

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Libelant,

vs.

NO. 67=C-206

Approximately 136 cases of 24 cans each,  
Article labeled in part (can) "Highway  
--- Dark Red Kidney Beans --- Net Weight  
15 Oz. --- Distributed by Regent Food  
Company --- Oakland, California" (cans  
coded ("D9267,"),

Respondent.

FILED

NOBLE C. MOORE  
Clerk of the Court

D E C R E E

This matter coming on before me this 1st day of November, 1967,  
and the libelant, United States of America, appearing by and through James E.  
Ritchie, Assistant United States Attorney, and the claimant herein, Safeway  
Stores, Inc., appearing neither in person nor by counsel; it appearing to the  
court after having examined the libel of information and monition heretofore  
filed in this case that the various articles of hazardous substance made the  
subject matter of the libel of information are adulterated pursuant to the  
provisions of 21 U.S.C. 342(a)(3), et seq.

It further appearing to the court that the claimant herein, Safeway  
Stores, Inc., Tulsa, Oklahoma, the party from whom the captioned articles were  
seized, has, through its Division Manager Fred Rowland, by letter dated  
October 31, 1967 addressed to James E. Ritchie, c/o the office of the United  
States Attorney, Tulsa, Oklahoma, has relinquished any interest it may have  
had in such articles and has further advised that Safeway Stores, Inc., will  
not oppose the seizure nor make any claim to any of the articles which are the  
subject matter of this case and has further consented to disposition and  
destruction of the articles of adulterated substance as this court may effect.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the court that all  
of the various articles of adulterated substance seized and held by the United  
States Marshal for the Northern District of Oklahoma be and they are hereby  
ordered condemned and disposed of by the United States Marshal or his author-  
ized deputy or representative pursuant to law.

  
UNITED STATES DISTRICT JUDGE

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

Bernard H. Henshaw,

Plaintiff,

vs.

John W. Gardner, Secretary  
of Health, Education and  
Welfare,

Defendant.

✓  
Civil No. 67-C-147

**FILED**

NOV - 2 1967

NOBLE C. HOOD  
Clerk U. S. District Court *B*

O R D E R

NOW on this 1 day of Nov 1967, there is before me, the undersigned United States District Judge, the motion of the defendant to remand the cause herein to the Secretary of Health, Education and Welfare for the purpose of adducing further additional medical evidence and other matters necessary to the completion of the record in this case.

The Court finds, after examining the files and the briefs of counsel, that there exists sufficient cause to sustain such motion and the Court finds that such motion should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the cause herein be remanded to the Secretary for the purposes herein assigned.

*Frank J. ...*  
UNITED STATES DISTRICT JUDGE

APPROVED:

*Jack W. Elys*  
JACK W. ELYS  
Attorney For Plaintiff

*Hubert H. Bryant*  
HUBERT H. BRYANT  
Assistant U. S. Attorney  
Attorney for Defendant

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
 )  
 ) Labelant, )  
 )  
 vs. )  
 )  
 An article of food consisting of )  
 159 cases of 12 cans, more or less, )  
 article labeled in part "Charles Chips )  
 A Better Name for a Better Potato Chip-- )  
 Charles Chips, Mountville, Pa. Calhoun, )  
 Ky. One Pound Net Weight" )  
 )  
 Respondent. )

CIVIL ACTION NO. 67-C-199

FILED

NOV - 2 1967

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

NOTICE OF DISMISSAL

COMES now the United States of America by its attorney,  
Hubert H. Bryant, Assistant United States Attorney for the Northern  
District of Oklahoma, and gives notice of dismissal of its cause of  
action in the above styled cause.

UNITED STATES OF AMERICA

LAWRENCE A. McSOUD  
United States Attorney

*Hubert H. Bryant*  
HUBERT H. BRYANT  
Assistant U. S. Attorney

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and  
foregoing Notice of Dismissal was mailed to Charles Chips, 1552 South  
Sheridan Road, Tulsa, Oklahoma 74112, by placing a copy thereof in the  
United States Mails at Tulsa, Oklahoma, on this 2nd day of  
November 1967.

