMMENDED	ISSUED	

▼ Evaluations

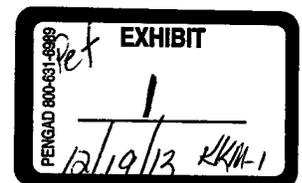
0 record(s)

Evaluation			
Subject Area/Grade Level	Evaluation Date	Status	Evaluation

Email: [certification@dese.mo.gov](mailto:certification@dese.mo.gov)

Current User: ALEE Last Modified User: CONVERSION\_05312011 Last Modified Date: 5/28/2011 7:04:03 PM

"Making a Positive Difference Through Education and Service"



REPORT NO: HQ01  
RUN DATE: 3/28/2012  
RUN TIME: 7:44:53 AM

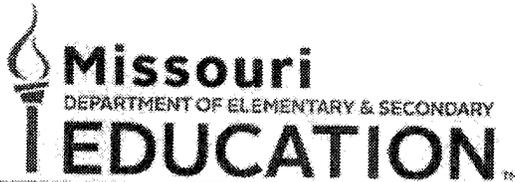
MISSOURI DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION  
STAFF ASSIGNMENTS REPORT

Page 1 of 1

3/27/2012

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No course assignments found for the Educator Selected



Mark Allan Van Zandt • *General Counsel*

205 Jefferson Street, P.O. Box 480 • Jefferson City, MO 65102-0480 • dese.mo.gov

October 7, 2013

Mr. John Paul Hess  
1152 Terrace Dr.  
Richmond Heights, MO 63117

**RETURN RECEIPT REQUESTED**  
**CERTIFIED MAIL # 7006 0100 0005 2169 1772**  
**And VIA FIRST-CLASS MAIL**

RE: *Department of Elementary and Secondary Education v. John Paul Hess*  
Case No. HR 13-015

Dear Mr. Hess:

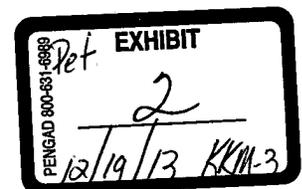
Pursuant to §168.071, RSMo Supp. 2012, the Missouri State Board of Education is initiating disciplinary proceedings against your certificate of license to teach. A photocopy of the complaint is enclosed.

In accordance with the procedures found in §168.071, RSMo Supp. 2012, and 5 CSR 20-400.230, you are notified that a hearing will be held December 19, 2013, by a hearing officer designated by the Commissioner of Education. Enclosed is a copy of the cited statute and regulation for your reference.

The hearing will commence at 9:00 a.m. Please report to the State Board of Education Room on the first floor of the Jefferson State Office Building, located at 205 Jefferson Street, Jefferson City, Missouri. You are strongly encouraged to be present at the hearing, either personally and/or through legal counsel, together with witnesses of your choice to give information relative to these allegations and to show cause as to why disciplinary action should not be taken against your certificate of license to teach.

If you wish to offer documents into evidence at the hearing, please bring three copies of each document. The information gathered at the hearing and the findings of the hearing officer will be provided to the State Board of Education for a decision in this case.

Phone 573-751-3527 • Fax 573 522-4881 • counsel@dese.mo.gov



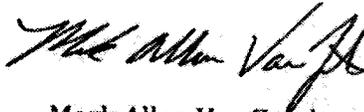
Mr. John Paul Hess

Page 2

October 7, 2013

If you will be represented by legal counsel please have them enter their appearance in this matter with this office as soon as possible. Should you have any questions in this matter, please feel free to contact my office at (573) 751-3527.

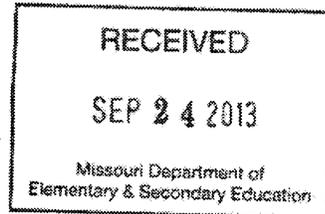
Sincerely,



Mark Allan Van Zandt

Enclosures

- c: Margaret Landwehr, Assistant Attorney General
- Paul Katnik, Assistant Commissioner, Educator Quality
- Margery Tanner, Director, Educator Certification



BEFORE THE  
MISSOURI STATE BOARD OF EDUCATION

MISSOURI DEPARTMENT OF ELEMENTARY)  
AND SECONDARY EDUCATION )  
P.O. Box 480 )  
Jefferson City, MO 65102 )

Petitioner, )

v. )

No. HR13-015

JOHN PAUL HESS )  
1152 Terrace Dr. )  
Richmond Heights, MO 63117 )

Respondent. )

COMPLAINT

Petitioner, the Missouri Department of Elementary and Secondary Education ("the Department"), by and through counsel, the Missouri Attorney General, states for its cause of action:

1. The Department is an agency of the State of Missouri, created and established pursuant to § 161.020, RSMo,<sup>1</sup> for the purpose of administering and enforcing the provisions of Chapters 161 and 168, RSMo, governing public school personnel, including teachers and others.

---

<sup>1</sup> All statutory citations are to the 2000 Missouri Revised Statutes, unless otherwise indicated.

2. Hess currently holds a Missouri Lifetime Certificate of License to Teach in the area of English, grades 7-12 ("Certificate") that was issued by the Department on September 1, 1976.

3. Hess' Certificate is, and was, current and valid at all times the acts alleged herein occurred.

4. Jurisdiction and venue are proper before the State Board pursuant to § 168.071, RSMo Supp. 2012, and 5 CSR 20-400.230(8).

