



Joseph T. Deters  
HAMILTON COUNTY PROSECUTING ATTORNEY  
4<sup>TH</sup> FLOOR  
230 EAST NINTH STREET, SUITE 4000  
CINCINNATI, OHIO 45202  
FAX. (513) 946-3100

### FACSIMILE COVER SHEET

Number of pages (including cover sheet): 8

TO:

|              |                                      |
|--------------|--------------------------------------|
| Name:        | Daniel Breyer                        |
| Office:      | Ohio atty. Gen.                      |
| City/State:  | <del>Cincinnati</del> Cincinnati, OH |
| Fax Phone #: | 513-852-3484                         |

FROM:

|              |            |
|--------------|------------|
| Name:        | Ryan Kenny |
| Voice Phone: |            |

|           |                    |
|-----------|--------------------|
| Comments: |                    |
|           | Stamped Indictment |

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THE STATE OF OHIO, HAMILTON COUNTY  
COURT OF COMMON PLEAS

STATE OF OHIO : Case No. B 1406608  
Plaintiff

-vs-

ENVIRONMENTAL ENTERPRISES, INC.  
AND KYLE MATTHEW DUFFENS AND  
GERALD E NOCKS  
Defendants

PROSECUTING ATTORNEY'S REQUEST  
FOR ISSUANCE OF SUMMONS  
UPON INDICTMENT

TO THE CLERK OF THE COURT OF COMMON PLEAS:

ENVIRONMENTAL ENTERPRISES, INC. AND KYLE MATTHEW DUFFENS AND GERALD E NOCKS have been named defendants in an indictment returned by the Grand Jury.

Pursuant to Rule 9, Ohio Rules of Criminal Procedure, the undersigned requests that you or a Deputy Clerk forthwith issue a summons to an appropriate officer and direct him to execute it upon the above-named defendants at the following address: Hamilton County Justice Center, or at any place within this State.

Joseph T. Deters  
Prosecuting Attorney  
Hamilton County, Ohio

By:   
Special Prosecuting Attorney



## THE STATE OF OHIO, HAMILTON COUNTY

## COURT OF COMMON PLEAS

THE STATE OF OHIO

Case No. B 1406608

HAMILTON COUNTY, ss:

## INDICTMENT FOR:

- CT1: Prohibited Acts 3734.11(B) [UF]
- CT2: Prohibited Acts 3734.11(B) [UF]
- CT3: Prohibited Acts 3734.11(B) [UF]
- CT4: Prohibited Acts 3734.11(B) [UF]
- CT5: Involuntary Manslaughter 2903.04(A) [F1]
- CT6: Reckless Homicide 2903.041(A) [F3]
- CT7: Tampering With Records 2913.42(A)(1) [F3]
- CT8: Tampering With Evidence 2921.12(A)(1)  
[F3]
- CT9: Tampering With Evidence 2921.12(A)(2)  
[F3]

In the Court of Common Pleas, Hamilton County, Ohio, of the Grand Jury Term Two Thousand Sixteen.

FIRST COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND KYLE MATTHEW DUFFENS**, on or about the 28th day of December in the year Two Thousand Twelve at the County of Hamilton and State of Ohio aforesaid, a person who holds a permit or license issued under this chapter, violated the terms and conditions of the permit or license, in violation of Section 3734.11(B) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

SECOND COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND KYLE MATTHEW DUFFENS, on or about the 28th day of December in the year Two Thousand Twelve** at the County of Hamilton and State of Ohio aforesaid, **a person who holds a permit or license issued under this chapter, violated the terms and conditions of the permit or license.**, in violation of Section 3734.11(B) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

THIRD COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND KYLE MATTHEW DUFFENS, on or about the 28th day of December in the year Two Thousand Twelve** at the County of Hamilton and State of Ohio aforesaid, **a person who holds a permit or license issued under this chapter, violated the terms and conditions of the permit or license.**, in violation of Section 3734.11(B) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

FOURTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND GERALD E NOCKS, on or about the 28th day of December in the year Two Thousand Twelve** at the County of Hamilton and State of Ohio aforesaid, **a person who holds a permit or license issued under this chapter, violated the terms and conditions of the permit or license.**, in violation of Section 3734.11(B) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

FIFTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND KYLE MATTHEW DUFFENS**, on or about the 28th day of December in the year Two Thousand Twelve at the County of Hamilton and State of Ohio aforesaid, caused the death of **ZACHARY HENZERLING** as a proximate result of **ENVIRONMENTAL ENTERPRISES, INC. AND KYLE MATTHEW DUFFENS** committing or attempting to commit a felony, to wit: **PROHIBITED ACTS**, in violation of Section 3734.11 AND 3734.99 of the Ohio Revised Code, in violation of Section 2903.04(A) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

SIXTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND KYLE MATTHEW DUFFENS**, on or about the 28th day of December in the year Two Thousand Twelve at the County of Hamilton and State of Ohio aforesaid, recklessly caused the death of **ZACHARY HENZERLING**, in violation of Section 2903.041(A) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

SEVENTH COUNT

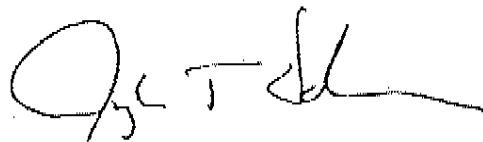
The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND GERALD E NOCKS**, on or about the 28th day of December in the year Two Thousand Twelve at the County of Hamilton and State of Ohio aforesaid, **Knowing they had no privilege to do so, and with purpose to defraud, or knowing they was facilitating a fraud, falsified, destroyed, removed, concealed, altered, defaced, or mutilated a writing, computer software, data or record, to wit: EMPLOYMENT TRAINING RECORDS** and the writing or the data, or the computer software, or record was kept by or belonged to a local, state or federal governmental entity, in violation of Section 2913.42(A)(1) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

EIGHTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND GERALD E NOCKS**, on or about the 28th day of December in the year Two Thousand Twelve at the County of Hamilton and State of Ohio aforesaid, **knowing that an official proceeding or investigation was in progress, or was about to be, or likely to be instituted, altered, destroyed, concealed, or removed any record, document, or thing, to wit: EMPLOYMENT TRAINING RECORDS** with purpose to impair its value or availability as evidence in such proceeding or investigation, in violation of Section 2921.12(A)(1) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.

NINTH COUNT

The Grand Jurors of the County of Hamilton, in the name and by authority of the State of Ohio, upon their oaths do find and present that **ENVIRONMENTAL ENTERPRISES, INC. AND GERALD E NOCKS**, on or about the 28th day of December in the year Two Thousand Twelve at the County of Hamilton and State of Ohio aforesaid, knowing that an official proceeding or investigation was in progress, or was about to be, or likely to be instituted, made, presented, or used any record, document, or thing, to wit: **EMPLOYMENT TRAINING RECORDS**, which they knew to be false and with purpose to mislead a public official who was or might have been engaged in such a proceeding or investigation, or with purpose to corrupt the outcome of any such proceeding or investigation, in violation of Section 2921.12(A)(2) of the Ohio Revised Code and against the peace and dignity of the State of Ohio.



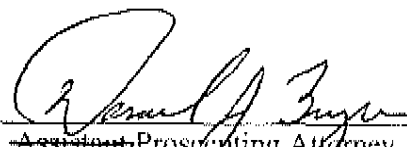
Joseph T. Deters  
Prosecuting Attorney  
Hamilton County, Ohio



Joseph T. Deters  
Prosecuting Attorney  
Hamilton County, Ohio

Reported and filed this

7 day of Jan, A.D. 2016

By:  008683  
~~Assistant Prosecuting Attorney~~  
**SPECIAL**

By: **Tracy Winkler**  
Clerk of Hamilton County  
Common Pleas

A TRUE BILL



By: \_\_\_\_\_  
Deputy

By:  \_\_\_\_\_  
Foreperson, Grand Jury