*Hubert H. Bryant*  
Hubert H. Bryant

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

WALTER D. BROWN, )  
 )  
 Plaintiff )  
 )  
 )  
 )  
 ALVIN W. HILL, )  
 )  
 Defendant )

NO. 67-C-78 CIVIL

~~FILED AND~~

NOV - 6 1967

BY \_\_\_\_\_  
NORIE C. HODG  
Clerk, U. S. Dist. Court

STIPULATION OF DISMISSAL WITH PREJUDICE

Comes now the plaintiff through his attorney, Jack B. Sellers, and the defendant through her attorneys, Best, Sharp, Thomas & Glass, and stipulate that the above captioned cause of action be dismissed with prejudice to filing a future action herein.

Jack B. Sellers  
Jack B. Sellers, Attorney for Plaintiff  
BEST, SHARP, THOMAS & GLASS  
By: Joseph F. Glass  
Attorney for Defendant  
ORDER

And now on this 6th day of November, 1967, there came on for consideration before the undersigned Judge of the United States District Court for the Northern District of Oklahoma, stipulation of the parties hereto of dismissal, parties hereto having advised the court that all disputes between the parties have been settled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the above styled case be and the same is hereby dismissed with prejudice to the right of the plaintiff to bring any future action arising from said cause of action.

Samuel J. ...  
Judge

FILED

IN THE UNITED STATES DISTRICT COURT FOR ~~NOB~~ - 7 1957  
NORTHERN DISTRICT OF OKLAHOMA

NOBLE C. HOOD  
U. S. District Court

DOUGLAS R. VILLINES, Plaintiff,	)	
v.	)	
HENRY T. RAY, ADMINISTRATOR OF THE ESTATE OF JOHN HOYLE THOMAS, Deceased, Defendant.	)	No. 67-C-164
	)	
MELANIE VILLINES, a minor, by and through her father and next friend, Douglas R. Villines, Plaintiff,	)	
v.	)	
HENRY T. RAY, ADMINISTRATOR OF THE ESTATE OF JOHN HOYLE THOMAS, Deceased, Defendant.	)	No. 67-C-165
	)	
DANIEL VILLINES, a minor, by and through his father and next friend, Plaintiff,	)	
v.	)	
HENRY T. RAY, ADMINISTRATOR OF THE ESTATE OF JOHN HOYLE THOMAS, Deceased, Defendant.	)	No. 67-C-166
	)	
SAMMIE VILLINES, Plaintiff,	)	
v.	)	
HENRY T. RAY, ADMINISTRATOR OF THE ESTATE OF JOHN HOYLE THOMAS, Deceased, Defendant.	)	No. 67-C-167
	)	
JAMES DAVID BARTHOLOMEW, a minor, by and through his mother and next friend, Doris Bartholomew, Plaintiff,	)	
v.	)	
HENRY T. RAY, ADMINISTRATOR OF THE ESTATE OF JOHN HOYLE THOMAS, Deceased, Defendant.	)	No. 67-C-168

ORDER

Upon consideration of the defendant's Motions for Change  
of Venue of these cases under 28 USCA §1404, the Court finds:

That these causes of action arose in Cleveland County, Oklahoma, that the plaintiffs and the widow of John Hoyle Thomas, deceased, reside in Oklahoma City, and the witnesses reside in the Cleveland-Oklahoma County area, all in the Western District of Oklahoma. The present defendant, Henry T. Ray, Administrator of the Estate of John Hoyle Thomas, resides in Amarillo, Texas, which is much nearer Oklahoma City than Tulsa.

It, therefore, appears that it would be more convenient for all parties and in the interest of justice for the cases to be transferred to the United States District Court for the Western District of Oklahoma. While the right of the parties to choose their forum is one of the factors to be considered in determining the question of transfer, it is entitled to little weight, if any, where the plaintiff sues in a jurisdiction which is not his home forum and which has no connection with the matter in controversy. *Polaroid Corporation v. Casselman*, 213 F.Supp. 379; *Glenn v. Trans World Airlines, Inc.*, 210 F.Supp. 31.

IT IS, THEREFORE, ORDERED that the Motions for Change of Venue are sustained, and the cases are transferred to the United States District Court for the Western District of Oklahoma, for further proceedings.