5. Section 168.071, RSMo Cum. Supp. 2012, authorizes the Board to discipline a certificate and states, in pertinent part:

1. The state board of education may . . . upon hearing, discipline the holder of a certificate of license to teach for the following causes:

(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty of a felony or crime involving moral turpitude under the laws of this state, any other state, of the United States, or any other country, whether or not sentence is imposed;

....

(3) There is evidence of incompetence, immorality, or neglect of duty by the certificate holder[.]

6. Regulation 5 CSR 20-400.230 states, in pertinent part:

(1) The State Board of Education (the board) may discipline, refuse to issue, or renew a certificate of license to teach for any one (1) or combination of the following:

(A) An individual has pled guilty or been found guilty of a felony or crime involving moral turpitude whether or not sentence is imposed;

....

(C) Evidence of the certificate holder's incompetence, immorality, or neglect of duty;

....

(8) The board may suspend or revoke for a specified time, or indefinitely, a certificate of license to teach pursuant to the rules promulgated by the board. The board may also accept a voluntary surrender or informally settle a case through a consent agreement or agreed settlement.

7. On or about May 8, 2002, Hess was charged with one count of Sexual Exploitation of Minors under 18 USC § 2252 and one count of Importation or Transportation of Obscene Matters under 18 USC § 1462.

8. On or about February 3, 2003, Hess pled guilty to one count of Importation or Transportation of Obscene Matters and the charge of one count of Sexual Exploitation of Minors was dismissed on the motion of the United States.

9. Importation or Transportation of Obscene Matters, 18 USC §1462, provides in pertinent part:

Whoever brings into the United States, or any place subject to the jurisdiction thereof, or knowingly uses any express company or other common carrier or interactive computer service. . .for carriage in interstate or foreign commerce—

(a) any obscene, lewd, lascivious, or filthy book, pamphlet, picture, motion-picture film, paper, letter, writing, print, or other matter of indecent character; or

(b) any obscene, lewd, lascivious, or filthy phonograph recording, electrical transcription, or other article or thing capable of producing sound; or

(c) any drug, medicine, article, or thing designed, adapted, or intended for producing abortion, or for any indecent or immoral use; or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what means any of such mentioned articles, matters, or things may be obtained or made; or

Whoever knowingly takes or receives, from such express company or other common carrier or interactive computer service. . .any matter or thing the carriage or importation of which is herein made unlawful—

Shall be fined under this title or imprisoned not more than five years, or both, for the first such offense and shall be fined under this title or imprisoned not more than ten years, or both, for each such offense thereafter.

10. As a result of Hess' guilty plea, he was placed on probation for a term of 5 years and ordered to pay a special assessment in the amount of \$100 and a fine in the amount of \$5,000.

11. The above crime requires Hess be registered on the sex offender registry. Hess is currently registered in Missouri with compliant status.

12. Hess's sex offender registry for Missouri can be found online at:  
<http://www.mshp.dps.mo.gov/MSHPWeb/PatrolDivisions/CRID/SOR/SORPage.html>

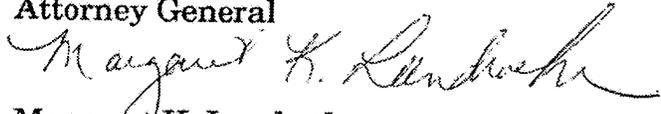
13. By pleading guilty to Importation or Transportation of Obscene Matters, in violation of 18 USC § 1462, Hess pled guilty to a crime of moral turpitude, constituting cause to discipline his Certificate to teach pursuant to § 168.071.1(1), RSMo Supp. 2012, and 5 CSR 20-400.230(1)(A) and (8).

14. Hess' conduct in importing or transporting obscene matters was immoral, incompetent, and/or a neglect of duty, constituting cause to discipline his Certificate to teach pursuant to § 168.071.1(3), RSMo Supp. 2012, and 5 CSR 20-400.230(1)(C) and (8).

Based upon the foregoing, the Department prays the Missouri State Board of Education to conduct a hearing pursuant to Chapter 168, RSMo, and thereafter issue its findings of fact and conclusions of law determining that Taylor's certificates to teach be disciplined and for such other and further relief as is deemed just and proper.

Respectfully submitted,

**CHRIS KOSTER**  
Attorney General



Margaret K. Landwehr  
Assistant Attorney General  
Missouri Bar No. 32469

Supreme Court Building  
207 West High Street  
P. O. Box 899  
Jefferson City, MO 65102  
Telephone: 573-751-9623  
Facsimile: 573-751-5660  
E-mail: Margaret.Landwehr@ago.mo.gov

Attorneys for Petitioner

STATE OF MISSOURI )  
COUNTY OF COLE )

John Paul Hess

AFFIDAVIT

Before me, the undersigned authority, personally appeared Keverne L. McCollum, Lieutenant of the Missouri State Highway Patrol, who being duly sworn by me, deposed as follows:

My name is Keverne L. McCollum, I am of sound mind, capable of making this affidavit and personally acquainted with the facts herein stated:

I am the custodian of records of the Missouri State Highway Patrol. Attached hereto are 11 pages of record from the Missouri State Highway Patrol in the regular course of business, and it was in the regular course of business of the Missouri State Highway Patrol for an employee or representative of the Missouri State Highway Patrol, with knowledge of the act, event, condition, opinion, or diagnosis recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis. The 11 pages of record attached hereto are the original or exact duplicate of the original.

