

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 2 1967

UNITED STATES OF AMERICA

v.

Joyce Annette Edwards

No.

67-CR-29

NOBLE C. HOOD
Clerk, U. S. District Court

On this 2nd day of May, 1967, came the attorney for the government and the defendant appeared in person, and with counsel, A. M. Covington.

It Is ADJUDGED that the defendant has been convicted upon his plea of ² guilty, of the offense of having violated T. 18, U.S.C. 500, in that, on or about October 14, 1966, at Tulsa, Oklahoma, in the Northern Judicial District of Oklahoma, she, with intent to defraud, did falsely make and forge a certain money order described as follows: United States Postal Money Order No. 2,259,820,090, in the amount of \$100.00, payable to Toby Dennis, and the purchaser as Ann Dennis, Box 4, Route 8, Alvin, Texas, dated August 29, 1966, and purporting to be a money order issued by the United States Post Office Department, Alvin, Texas, Alcoa Rural Station and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

It Is ADJUDGED that the defendant is guilty as charged and convicted.

It Is ADJUDGED that ⁴ imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Three (3) years from this date.

It Is FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

It Is FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

Approved as to form:

ALLEN E. BARROW

United States District Judge.

James E. Ritchie

James E. Ritchie, Asst. U.S. Atty.

Clerk.

A True Copy. Certified this 2nd day of May, 1967

(Signed) NOBLE C. HOOD

Clerk.

(By)

Muriel Hamra

Deputy Clerk.

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

Robert Wayne Locke,

Defendant.

Criminal No. 14422

FILED

MAY - 5 1967

ORDER

NOBLE C. HOOD
Clerk, U. S. District Court

On this 5th day of May, 1967, this cause coming on to be heard before me, the undersigned Judge of the United States District Court for the Northern District of Oklahoma, upon motion of the defendant, Robert Wayne Locke, for reduction or modification of judgment and sentence pronounced against him on January 10, 1967, at which time the defendant was sentenced to a term of imprisonment of three (3) years.

After consideration of the motion for modification or reduction of sentence, and after a review of the records and files within the above numbered criminal cause, and after consideration of the testimony given in support of this motion,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the sentence pronounced upon the defendant, Robert Wayne Locke, is hereby modified to a term of imprisonment of two (2) years.


UNITED STATES DISTRICT JUDGE

FILED

MAY - 5 1967

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOBLE C. HOOD
Clerk, U. S. District Court

UNITED STATES OF AMERICA,)
)
VS.) 14025-Criminal
)
ASBURY THOMPSON, JR.,)

ORDER

The Court has for consideration a motion filed by petitioner for jail time while in custody awaiting sentence.

It was the intention of the Court that the petitioner be given credit for his pre-sentence custody, since it is felt by the Court that it would be an unconstitutional discrimination for a prisoner to be denied credit for pre-sentence custody, on a sentence imposed for a lesser offense, when the statute (18 USC 3568-1960 Amendment) required that such credit be given for minimum mandatory sentences.

IT IS, THEREFORE, ORDERED, in the interest of justice, that the motion of the petitioner be sustained, and that he be given credit for the days he spent in custody for want of bail, and that such time be deducted from the time remaining on his sentence.

ENTERED this 5th day of May, 1967.


UNITED STATES DISTRICT JUDGE
District Judge

FILED

MAY - 8 1967

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

NOBLE C. HOOD
Clerk, U. S. District Court

United States of America }
vs }
Francis Ray Robinson }

Criminal No. 14,231

ORDER MODIFYING JUDGMENT AND SENTENCE

At Tulsa, Oklahoma, this 5th day of May, 1967, it is adjudged that the judgment and sentence entered herein on May 25th, 1965, against the defendant, Francis Ray Robinson, be and it is modified to read as follows:

It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count One	-	One (1) Year
Count Two	-	One (1) Year
Count Three	-	One (1) Year
Count Four	-	One (1) Year
Count Five	-	Ten (10) Years
Count Seven	-	Ten (10) Years

Said sentence imposed in Counts One, Two, Three, Four and Seven shall run concurrently with sentence imposed in Count 5.