DATED this 7<sup>th</sup> day of November, 1967.

  
UNITED STATES DISTRICT JUDGE

TFG:ab  
11-7-67

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

JOHN E. MITCHELL COMPANY,	)
a corporation,	)
	)
Plaintiff,	)
	)
vs.	)
	)
MIDWEST MAGIVAC, INC., a	)
corporation, ROBERT C. BRADLEY,	)
JOSEPH R. COLEMAN AND HARVEY A.	)
HELLER, JR.,	)
	)
Defendants.	)

Civil Action  
No. 6413

FILED AND  
REFERRED

NOV - 7 1967

ORDER SUSTAINING STIPULATION TO DISMISS

NOW on this 7th day of November, 1967, the Court stipulation to Dismiss

came on for hearing.

Whereupon, after hearing statements of counsel for the respective parties and for due consideration thereof, it is ordered that the plaintiff's action and the Cross-Complaint of the defendants be and are hereby dismissed at the defendants costs, with prejudice.

\_\_\_\_\_  
District Judge

LAW OFFICES  
UNGERMAN,  
GRABEL,  
UNGERMAN  
& LEITER  
  
SIXTH FLOOR  
WRIGHT BUILDING  
TULSA, OKLAHOMA

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

W. WILLARD WINOZ, SECRETARY OF  
LABOR, UNITED STATES DEPARTMENT  
OF LABOR,

Plaintiff

vs.

CIVIL ACTION

FILE NO. 67-C-17

TULSA COW PALACE, INC.,  
a corporation

Defendant

NOV 19 1967

ORDER OF DISMISSAL

NOV 19 1967  
U.S. DISTRICT COURT

Plaintiff has filed his complaint in this action, and the defendant has appeared by counsel, filed an answer, and thereafter agreed to a stipulation of compliance, which has been filed herein. It is, therefore, upon motion of counsel for plaintiff ORDERED that this action be dismissed with prejudice and without costs to either party.

UNITED STATES DISTRICT JUDGE

APPROVED:

\_\_\_\_\_  
Attorney for Defendant

\_\_\_\_\_  
Attorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF OKLAHOMA.

ROY JAMES COX,  
U.S.P. No. 10000000

Petitioner

-vs-

WARDEN RAY H. PAGE, and  
STATE OF OKLAHOMA.

Respondents.

Case No. 67-6-107

**FILED**

NOV 13 1967

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

ORDER

This case came on for consideration by the Court upon petition filed herein by Roy James Cox, seeking relief from a judgment of the state district court of Washington County, Oklahoma upon the petitioner's plea of guilty in that court. In his petition he states that he was insane at the time he committed the crime for which he was charged, and also when he entered his guilty plea.

The question of a defendant's insanity at the time of the commission of an offense or at the time of trial cannot be raised on habeas corpus or by collateral attack, after judgment and conviction have become final. See Ex parte Gilbert, 111 P.2d, 205; Cox v. Page, 431 P.2d 954, and Nunley v. United States, 282 P.2d 651 (10th Cir.).

Relief sought by the petitioner is DENIED.

DATED this 9th day of November, 1967.

(s) Luther Johnson  
UNITED STATES DISTRICT JUDGE.

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

ELLIS PETROLEUM TRANSPORT, )  
INC., A Corporation, )  
Plaintiff, )

-vs-

BOB SYKES, BOB SYKES ENTERPRISES, )  
INC., A Corporation, BOB SYKES DODGE )  
CO., MICHAEL B. BOBIS and CONTINENTAL )  
DRIVE-AWAY, INC., A Corporation, )  
Defendants. )

No. 67-C-100

**FILED**

NOV 14 1967

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

ORDER

Now on this 9<sup>th</sup> day of November, 1967, this cause comes on for hearing on the Motion and Stipulation of all parties and it appearing to the Court that said cause has heretofore been fully and finally settled between the parties

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said cause be, and the same is hereby dismissed with prejudice to the filing of a new action and without costs to either party.