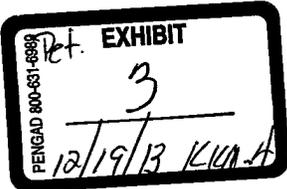
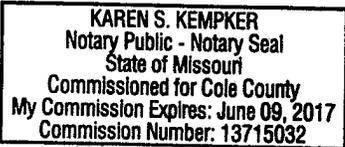
*Keverne L. McCollum*

Lt. Keverne L. McCollum, Affiant

In witness whereof, I have hereunto subscribed my name and affixed my official seal this 16th day of December, 2013.

*Karen S. Kempker*

Karen S. Kempker, Notary Public  
State of Missouri  
County of Cole  
My Commission Expires: 06-09-2017  
Commission # 13715032



United States District Court  
Eastern District of Missouri  
Eastern Division

66002047  
Hess



Fax Transmittal

OFFICE OF THE CLERK OF COURT

111 South 10th Street, Suite 3.300

St. Louis, Missouri 63102

Phone: 314-244-7900

Fax: 314-244-7909

DATE: March 25-08

TO: Amelia Kemer

FAX NUMBER: 573 751 9382

FROM: Debrah

RE: 4:02 cr 239

Pages Sent (Including Cover Sheet) 7

\*\*\*\*\*

SPECIAL INSTRUCTIONS

(8)

46002047

AU 343B (Rev. 03/01)  
Sheet 1 - Judgment in a Criminal Case

# United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

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

JOHN P. HESS

Case Number: S1-4:02CR239 RHK

Richard H. Sindel

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) one of the superseding information on February 3, 2003

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 U.S.C. 1462 (c)	Receipt of Obscenity	March 5, 2002	One

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) 1 of the original information is 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 a 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.: 324-38-3163

Defendant's Date of Birth: JUNE 25, 1945

Defendant's USM No.: 28941-044

Defendant's Residence Address

12800 Bellefontaine Road

St. Louis, Missouri 63138

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant's Mailing Address

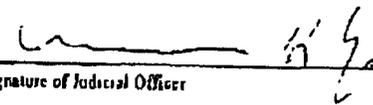
Same as above

\_\_\_\_\_

\_\_\_\_\_

February 3, 2003

Date of Imposition of Judgment

  
Signature of Judicial Officer

Richard H. Kyle

United States District Judge

Name & Title of Judicial Officer

February 3, 2003

Date

Case 4:02-cr-00239-RHK Document 29 Filed 02/03/2003 Page 1 of 5

AO 241B (Rev. 03/01)  
Sheet 1 - Judgment in a Criminal Case

# United States District Court

Eastern District of Missouri

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

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

JOHN P. HESS

Case Number: SI-4-02CR239 RHK

Richard H. Sindel

Defendant's Attorney

### THE DEFENDANT:

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which was accepted by the court

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty

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Defendants Soc. Sec. No.: 324-38-3163

Defendant's Date of Birth: June 25, 1945

Defendant's USM No.: 28941-044

Defendant's Residence Address:

12800 Bellefontaine Road

St. Louis, Missouri 63138

Defendant's Mailing Address:

Same as above

February 3, 2003

Date of Imposition of Judgment

[Signature]  
Signature of Judicial Officer

Richard H. Kyle

United States District Judge

Name & Title of Judicial Officer

February 3, 2003

Date

29

Case 4:02-cr-00239-RHK Document 29 Filed 02/03/2003 Page 2 of 6

AO 245B (Rev. 01/01) Sheet 4 Probation

Judgment-Page 2 of 5

DEFENDANT: JOHN P. HESSCASE NUMBER: SI-4:02CR239 RHK**PROBATION**The defendant is hereby placed on probation for a term of 5 years

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.

 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 (if indicated below).

**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.

Case 4:02-cr-00239-RHK Document 29 Filed 02/03/2003 Page 3 of 6

AO 241B (Rev. 02/01) Sheet 4 - Probation

Judgment Page 3 of 5

DEFENDANT: JOHN P. HESSCASE NUMBER: SI-4:02CR239 RHK

### ADDITIONAL PROBATION TERMS

1. The defendant shall reside in and participate in a Community Corrections or Sanctions Center approved by the United States Probation Office, but not longer than ninety (90) days.
2. The defendant shall register as a sex offender with local law enforcement and provide verification of registration to the probation officer.
3. The defendant shall participate in a sex-offense specific treatment program. The defendant shall enter, cooperate, and complete said program until released by the United States Probation Officer. The defendant shall abide by all policies and procedures of the sex-offense specific program. During the course of said treatment, the defendant shall be subject to periodic and random physiological testing which may include but is not limited to polygraph testing and/or other specialized assessment instruments. The defendant shall pay for the costs associated with treatment based on a co-payment sliding fee scale approved by the United States Probation Office. Co-payments shall never exceed the total costs of treatment.
4. The defendant shall be prohibited from contact with children under the age of 18 without the prior written permission of the probation officer and shall report to the probation officer immediately, but in no event later than 24 hours, any unauthorized contact with children under the age of 18.
5. The defendant shall be prohibited from engaging in any occupation, business, or profession where he has access to children under the age of 18 without prior written approval from the probation officer.
6. The defendant shall not possess stimulating or obscene material as deemed inappropriate by the probation officer and/or treatment staff, or patronize any place where such material or entertainment is available.
7. The defendant shall not possess or use computer or any audio/visual recording or producing equipment, except with the prior approval of the probation officer.
8. The defendant shall not subscribe to or use any Internet service without written permission of the probation officer.
9. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

Case 4:02-cr-00239-RHK Document 29 Filed 02/03/2003 Page 4 of 6

AO 245B (Rev. 03/01) Sheet 5 - Criminal Monetary Penalties

Judgment Page 4 of 5

DEFENDANT: JOHN P. HESS

CASE NUMBER: SI-4:02CR239 RHK

**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:	<u>\$100.00</u>	<u>\$5,000.00</u>	_____

The determination of restitution is deferred until \_\_\_\_\_ An Amended Judgment in a Criminal Case (AO 245C) will be entered after such a determination.

