



FOR IMMEDIATE RELEASE

Wednesday, November 21, 2007

JOHN CHARLES KUCHINSKI SENTENCED IN U.S. DISTRICT COURT

Bill Mercer, United States Attorney for the District of Montana, announced today that during a federal court session in Billings, on November 21, 2007, before U.S. District Judge Richard F. Cebull, JOHN CHARLES KUCHINSKI, a 55-year-old resident of Belfry, appeared for sentencing. KUCHINSKI was sentenced to a term of:

- Prison: 71 months, consecutive to another sentence
- Special Assessment: \$200
- Restitution: \$1,207,471.55 to Sinclair Oil and \$209,546 to the I.R.S.
- Supervised Release: 3 years

KUCHINSKI was sentenced in connection with his guilty plea to mail fraud and filing a false tax return.

In an Offer of Proof filed by the United States, the government stated it would have proved at trial the following:

For a period including September 1992, through November 2004, KUCHINSKI was employed by Wyoming Feeders, Inc. and had signature authority over its checking account.

In 1992, KUCHINSKI opened an account at the Yellowstone Bank in Laurel under the name "Agri Systems, John Kuchinski." Between September 21, 1992, and November 26, 2004, he wrote approximately \$1.4 million in checks from Wyoming Feeders, Inc. to Agri Systems and deposited them into the Yellowstone Bank account. KUCHINSKI then used the proceeds of the checks for personal purposes without the knowledge or consent of his employers.

KUCHINSKI also signed and filed a tax return for 2004 containing a written declaration that it was being signed under penalties of perjury. KUCHINSKI knew that the tax return contained false information as to a material matter, in that he knew he had not reported the money he had defrauded from Wyoming Feeders, Inc. through the Agri Systems bank account, which as approximately \$140,000 in 2004.

Because there is no parole in the federal system, the "truth in sentencing" guidelines mandate that KUCHINSKI will likely serve all of the time imposed by the court. In the federal system, KUCHINSKI does have the opportunity to earn a sentence reduction for "good behavior." However, this reduction will not exceed 15% of the overall sentence.

First Assistant U.S. Attorney Kurt G. Alme prosecuted the case for the United States.

The investigation was a cooperative effort between the Federal Bureau of Investigation and the Criminal Investigation Division of the Internal Revenue Service.