*Wm. E. Barrow*

JUDGE

Approved:

*Tom Caswell*  
Attorney for Plaintiff

*A. M. Covington*  
Attorney for Defendant

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

CHARLES O. BUCKLEY,

Plaintiff,

-vs-

BOB SYKES, BOB SYKES ENTERPRISES,  
INC., A Corporation, BOB SYKES DODGE  
CO., MICHAEL B. BOBIS and CONTINENTAL  
DRIVE-AWAY, INC., A Corporation,

Defendants.

No. 67-C-101

FILED

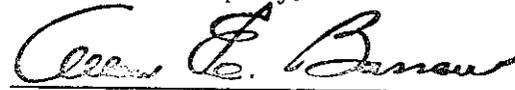
NOV 14 1967

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

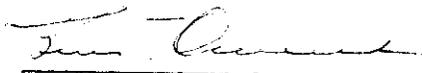
ORDER

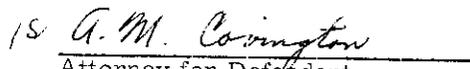
Now on this 9<sup>th</sup> day of November, 1967, this cause comes on for hearing on the Motion and Stipulation of all parties and it appearing to the Court that said cause has heretofore been fully and finally settled between the parties

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that said cause be, and the same is hereby dismissed with prejudice to the filing of a new action and without costs to either party.

  
JUDGE

Approved:

  
Attorney for Plaintiff

18   
Attorney for Defendant

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

ED KUTAIT COMPANY, INC., )  
)  
)  
PLAINTIFF, )  
)  
VS. )  
)  
)  
EL DORADO LAMINATED BEAMS, )  
INC., and ROY SHUMATE, )  
)  
DEFENDANTS. )

NO. 67-C-201

FILED

NOV 14 1967

DISMISSAL WITH PREJUDICE

NOBLE C. HOOD *mc*  
Clerk U. S. District Court

Comes now said plaintiff, and hereby dismisses the above entitled cause, with pre-  
judice to the filing of a future action, at the cost of plaintiff.

Dated this 11th day of November, 1967.

ED KUTAIT COMPANY, INC., PLAINTIFF

STIPE, GOSSETT & STIPE

BY:

*[Signature]*  
Attorneys for Plaintiff.

ORDER

It is ordered by the court that the above entitled cause be  
dismissed with prejudice at cost of plaintiff.

Dated at Tulsa, this 13th day of November, 1967.

*[Signature]*  
U. S. District Judge.



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

LARRY G. LINEBARGER,

Petitioner, )

-vs- )

STATE OF OKLAHOMA and  
RAY H. PAGE, Warden,

Respondents. )

NO. 67-C-112

**FILED**

NOV 16 1967

J U D G M E N T

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

This petitioner, Larry G. Linebarger, is a state prisoner who was represented at his trial by privately retained counsel and who has filed a petition for writ of habeas corpus in this Court, seeking release from his confinement on various constitutional grounds relating to his trial. The Court, after determining that the petitioner had exhausted the available states remedies, appointed counsel to represent him and conducted an evidentiary hearing into the merits of his complaints on October 23, 1967, at Tulsa, Oklahoma. The petitioner appeared in person and with his counsel at this hearing, and the respondents appeared through an Assistant Attorney General of Oklahoma.

Through his own testimony and that of certain witnesses called by him, the petitioner urged the following grounds upon which he contends this Court should grant him relief:

- (1) He had no attorney at his appearance before the magistrate,
- (2) He was denied a continuance for his preliminary hearing,
- (3) His transcript on appeal was not complete in that it did not contain the arguments of counsel to the jury,

(4) The prosecuting attorney made an improper argument to the jury in referring to the defendant's failure to take the witness stand in his own behalf, and

(5) He was represented by incompetent counsel at his District Court trial and appeal therefrom.

The respondents called as a witness the District Attorney who prosecuted this matter. After hearing this testimony, receiving all other competent evidence offered and listening to the arguments of counsel, this matter was taken under advisement by the Court.

Thereafter, on October 30, 1967 this Court issued its Memorandum Opinion in which each of the grounds advanced by the petitioner was examined in detail and each was held to be without merit or not sustained by the evidence. Accordingly, the petitioner's application for writ of habeas corpus was denied in that opinion.

IT IS THEREFORE BY THE COURT ORDERED, for the reasons and by virtue of the authorities set out in the previous Memorandum Opinion, that the petition of Larry G. Linebarger for a writ of habeas corpus be and it hereby is denied.