The defendant shall make restitution, payable through the Clerk of Court, 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>
----------------------	---------------------------------	--	--

Totals: \_\_\_\_\_

If applicable, restitution amount ordered pursuant to plea agreement \_\_\_\_\_

The defendant shall pay interest on any fine of 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 determined that the defendant does not have the ability to pay interest and it is ordered that:

The interest requirement is waived for the  fine and /or  restitution.

The interest requirement is modified as follows:  fine and /or  restitution is modified as follows

\* 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 but before April 23, 1996.

DEFENDANT JOHN P. HESS

CASE NUMBER: S1-4:02CR239 RHK

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

A  Lump sum payment of \$100.00 due immediately, balance due

not later than \_\_\_\_\_, or

in accordance with  C,  D, or  E below; or

B  Payment to begin immediately (may be combined with  C,  D, or  E below; or

C  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or

D  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or

E  Special instructions regarding the payment of criminal monetary penalties:

*The \$5,000.00 fine shall be paid in full within 30 days.*

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, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are to be made as directed by the court, the probation officer, or the United States attorney.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several  
Defendant Name, Case Number, and Joint and Several Amount

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Case 4:02-cr-00239-BHK Document 29 Filed 02/06/03 Page 6 of 6  
UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI  
INTERNAL RECORD KEEPING

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE FOLLOWING INDIVIDUALS ON 02/06/03 by kspurgeo  
4:02cr239 USA vs Hess

COPIES FAXED AND/OR MAILED TO THE PARTIES LISTED BELOW AND THE UNITED STATES PROBATION OFFICE AND UNITED STATES PRETRIAL SERVICE OFFICE. IF THIS IS A JUDGMENT IN A CRIMINAL CASE SEND CERTIFIED COPIES TO THE FOLLOWING:  
4 Certified Copies to USM  
2 Certified Copies to USP  
1 Copy to Financial  
1 Copy to O.S.U.

Richard Sindel - 4380  
Donald Wilkerson - 35963

Fax: 314-721-8545  
Fax: 314-539-7695

SCANNED & FAXED BY:  
FEB - 6 2003  
C. D. D.

Hess 66002047

DEC 9 2013

MISSOURI STATE HIGHWAY PATROL <b>MISSOURI SEX OFFENDER REGISTRATION</b>				SHP-428H 1/11	<input checked="" type="checkbox"/> 90 DAY SEMI-ANNUAL NOTIFICATION	NEXT TIME TO REGISTER <b>3-3-14</b>	
MISSOURI SID NUMBER <b>66002047</b>		SHP NUMBER		FBI NUMBER		DOC NUMBER	
OFFENDER NAME (LAST, FIRST, MIDDLE) <b>Hess, JOHN PAUL</b>				SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F	DATE OF BIRTH <b>6-25-45</b>		SOCIAL SECURITY NUMBER <b>[REDACTED]</b>
PLACE OF BIRTH <b>HIGHLAND, IL</b>	CITIZENSHIP <b>USA</b>	RACE <b>CAUC</b>	HEIGHT <b>6'2"</b>	WEIGHT <b>210</b>	EYE COLOR <b>Blue</b>	HAIR COLOR <b>Brown</b>	
ALIAS INFORMATION							
ALIAS NAME				ALIAS DATE OF BIRTH	ALIAS SSN / MNU / PASSPORT IMMIGRATION		ABSCONDER <input type="checkbox"/> REMV <input type="checkbox"/> YES <input type="checkbox"/> NO
DRIVER'S LICENSE / ID NUMBER	DL EXP YEAR	STATE	PERSISTENT OFFENDER <input type="checkbox"/> YES <input type="checkbox"/> NO	TIER LEVEL	MOSOP COMPLETED <input type="checkbox"/> YES <input type="checkbox"/> NO	MOSOP DATE	
SCARS / MARKS / TATTOOS (To add additional scars / marks / tattoos, fill out SHP-425)							
SCARS		MARKS		TATTOOS		<input type="checkbox"/> REMOVE	
E-MAIL / INTERNET / OTHER INFORMATION (To add additional items, fill out SHP-425)							
E-MAIL ADDRESS <input type="checkbox"/> REMOVE				INSTANT MESSAGING IDENTITIES <input type="checkbox"/> REMOVE			
BLOG IDENTITIES <input type="checkbox"/> REMOVE				CHAT IDENTITIES <input type="checkbox"/> REMOVE			
TEXT IDENTITIES / CARRIER <input type="checkbox"/> REMOVE				FAX / PAGER / OTHER <input type="checkbox"/> REMOVE			
UNIFORM RESOURCE LOCATOR (URL) <input type="checkbox"/> REMOVE				INTERNET PROTOCOL (IP) ADDRESS <input type="checkbox"/> REMOVE			
INTERNET SITES MAINTAINED BY INDIVIDUAL <input type="checkbox"/> REMOVE				INTERNET SITES WHICH IND. UPLOAD ANY CONTENT / POSTED INFO <input type="checkbox"/> REMOVE			
TELEPHONE NUMBER (LANDLINE) (999-999-9999)		CELLULAR NUMBER (999-999-9999) <b>314-795-7788</b>		ALTERNATE NUMBER (999-999-9999)			
<input type="checkbox"/> RESIDENCE <input type="checkbox"/> HOMELESS (Must provide an area where offender stays, etc.)							
PREVIOUS ADDRESS		CITY		COUNTY CODE	STATE	ZIP	GEO CODE
<input checked="" type="checkbox"/> CURRENT ADDRESS <input type="checkbox"/> NEW ADDRESS <b>1152 TERRACE DR.</b>		CITY <b>ST. LOUIS</b>		COUNTY CODE <b>095</b>	STATE <b>MO</b>	ZIP <b>63117</b>	GEO CODE
<input type="checkbox"/> MAILING ADDRESS <input type="checkbox"/> TEMP <input type="checkbox"/> FREQUENT		CITY		COUNTY CODE	STATE	ZIP	GEO CODE
TEMPORARY LODGING		CITY		COUNTY CODE	STATE	ZIP	GEO CODE
TEMPORARY LODGING EFFECTIVE DATE				TEMPORARY LODGING ENDING DATE			
<input type="checkbox"/> EMPLOYMENT <input type="checkbox"/> VOLUNTEER <input type="checkbox"/> SCHOOL (To add additional school / employment information, fill out SHP-425)							
EMPLOYER / BUSINESS NAME (SELF-EMPLOYED) / SCHOOL <b>Retired</b>				<input type="checkbox"/> REMOVE		PHONE NUMBER (999-999-9999)	
STREET ADDRESS		CITY		COUNTY CODE	STATE	ZIP	
EMERGENCY CONTACT							
NAME <input type="checkbox"/> REMOVE				RELATIONSHIP		PHONE NUMBER (999-999-9999)	
STREET ADDRESS		CITY		COUNTY CODE	STATE	ZIP	
OFFENSE (To add additional offenses, fill out SHP-425)							
OFFENSE REQUIRING REGISTRATION				DATE OF OFFENSE	CITY, COUNTY, STATE OF OFFENSE		
CITY, COUNTY, STATE OF CONVICTION / PLEA		DATE OF CONVICTION / PLEA	VICTIM SEX <input type="checkbox"/> M <input type="checkbox"/> F	VICTIM RACE	VICTIM AGE	VICTIM RELATIONSHIP	
BRIEF DESCRIPTION OF OFFENSE / MODUS OPERANDI				CONVICTED OF FAILING TO REGISTER? <input type="checkbox"/> YES <input type="checkbox"/> NO		ELECTRONIC MONITORING FOR LIFE? <input type="checkbox"/> YES <input type="checkbox"/> NO	
ACTIVELY ON PROB / PAROLE <input type="checkbox"/> YES <input type="checkbox"/> NO	EXPECTED/COMPLETION DATE	VALIDATION INITIALS	VALIDATION DATE	CONFINEMENT RELEASE DATE	DMH RELEASE DATE		