It is adjudged that imposition of sentence imposed in Count Six of said indictment is hereby suspended and defendant placed on probation for a period of five years, which shall commence at the expiration of the sentence in Counts One, Two, Three, Four, Five and Seven.



United States District Judge

FILED

IN THE UNITED STATES DISTRICT COURT FOR THE MAY 10 1967
NORTHERN DISTRICT OF OKLAHOMA

NOBLE C. HOOD
Clerk, U. S. District Court

United States of America }
vs }
James Martin Mize }

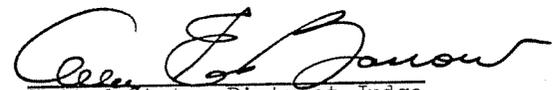
Criminal No. 14,392

ORDER MODIFYING JUDGMENT AND SENTENCE

At Tulsa, Oklahoma, this 10th day of May, 1967,
it is adjudged that the judgment and sentence entered
herein on January 10, 1967, against the defendant James
Martin Mize, be and it is modified to read as follows:

It is adjudged that the defendant is hereby
committed to the custody of the Attorney General
or his authorized representative for imprisonment
for a period of three (3) years.

It is adjudged that the defendant may become
eligible for parole at such time as the board
of parole may determine as provided in Title 18,
U.S.C. 4208 (a)(2).


United States District Judge

UNITED STATES DISTRICT COURT }
NORTHERN DISTRICT OF OKLAHOMA } SS
I HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY OF THE ORIGINAL ON FILE
IN THIS COURT,
NOBLE C. HOOD, CLERK
BY _____
DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA)
vs)
CHARLES ARTHUR MILLER)

67-CR-18

FILED

MAY 24 1967

NOBLE C. HOOD
Clerk, U. S. District Court

ORDER

The Court has for consideration a letter (which has been treated as a Motion under Rule 35) dated May 19, 1967, from the defendant Charles Arthur Miller in the above case, asking for modification or reduction of his sentence, and the Court being fully advised in the premises, finds:

That the sentence imposed upon the defendant is a proper sentence, and should not be modified or reduced.

IT IS, THEREFORE, ORDERED that the Motion of the defendant under Rule 35, be and the same is hereby denied.

ENTERED this 23rd day of May, 1967.



United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA)
VS)
RUSSELL REVER CLANTON)

67-CR-18

FILED

MAY 24 1967

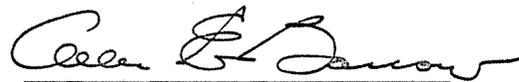
NOBLE C. HOOD
Clerk, U. S. District Court

ORDER

The Court has for consideration a letter (which has been treated as a Motion under Rule 35) dated May 19, 1967, from the defendant Russell Rever Clanton in the above case, asking for modification or reduction of his sentence; and the Court being fully advised in the premises, finds that the sentence imposed upon the defendant is a proper sentence, and should not be modified or reduced.

IT IS, THEREFORE, ORDERED that the Motion of the defendant under Rule 35, be and the same is hereby denied.

ENTERED this 23rd day of May, 1967.


United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAY - 2 1967

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.)
)
) FREDDY DALE KUYKENDALL,)
)
) Defendant.)

NOBLE C. HOOD
Clerk, U. S. District Court

No. 67 - CR - 4

ORDER OVERRULING DEFENDANT'S MOTION FOR NEW TRIAL

Upon consideration of the defendant's Motion for a New Trial filed herein on April 14, 1967, and brief in support thereof, the Court finds that said motion should be denied.

The Court finds that no error was committed in overruling the defendant's demurrer to the government's evidence; that the finding of guilty entered herein by the Court is not contrary to the weight of the evidence; that the finding of guilty entered herein is supported by substantial evidence; that the finding of guilty entered herein is not contrary to the law; that the I-0 classification of the defendant by his Local Board was a valid classification founded upon basis-in-fact and that the guilt of the defendant, as charged, has been established beyond a reasonable doubt.

The defendant urged at the trial and urges again in his Motion for a New Trial, that he is entitled to a IV-D classification as a minister and that the Court should grant him such a classification based on the evidence presented at this trial.