Dated this 16 day of November, 1967.

(s) Fred Daugherty  
UNITED STATES DISTRICT JUDGE

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

JESSIE JOHN RICHARD HAGA,

Petitioner,

-vs-

STATE OF OKLAHOMA AND RAY H.  
PAGE, Warden, Oklahoma State  
Penitentiary,

Respondents.

NO. 67-C-142

**FILED**

NOV 16 1967

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

J U D G M E N T

The petitioner, Jessie John Richard Haga, is a state prisoner serving a term of fifteen years imprisonment for the crime of first degree rape. He was represented at his trial by privately retained counsel. He has filed a petition for writ of habeas corpus in the United States District Court for the Eastern District of Oklahoma and the matter was subsequently transferred to this District, pursuant to 28 U.S.C. § 2241 (d). Counsel was appointed by this Court to represent the petitioner in these proceedings, and by Order entered on August 2, 1967 the Court ordered an evidentiary hearing on two issues as to which the available state remedies had been exhausted. Such hearing was conducted by this Court on October 23, 1967 at Tulsa, Oklahoma, with the petitioner present in person and with his counsel and the respondents represented by Assistant Attorney General of Oklahoma.

At the hearing this Court examined evidence, through the testimony of the petitioner and witnesses called by him, relating to his two allegations, these being that three witnesses were dismissed and not used at his trial without his permission, and that he was denied compulsory process for obtaining certain witnesses

whose testimony he desired. After hearing the testimony of the petitioner and his witnesses, including his trial attorney, and listening to the arguments of counsel, this matter was taken under advisement by the court.

Thereafter, on October 27, 1967 this Court issued its Memorandum Opinion in which the Court held that the petitioner had failed to sustain his burden of proof of the allegations of his petition in that, as to the first allegation, the testimony of the petitioner's trial attorney reflected that he dismissed certain witnesses after determining that their testimony would not be of any benefit to the defense of the petitioner. Further, as to the second allegation, this same attorney testified that no one on behalf of the State of Oklahoma denied this petitioner the right of compulsory process to obtain any witness on his behalf.

IT IS THEREFORE BY THE COURT ORDERED, for the reasons and by virtue of the authorities set out in the previous Memorandum Opinion, that the petition of Jessie John Richard Haga for a writ of habeas corpus be and it hereby is dismissed.

Dated this 11 day of November, 1967.

---

UNITED STATES DISTRICT JUDGE

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

CARL LEON LYTTLE, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOHN GARDNER, Secretary of the )  
 Department of Health, Education )  
 and Welfare, )  
 )  
 Defendant. )

Civil No. 6533

FILED

NOV 20 1967

ORDER SUSTAINING DEFENDANT'S MOTION NOBLE C. HOOD <sup>718</sup>  
FOR SUMMARY JUDGMENT Clerk, U. S. District Court

THIS MATTER is before me upon motion of the defendant for summary judgment and brief in support thereof. Upon a careful consideration of the motion, brief and the two-volume transcript of the proceedings relating to plaintiff's application for disability benefits, the Court finds:

The transcript discloses that the plaintiff was represented by counsel, and that he had a full and fair hearing.

The findings of the Secretary of Health, Education and Welfare that plaintiff was not disabled to the extent required under the Social Security Act, and that there are jobs available in his geographic area which he is physically capable of performing, are supported by substantial evidence, and, therefore are conclusive on this Court.

Accordingly, the motion of the defendant for summary judgment is sustained, and the Clerk will enter judgment for the defendant.

IT IS SO ORDERED.

Dated this 20th day of November, 1967.

  
UNITED STATES DISTRICT JUDGE

**United States District Court**

NOV 20 1967

FOR THE  
**Northern District of Oklahoma**

AT .....M.  
**NOBLE C. HOOD**  
Clerk, U. S. District Court

CIVIL ACTION FILE NO. **6533**

Carl Leon Lytle,

vs.