*[Handwritten Signature]*

**VEHICLE INFORMATION (To add additional vehicles, fill out SHP-419)**

CHECK THIS BOX IF YOU DO NOT OWN / OPERATE A MOTOR VEHICLE.

<input checked="" type="checkbox"/> OWN	<input type="checkbox"/> WORK	COLOR(S)	YEAR	MAKE	MODEL	STYLE	<input type="checkbox"/> REMOVE
<input type="checkbox"/> OPERATE	<input type="checkbox"/> PERSONAL	BLUE	07	TOYOTA	CAMRY	SEDAN	

VIN (VEHICLE IDENTIFICATION NUMBER) 4T1BE46K57U6A2397  
 LICENSE PLATE NUMBER WD 3-VSE  
 LICENSE PLATE EXPIRATION YEAR 11-15  
 STATE MO

LOCATION WHERE VEHICLE IS STORED \_\_\_\_\_ IF OPERATED, NAME OF OWNER \_\_\_\_\_

**WATERCRAFT (To add additional watercraft, fill out SHP-419)**

CHECK THIS BOX IF YOU DO NOT OWN / OPERATE A WATERCRAFT.

<input type="checkbox"/> OWN	<input type="checkbox"/> WORK	COLOR(S)	YEAR	LENGTH	HULL TYPE (METAL, WOOD, ETC.)	<input type="checkbox"/> REMOVE
<input type="checkbox"/> OPERATE	<input type="checkbox"/> PERSONAL					

TYPE (AIRBOAT, HOUSEBOAT, ETC.) \_\_\_\_\_ PROPULSION (INBOARD, OUTBOARD, ETC.) \_\_\_\_\_ MAKE (BASS TRACKER, POLARIS, ETC.) \_\_\_\_\_

MODEL \_\_\_\_\_ HULL SHAPE (DEEP, PONTOON, ETC.) \_\_\_\_\_ OUTER HULL \_\_\_\_\_ REGISTRATION (# ON SIDE OF WATERCRAFT) \_\_\_\_\_

REGISTRATION YEAR \_\_\_\_\_ BOAT HULL NUMBER (WATERCRAFT VIN #) \_\_\_\_\_ COAST GUARD NUMBER \_\_\_\_\_ OWNER'S NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_ CITY \_\_\_\_\_ COUNTY CODE \_\_\_\_\_ STATE \_\_\_\_\_ ZIP CODE \_\_\_\_\_

LOCATION WHERE WATERCRAFT IS STORED (HOME PORT) \_\_\_\_\_ IF OPERATED, NAME OF OWNER \_\_\_\_\_

BOAT NAME(S) \_\_\_\_\_

**AIRCRAFT (To add additional aircraft, fill out SHP-419)**

CHECK THIS BOX IF YOU DO NOT OWN / OPERATE AN AIRCRAFT.