As stated in the finding of guilt entered herein by the Court at the close of the evidence and arguments, the classification of the Local Board is final and the judicial review thereof by this Court is limited, under the law, to ascertaining if there is basis-in-fact before the Local Board for the I-0 classification

given and for refusing the IV-D classification requested by the defendant. Estep v. United States, 327 U.S. 114; Cox v. United States, 332 U.S. 442; Miller v. United States, 169 F.2d 865.

The Selective Service file of this defendant was introduced in evidence without objection by the defendant. The Court reviewed this file and found basis-in-fact therein for the classification given the defendant and for refusing the requested classification.

The authorities clearly reveal that this judicial determination and review must be made from what was before the Local Board and a trial de novo is not to be had on this determination which is for the Court to make and not a jury, if a jury trial is not waived. The fact that the government did not object to any of the evidence offered by the defendant as to his present situation and why he should be given a ministerial classification does not entitle the Court to consider the same. Moreover, if the Court should have considered this evidence, it revealed that the defendant is now performing a maximum of approximately sixty hours per month in his ministerial work (of which approximately four hours per month is in house to house contacts) whereas, the information he placed before his Local Board and revealed in his Selective Service file was that he was doing seventy-five hours per month of ministerial work and two-hundred hours per month of secular work as an aluminum door maker. This evidence also revealed that the defendant is still doing full time secular work as a carpet layer and that he has not achieved pioneer status in his sect.

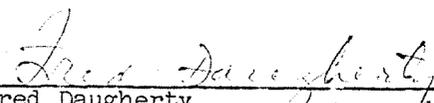
But, as stated before, it is not proper for the Court to consider this evidence and the Court pointedly refused to consider

evidence of this type offered by the government and not objected to by the defendant from the FBI agent who testified at the trial.

This Court is satisfied beyond a reasonable doubt that the Local Board had basis-in-fact for giving the defendant the I-0 classification and denying him his requested IV-D classification; that an order for the defendant to report to his Local Board for instructions for civilian work was issued by the Local Board and received by the defendant; that the defendant wilfully and intentionally failed and refused to report as ordered and that the defendant is, therefore, guilty as charged herein beyond a reasonable doubt.

The defendant's Motion for New Trial is, therefore, denied.

Dated this 2 day of May, 1967.


Fred Daugherty
United States District Judge

United States District Court
FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

Herbert Dwayne Jacobs

No.

FILED

MAY 18 1967

67-CR-51

NOBLE C. HOOD
Clerk, U. S. District Court

On this 18th day of May, 1967, came the attorney for the government and the defendant appeared in person and with counsel, William J. Dale.

IT IS ADJUDGED that the defendant has been convicted upon his plea of² guilty,
of the offense of having violated T. 26, U.S.C., 4742(a)
in that, on or about December 1, 1966, at Tulsa, Oklahoma, in the Northern
Judicial District of Oklahoma, he did transfer to Ernest J. Marquardt
110.3 grams of marihuana, not in pursuance of a written order of Ernest
J. Marquardt on a form issued in blank for that purpose by the Secretary
of the Treasury or his delegate,

as charged³ in the indictment,
and the court having asked the defendant whether he has anything to say why judgment should not be
pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or
his authorized representative for imprisonment for a period of⁴

Five (5) years.

IT IS ADJUDGED that⁵

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United
States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Approved as to form:

ALLEN E. BARROW

United States District Judge.

The Court recommends commitment to:

James E. Ritchie

Clerk.

James E. Ritchie, Asst. U.S. Atty.

A True Copy. Certified this 18th day of May, 1967

(Signed) NOBLE C. HOOD

Clerk

(By)

Muriel Hamra

Deputy Clerk.

United States District Court
FOR THE

~~NORTHERN DISTRICT OF OKLAHOMA~~

FILED

United States of America

v.

Carl DeWayne Thomas

No.

67-CR-58 NOBLE C. HOOD
Clerk, U. S. District Court

MAY 18 1967

On this _____ day of _____, 19____, _____ came the attorney for the government and the defendant appeared in person and _____ with counsel, Robert Copeland.