John Gardner, Secretary of the  
Department of Health, Education  
and Welfare,

JUDGMENT

This action came on for ~~trial~~ (hearing) before the Court, Honorable **Allen E. Barrow**, United States District Judge, presiding, and the issues having been duly ~~tried~~ (heard) and a decision having been duly rendered,

It is Ordered and Adjudged **that the plaintiff take nothing, that the action be dismissed on the merits, and that defendant John Gardner, Secretary of the Department of Health, Education and Welfare, recover of the plaintiff Carl Leon Lytle his costs of action.**

Dated at **Tulsa, Oklahoma**, this **20th** day  
of **November**, 19 **67**.

**Noble C. Hood,**

Clerk of Court

By *M. M. Ewing* Deputy

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

JESSE JAMES ROBINSON, )  
Petitioner, )  
-vs- )  
RAY H. PAGE, WARDEN OF THE )  
OKLAHOMA STATE PENITENTIARY, )  
Respondent. )

NO. 67 - C - 190

**FILED**

NOV 20 1967

ORDER

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

This cause came on for hearing before this court on November 1, 1967. The petitioner appeared through his attorney, Mr. Warren L. McConnico, and the respondent appeared through Mr. Charles L. Owens, Assistant Attorney General of Oklahoma.

The petitioner, a state prisoner, is confined by the respondent in the Oklahoma State Penitentiary at McAlester, Oklahoma, by authority of judgments and sentences entered on October 15, 1965, in the District Court of Tulsa County, Oklahoma in two separate cases in which the petitioner entered pleas of guilty to the crime of issuing a bogus check. He was assessed a term of 28 months imprisonment in each case, such sentences to run concurrently. The petitioner has exhausted his state remedies, so as to be properly before this court by way of petition of writ of habeas corpus, by filing a habeas corpus action in the Oklahoma Court of Criminal Appeals, in which he sought release from his confinement because of the same alleged violations of certain constitutional rights that he alleges here. That court denied the writ. Robinson v. Page, Okla. Cr., 431 P.2d 953.

From the pleadings and the evidence presented at the evidentiary hearing held by order of this court, it appears to be undisputed

that prior to entering the pleas of guilty previously mentioned in the District Court of Tulsa County this petitioner entered a plea of guilty in the District Court of Nowata County, Oklahoma to the crime of petit larceny, after former conviction of a felony, and received a sentence of two years imprisonment. It further appears that this sentence has now been served and the petitioner is presently serving the two concurrent sentences from Tulsa County.

In his instant habeas corpus action the petitioner seeks to test the validity of the Nowata County sentence which he has already served. It is his theory that the crime with which he was charged in Nowata County, to which he entered a guilty plea, was a misdemeanor rather than a felony and therefore the judgment and sentence entered against him in that case was void. Consequently, he argues, the petitioner should have begun serving the Tulsa County sentences immediately upon their issuance instead of having to first satisfy the Nowata County sentence. It is further his contention that had he not had to wait to begin serving the said Tulsa County sentences, same would now be satisfied.

This court does not agree that the charge to which this petitioner entered a guilty plea in Nowata County was a misdemeanor rather than a felony. The evidence reflects that this petitioner was charged with committing the crime of petit larceny in said county, after having theretofore been convicted in this United States District Court for the Northern District of Oklahoma of the crime of transportation of stolen property, namely some cattle, and was sentenced to a term of five years in a federal penitentiary. The language of 21 O. S. 1961 § 51, as amended Laws 1963, provides, in effect, that any person who is convicted of petit larceny after

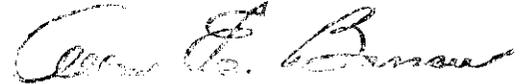
having been convicted of any offense punishable by imprisonment in the penitentiary is guilty of a crime punishable by imprisonment in the penitentiary for a term not exceeding five years. Thus petit larceny, which for a first offense is only a misdemeanor under the provisions of 21 O. S. 1961 § 1706, is made a felony when a conviction for this offense is obtained after a defendant has been previously convicted of a felony. Further, 21 O. S. 1961 § 54 provides, in effect, that if the previous conviction was obtained in any other state, government or country and, if committed within the State of Oklahoma, would by the laws of Oklahoma be punishable by imprisonment in the penitentiary, then such previous conviction may be used to enhance punishment under the habitual criminal statutes to the same extent as if it had taken place in a court in Oklahoma.