<input type="checkbox"/> OWN	<input type="checkbox"/> WORK	COLOR(S)	YEAR	MAKE (AERO)	MODEL	STYLE	<input type="checkbox"/> REMOVE
<input type="checkbox"/> OPERATE	<input type="checkbox"/> PERSONAL						

REGISTRATION NUMBER \_\_\_\_\_ OTHER IDENTIFYING INFORMATION \_\_\_\_\_ STATE \_\_\_\_\_

OWNER'S NAME \_\_\_\_\_ ADDITIONAL INFORMATION \_\_\_\_\_

LOCATION WHERE AIRCRAFT IS STORED \_\_\_\_\_ IF OPERATED, NAME OF OWNER \_\_\_\_\_

MISSOURI STATE HIGHWAY PATROL  
MISSOURI SEX OFFENDER NOTIFICATION

1. When first registering as an offender, I must register in person within three (3) days of conviction/plea with the Chief Law Enforcement Official of the County or City of St. Louis. (589.400, RSMo)
2. I must report every 90 days and/or semi-annually in person in the month of my birth and every six months thereafter to verify the information contained in my statement. The Chief Law Enforcement Official will obtain a current photo at that time. (589.414, RSMo)
3. I understand that I must register within (3) business days each time that I change my name, residence, employer, or student status. If at any time I change my address of residence, employment, or student status to a different county, state or the City of St. Louis, I must appear in person to the chief law enforcement officer where I am currently registered and where I plan to reside within (3) business days. If I obtain a new online identifier, I must report such information to the registering Chief Law Enforcement Official before using the identifier. (589.414, RSMo)
4. If I am attending, employed or volunteering on a full or part-time basis (for more than seven (7) days in a twelve month period) at any educational institution, whether public or private, including any secondary school, trade school, professional school, or institution of higher education, I must inform the Chief Law Enforcement Official where I am currently registered. (589.400, RSMo)
5. I understand if my conviction/plea is on or after 08/28/2004 (in-state offenders) or 08/28/2008 for all other offenders and is listed as a qualifying offense under chapter 566.147, RSMo, I cannot reside within 1,000 feet of a public or private school, or child care facility. I must notify the Chief Law Enforcement Official within a week (7 days) if one is built or opened. (566.147, RSMo)
6. I will abide by all registration requirements set forth in the Statutes, 589.400-589.426, RSMo, and the Federal Adam Walsh Act. Failure to comply with offender registration requirements is a criminal offense. (589.425, RSMo)
7. I understand if my conviction/plea is on or after 08/28/2008, I am to avoid all Halloween related contact with children and remain inside my residence between 5 and 10:30 p.m. on Halloween unless there is just cause to leave. If I am in my residence at that time I must post a sign stating, "No candy or treats at this residence" and also leave all outside residential lighting off during the evening hours. (589.426, RSMo)
8. I shall not be physically present in or loiter within 500 feet of or approach, contact or communicate with any child under 18 years of age in any child care facility building, or real property comprising a child care facility when persons under 18 are present, unless the offender is a parent, legal guardian, or custodian of a student present in the building or on the grounds. (566.148, RSMo)
9. I shall not be present or loiter within 500 feet of the real property of any school or in any conveyance owned, leased, or contracted by a school when persons younger than 18 years of age are present unless the offender is a parent, legal guardian, or custodian of the person and has obtained permission from the school superintendent, school board, or principal of a private school. (566.149, RSMo)
10. I shall not be present in or loiter within 500 feet of any real property comprising any public park with playground equipment or a public swimming pool. (566.150, RSMo)
11. I shall not serve as an athletic coach, manager or athletic trainer for any sports team in which a child less than 17 years of age is a member. (566.155, RSMo)
12. I understand that there may be duties or restrictions in addition to those listed in this notification. I understand that it is my obligation to know and comply with all duties or restrictions applicable to me, including those not listed above.
13. Under the Adam Walsh Child Protection and Safety Act of 2006, 18 United State Code 2250, if you travel to another state and fail to register as required, you are subject to federal prosecution that carries a penalty of a fine and/or imprisonment up to 10 years.
14. As an offender who is required to register under Section 589.400, RSMo, I am hereby signing and acknowledging that I have been informed of my duties to register and all the information contained is accurate.

PRINTED NAME <b>JOHN PAUL HESS</b>		MISSOURI SID NUMBER
OFFENDER SIGNATURE <i>John P. Hess</i>		DATE <b>9 DEC 2013</b>
SUBMITTING AGENCY NAME <b>St. Louis County P.D</b>		SIGNATURE <b>P.O. D.L. Edwards 2489</b>
PHONE NUMBER (999-999-9999)	COUNTY CODE <b>095</b>	DATE <b>12-3-13</b>
RECEIVING AGENCY NAME		SIGNATURE
PHONE NUMBER (999-999-9999)	COUNTY CODE	DATE

DISTRIBUTION: WHITE — MSHP    CANARY — CLEO    PINK — NOTIFYING AGENCY    GOLDENROD — OFFENDER

Return to Search Results

<b>Missouri Sex Offender</b>	<b>Addresses</b>	<b>Vehicles</b>	<b>Offenses</b>	<b>Scars, Marks and Tattoos</b>	<b>Alias Information</b>	<b>Photos</b>	<b>Release Information</b>
------------------------------	------------------	-----------------	-----------------	---------------------------------	--------------------------	---------------	----------------------------

Name: **John Paul Hess**

(First Middle Last)

Date of Birth: **06/25/1945**



Email Track

**Most Recent Offense**

Offense: **Receipt Of Obscenity \* , More Information**  
 \* This link reflects the current statute and due to continuous legislative changes, may not be indicative of the statute at the time the offender was convicted.