IT IS ADJUDGED that the defendant has been convicted upon his plea of _____ guilty of the offense of _____ having violated T. 18, USC 2316, in that on or about February 15, 1967, he did transport from the John Mell Ranch, Wagoner, Wagoner County, State of Oklahoma, to the North Arkansas Livestock Auction, Green Forest, Arkansas, eight head of stolen saddle, and he then knew the same to have been stolen, as charge in the information.

as charged⁸
XXXXXXXXXXXX
and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of⁴

Four (4) years.

IT IS ADJUDGED that⁵
XXXXXXXXXXXXXXXXXXXX

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Approved as to form:

ALLEN E. BARROW
United States District Judge.

The Court recommends commitment to:⁶
XXXXXXXXXXXXXXXXXXXX

James E. Ritchie
James E. Ritchie, Asst. U.S. Attorney

Clerk.

A True Copy. Certified this 18th day of May, 1967

(Signed) NOBLE C. HOOD
Clerk

(By) _____
Deputy Clerk.

United States District Court
FOR THE

~~NORTHERN DISTRICT OF OKLAHOMA~~

United States of America

v.

Carl DeWayne Thomas

No.

67-CR-59

FILED

MAY 18 1967

NOBLE C. HOOD
Clerk, U. S. District Court

On this 18th day of May, 1967, came the attorney for the government and the defendant appeared in person and with counsel, Robert Copeland.

IT IS ADJUDGED that the defendant has been convicted upon his plea of guilty, of the offense of having violated T. 18, U.S.C., 2316, in that, on or about May 12, 1966, he transported in interstate commerce from the Smoke Rise Ranch, in Nowata County, Oklahoma, in the Northern Judicial District of Oklahoma, to Fayetteville, Arkansas, six(6) stolen roping calves, he then knowing said calves to have been stolen,

as charged in the information and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court,

IT IS ADJUDGED that the defendant is guilty as charged and convicted.

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Four (4) years.

IT IS ADJUDGED that said sentence shall run concurrently with sentence imposed in 67-CR-58.

IT IS ORDERED that the Clerk deliver a certified copy of this judgment and commitment to the United States Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

Approved as to form:

ALLEN E. BARROW
United States District Judge.

The Court recommends commitment to:
James E. Ritchie
James E. Ritchie, Asst. U.S. Atty.

Clerk.

A True Copy. Certified this 18th day of May, 1967
(Signed) NOBLE C. HOOD Clerk (By) Deputy Clerk.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

Wilbur Choice

No. 67-CR-60

NOBLE C. HOOD
Clerk, U. S. District Court

FILED

MAY 18 1967

On this 18th day of May, 1967 came the attorney for the government and the defendant appeared in person, and with counsel, William L. Eagleton.

It Is ADJUDGED that the defendant has been convicted upon his plea of guilty, of the offense of having violated T. 26, USC 5205(a) (2), 5604(a)(1), in that on or about April 24, 1967, at Tulsa, Oklahoma, in the Northern Judicial District of Oklahoma, he had in his possession twenty-one (21) gallons of distilled spirits, the immediate containers thereof not having been stamped by a stamp evidencing the determination of the tax or indicating compliance with the provisions of Chapter 51, Internal Revenue Code of 1954, as amended, as charged in the information, and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

It Is ADJUDGED that the defendant is guilty as charged and convicted.

It Is ADJUDGED that imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Thirty (30) days from this date.

It Is FURTHER ORDERED that during the period of probation the defendant shall conduct himself as a law-abiding, industrious citizen and observe such conditions of probation as the Court may prescribe. Otherwise the defendant may be brought before the court for a violation of the court's orders.

It Is FURTHER ORDERED that the clerk deliver three certified copies of this judgment and order to the probation officer of this court, one of which shall be delivered to the defendant by the probation officer.

Approved as to form:

ALLEN E. BARROW

United States District Judge.

James E. Ritchie

James E. Ritchie, Asst. U.S. Atty.

Clerk.

A True Copy. Certified this 18th day of May, 1967

(Signed)

NOBLE C. HOOD

Clerk.

(By)

Deputy Clerk.