In his argument before this court counsel for petitioner urged that the federal offense for which the petitioner was convicted was not a crime recognized by the laws of the State of Oklahoma as punishable by imprisonment in the penitentiary. This argument overlooks, however, the provisions of 21 O. S. 1961 § 1715, making the bringing of stolen property into the State of Oklahoma punishable in the same manner as if such larceny had been committed in Oklahoma, and 21 O. S. 1961 § 1716, making the larceny of domestic animals, among those enumerated being cows, a felony. The court finds that the petitioner's prior conviction in the federal court was for a crime which, if committed within the State of Oklahoma, would be punishable by imprisonment and was for this reason competent to be used as the prior conviction that made the crime with which he was charged a felony, that is, petit larceny, after former conviction of felony. Newton v. State, 56 Okl. Cr. 391, 40 P.2d 688,

Carr v. State, 91 Okl. Cr., 94, 216 P.2d 333, Vassar v. State, Okl. Cr., 328 P.2d 445.

A further factor that defeats this petitioner's complaints regarding his confinement is the fact that he makes no complaint as to the sentences under which he is presently incarcerated, but complains only of the sentence already served. The service of a sentence renders the case moot, and a federal court is without power to decide moot questions. St. Pierre v. United States, 319 U. S. 41, 87 L ed 1199. Moreover, habeas corpus is available only to attack a sentence under which the petitioner is in custody. Parker v. Ellis, 362 U. S. 574, 80 S Ct 909, 4 L ed 2d 963, Morris v. Hunter (10th Cir.), 161 F.2d 723, Edminston v. Hunter (10th Cir.), 161 F.2d 691, Buckner v. Hudspeth (10th Cir.), 105 F. 2d 393.

IT IS THEREFORE BY THE COURT ORDERED that the petition for writ of habeas corpus be denied.



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UNITED STATES DISTRICT JUDGE

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

J. L. ESSLEY, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 LAS VEGAS TRUST, et al, )  
 )  
 Defendants. )

Civil No. 6106

**FILED**

NOV 21 1967

ORDER DISMISSING CASE AGAINST NOBLE C. HOOD  
DEFENDANT, R. W. COBURN Clerk, U. S. District Court

NOW on this 21<sup>st</sup> day of November, 1967, upon motion of  
the plaintiff;

It is ORDERED that the above styled and numbered cause against  
the defendant, R. W. Coburn be and the same is hereby dismissed with  
prejudice to any future action.

*Noble C. Hood*  
United States District Judge

APPROVED AS TO FORM:

*J. L. Essley*  
Attorneys for Plaintiff

*William H. Duff*  
Attorneys for Defendant

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

The City of Tulsa, Oklahoma,	)	
a municipal corporation,	)	
for the use and benefit of the	)	
CITY OF TULSA-ROGERS COUNTY	)	
PORT AUTHORITY,	)	
	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	Civil No. 6609
	)	
10 Acres of Land in Rogers County,	)	
Oklahoma; MARIE GRADY, Restricted	)	
Full Blood Unenrolled Cherokee Indian,	)	FILED
and EVERETT GRADY; AREA DIRECTOR,	)	
Muskogee Area, Bureau of Indian Affairs,	)	
United States Department of Interior,	)	
Successor to Superintendent of Five	)	
Civilized Tribes; and the UNITED STATES	)	
OF AMERICA,	)	NOV 10 1967
	)	Clerk of Court
	)	
Defendants.	)	

JOURNAL ENTRY OF JUDGMENT

Now, on this 14<sup>th</sup> day of November, 1967, the above entitled matter came on for trial before the undersigned Judge upon request for jury trial by the Defendants. The Plaintiff appeared by their attorneys, John Robert Seelye and James R. Jessup, Assistant City Attorneys and the Defendants Marie Grady, Restricted Full Blood Unenrolled Cherokee Indian, and Everett Grady, appeared by and through their counsel of record, Feagins & Summerlin, by John Charles Feagins and the Defendants Area Director, Muskogee Area, Bureau of Indian Affairs, United States Department of Interior, Successor to Superintendent of Five Civilized Tribes and the United States of America appeared by and through their counsel of record, Lawrence A. McSoud, United States Attorney by Hubert A. Marlow, Assistant United States Attorney, and said Defendants thereupon withdrew their request for a jury trial herein and said parties announced to the court their written