Date: **05/07/2002**

Offender Age at Time of Offense: **56 years old**

Victim Gender/Age: **Male/17 , Female/17**

Offense City/State: **St Louis, MO**

**Compliant**

[\[link to definition\]](#)

**Physical Description**

Height: **6 feet 02 inches**

Weight: **210 lbs**

Eye Color: **Blue**

Hair Color: **Brown**

Race: **White**

Gender: **Male**

**Home Address**

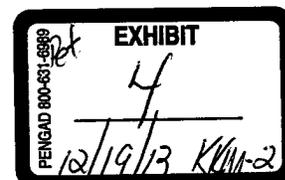
Street: **1152 Terrace Drive**

City: **Richmond Heights**

State: **MO**

Zip Code: **63117**

County: **St. Louis**



UNITED STATES DISTRICT COURT

EASTERN

District of

MISSOURI

EXEMPLIFICATION CERTIFICATE

I, JAMES G. WOODWARD, Clerk of this United States District Court, keeper of the records and seal, certify that the attached documents:

USA v. Hess 4:02-cv-00239-RHK-1

JUDGMENT 02/03/2003

are true copies of records of this Court.

In testimony whereof I sign my name and affix the seal of this Court, in this District, at ST. LOUIS, MISSOURI

on 1-16-14

James G. Woodward
Clerk

Robert T. O'Quinn
(By) Deputy Clerk

I, HONORABLE JUDGE CATHERINE D. PERRY, a Judicial Officer of this Court, certify that JAMES G. WOODWARD, named above, is and was on the date noted, Clerk of this Court, duly appointed and sworn, and keeper of the records and seal, and that this certificate, and the attestation of the record, are in accordance with the laws of the United States.

1/12/14
Date

Catherine D. Perry
Signature of Judge

UNITED STATES DISTRICT COURT JUDGE
Title

I, JAMES G. WOODWARD, Clerk of this United States District Court, keeper of the seal, certify that the Honorable HONORABLE JUDGE CATHERINE D. PERRY,

named above, is and was on the date noted a Judicial Officer of this Court, duly appointed, sworn and qualified, and that I am well acquainted with the Judge's official signature and know and certify the above signature to be that of the Judge.

In testimony whereof I sign my name, and affix the seal of this Court at ST. LOUIS, MISSOURI in this State, on

United States District Court
1-20-14
Date

James G. Woodward
Clerk

Robert T. O'Quinn
(By) Deputy Clerk

REC'D FEB 14 2014

FILED

# United States District Court

Eastern District of Missouri

FEB 03 2003

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1987)

JOHN P. HESS

Case Number: S1-4:02CR239 RHK

Richard H. Sindel

Defendant's Attorney

THE DEFENDANT:

pleaded guilty to count(s) one of the superseding information on February 3, 2003

pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. 1462 (c)	Receipt of Obscenity	March 5, 2002	One

A TRUE COPY OF THE ORIGINAL  
JAMES G. WOODWARD, CLERK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

BY: [Signature]  
DEPUTY CLERK

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) 1 of the original information is 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.

Defendants Soc. Sec. No.: [Redacted]

Defendant's Date of Birth: June 25, 1945

Defendant's USM No.: 28941-044

Defendant's Residence Address:

12800 Bellefontaine Road

St. Louis, Missouri 63138

Defendant's Mailing Address:

Same as above

February 3, 2003

Date of Imposition of Judgment

[Signature]  
Signature of Judicial Officer

Richard H. Kyle

United States District Judge

Name & Title of Judicial Officer

February 3, 2003

Date

REC'D FEB 14 2014

29

DEFENDANT: JOHN P. HESSCASE NUMBER: S1-4:02CR239 RHK**PROBATION**The defendant is hereby placed on probation for a term of 5 years

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.

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 (if indicated below).

**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.

**REC'D FEB 14 2014**

DEFENDANT: JOHN P. HESSCASE NUMBER: S1-4-02CR239-RHK**ADDITIONAL PROBATION TERMS**

1. The defendant shall reside in and participate in a Community Corrections or Sanctions Center approved by the United States Probation Office, but not longer than ninety (90) days.
2. The defendant shall register as a sex offender with local law enforcement and provide verification of registration to the probation officer.
3. The defendant shall participate in a sex-offense specific treatment program. The defendant shall enter, cooperate, and complete said program until released by the United States Probation Officer. The defendant shall abide by all policies and procedures of the sex-offense specific program. During the course of said treatment, the defendant shall be subject to periodic and random physiological testing which may include but is not limited to polygraph testing and/or other specialized assessment instruments. The defendant shall pay for the costs associated with treatment based on a co-payment sliding fee scale approved by the United States Probation Office. Co-payments shall never exceed the total costs of treatment.
4. The defendant shall be prohibited from contact with children under the age of 18 without the prior written permission of the probation officer and shall report to the probation officer immediately, but in no event later than 24 hours, any unauthorized contact with children under the age of 18.
5. The defendant shall be prohibited from engaging in any occupation, business, or profession where he has access to children under the age of 18 without prior written approval from the probation officer.
6. The defendant shall not possess stimulating or obscene material as deemed inappropriate by the probation officer and/or treatment staff, or patronize any place where such material or entertainment is available.
7. The defendant shall not possess or use computer or any audio/visual recording or producing equipment, except with the prior approval of the probation officer.
8. The defendant shall not subscribe to or use any Internet service without written permission of the probation officer.
9. The defendant shall submit his person, residence, office, or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

REC'D FEB 14 2014

DEFENDANT: JOHN P. HESS

CASE NUMBER: S1-4:02CR239 RHK

### 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:	<u>\$100.00</u>	<u>\$5,000.00</u>	_____

The determination of restitution is deferred until \_\_\_\_\_ . An Amended Judgment in a Criminal Case (AO 245C) will be entered after such a determination.

The defendant shall make restitution, payable through the Clerk of Court, 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>
----------------------	-----------------------------------	--	--

Totals: \_\_\_\_\_

If applicable, restitution amount ordered pursuant to plea agreement \_\_\_\_\_

The defendant shall pay interest on any fine of 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 determined that the defendant does not have the ability to pay interest and it is ordered that:

The interest requirement is waived for the.  fine and /or  restitution.

The interest requirement is modified as follows:  fine and /or  restitution is modified as follows

**REC'D FEB 14 2014**

\* 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 but before April 23, 1996.

DEFENDANT: JOHN P. HESS

CASE NUMBER: S1-4:02CR239 RHK

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A  Lump sum payment of \$100.00 due immediately, balance due
  - not later than \_\_\_\_\_, or
  - in accordance with  C,  D, or  E below; or
- B  Payment to begin immediately (may be combined with  C,  D, or  E below; or
- C  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D  Payment in \_\_\_\_\_ (e.g., equal, weekly, monthly, quarterly) installments of \_\_\_\_\_ over a period of \_\_\_\_\_ e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E  Special instructions regarding the payment of criminal monetary penalties:

The \$5,000.00 fine shall be paid in full within 30 days.

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, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program are to be made as directed by the court, the probation officer, or the United States attorney.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several  
Defendant Name, Case Number, and Joint and Several Amount

The defendant shall pay the cost of prosecution.

The defendant shall pay the following court cost(s):

The defendant shall forfeit the defendant's interest in the following property to the United States:

REC'D FEB 14 2014

Payments shall be applied in the following order: (1) assessment; (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution; (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs

AN ORDER, JUDGMENT OR ENDORSEMENT WAS SCANNED, FAXED AND/OR MAILED TO THE  
FOLLOWING INDIVIDUALS ON 02/06/03 by kspurgeo  
4:02cr239 USA vs Hess

COPIES FAXED AND/OR MAILED TO THE PARTIES LISTED BELOW AND THE  
UNITED STATES PROBATION OFFICE AND UNITED STATES PRETRIAL SERVICE OFFICE.  
IF THIS IS A JUDGMENT IN A CRIMINAL CASE SEND CERTIFIED COPIES TO THE  
FOLLOWING: 4 Certified Copies to USM  
2 Certified Copies to USP  
1 Copy to Financial  
1 Copy to O.S.U.

Richard Sindel - 4380  
Donald Wilkerson - 35963

Fax: 314-721-8545  
Fax: 314-539-7695

SCANNED & FAXED BY:  
FEB - 6 2003  
C. D. D.

REC'D FEB 14 2014

**FILED**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

FEB 03 2003

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JOHN P. HESS, )  
 )  
 Defendant. )

No. S1 4:02CR000239 RHK

**SUPERSEDING INFORMATION**

**COUNT I**

The United States Attorney charges that:

On or about March 6, 2002, in St. Louis County within the Eastern District of Missouri and elsewhere,

**JOHN P. HESS,**

the Defendant herein, did knowingly receive from an interactive computer service (as defined in section 230(e)(2) of the Communications Act of 1934) matter of which the carriage is unlawful, to wit: computer data files which contained obscene, lewd and lascivious images.

In violation of Title 18, U.S.C. § 1462(c).

A TRUE COPY OF THE ORIGINAL  
JAMES G. WOODWARD, CLERK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

BY:   
DEPUTY CLERK

REC'D FEB 14 2014

#23

Respectfully submitted,

RAYMOND W. GRUENDER  
United States Attorney



DONALD G. WILKERSON  
Assistant United States Attorney  
111 S. 10<sup>th</sup>, Room 20.333  
St. Louis, Missouri 63102  
(314) 539-2200

REC'D FEB 14 2014

UNITED STATES OF AMERICA )  
EASTERN DIVISION )  
EASTERN DISTRICT OF MISSOURI )

I, Donald G. Wilkerson, Assistant United States Attorney for the Eastern District of Missouri, being duly sworn, do say that the foregoing information is true as I verily believe.

  
\_\_\_\_\_  
DONALD G. WILKERSON

Subscribed and sworn to before me this 3rd day of February 2003.

  
\_\_\_\_\_  
JAMES WOODARD  
CLERK, U.S. DISTRICT COURT

By:   
\_\_\_\_\_  
DEPUTY CLERK

REC'D FEB 14 2014

**SPEEDY TRIAL INFORMATION**

**RE: JOHN P. HESS**

Defendant has been taken into custody

Date of Superseding Information: February 3, 2003

**Recommended Bond:** Bond previously set on Case No. 4:02CR000239 RHK

Speedy trial information was provided when  
defendant first appeared before a judicial officer in this District.

\*\*\*\*\*

**PENALTY SLIP**

**Re: JOHN P. HESS**

**Count I**

I nmt 5 years, F nmt \$250,000.00, or both

Supervised release nmt 3 years

\$100.00 Special Assessment per Count.

Victim/Witness Act Applies:

REC'D FEB 14 2014