stipulation filed herein on the 13th day of October, 1967, wherein said parties stipulated and agreed that the sum of \$8,500.00 represented the true value of and damages to the property by virtue of the taking by Plaintiff herein as described in its Complaint in Condemnation filed in the captioned case and the Plaintiff, having heretofore deposited said sum with the Clerk of this court, said Defendants with prejudice to having their damages assessed by a jury, announced their agreement to accept said sum as full payment in compensation for said property and damages arising by virtue of said taking of any kind or matter whatsoever. And the court having reviewed and heard the aforementioned announcement in open court, hereby finds that the same is fair and reasonable and approves the withdrawal of a request for jury trial by said Defendants with prejudice to having their damages assessed by a jury.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the request for jury trial filed in behalf of the Defendants upon request of said parties be, and the same is hereby dismissed with prejudice to having damages assessed by a jury by reason of the taking of the hereinafter described property by the Plaintiff and that the settlement of said parties as above set forth is hereby approved by this court as full and complete payment and compensation for all damages of whatsoever nature sustained by said Defendants.

IT IS FURTHER ORDERED that fee simple title to the hereinafter described property be and the same is hereby vested in the City of Tulsa, Oklahoma, a municipal corporation, free and clear of any right, title, interest or claim of any kind or nature whatsoever of said Defendants and that said Defendants shall be forever barred from making any further or additional claims of any

right, title, interest or ownership in and to said property and this decree shall operate as a full and complete conveyance to the City of Tulsa, Oklahoma, a municipal corporation, of the fee simple title to the hereinafter described real property, to-wit:

Tract No. 25: Marie Grady, Restricted Full Blood  
Unenrolled Cherokee Indian, and Everett  
Grady, her husband - Fee Simple Owners

The Southwest Quarter (SW $\frac{1}{4}$ ) of the Northeast Quarter  
(NE $\frac{1}{4}$ ) of the Southwest Quarter (SW $\frac{1}{4}$ ) Section 7, Township  
20 North, Range 15 East, Rogers County, Oklahoma.

DONE in open court this 14<sup>th</sup> day of November,

1967.

Walter Schuman  
Judge of the District Court

APPROVED:

The City of Tulsa, Oklahoma,  
a municipal corporation,  
for the use and benefit of the  
CITY OF TULSA-ROGERS COUNTY  
PORT AUTHORITY,

CHARLES E. NORMAN, City Attorney

By James R. Jessup  
James R. Jessup,  
Assistant City Attorney

MARIE GRADY, Restricted Full-Blood  
Unenrolled Cherokee Indian, and  
EVERETT GRADY

By Feagins & Summerlin  
Feagins & Summerlin, Attorneys  
at Law, Claremore, Oklahoma

AREA DIRECTOR, Muskogee Area,  
Bureau of Indian Affairs, United  
States Department of Interior,  
Successor to Superintendent of Five  
Civilized Tribes; and UNITED STATES  
OF AMERICA

LAWRENCE A. McSOUD, U. S. Attorney

By Hubert A. Marlow  
Hubert A. Marlow,  
Assistant U. S. Attorney



the 13th day of October, 1967, wherein said parties stipulated and agreed that the sum of \$17,000.00 represented the true value of and damages to the property by virtue of the taking by Plaintiff herein as described in its Complaint in Condemnation filed in the captioned case and the Plaintiff, having heretofore deposited said sum with the Clerk of this court, said Defendants with prejudice to having their damages assessed by a jury, announced their agreement to accept said sum as full payment in compensation for said property and damages arising by virtue of said taking of any kind or matter whatsoever. And the court having reviewed and heard the aforementioned announcement in open court, hereby finds that the same is fair and reasonable and approves the withdrawal of a request for jury trial by said Defendants with prejudice to having their damages assessed by a jury.

IT IS WHEREFORE ORDERED, ADJUDGED AND DECREED that the request for jury trial filed in behalf of the Defendants upon request of said parties be, and the same is hereby dismissed with prejudice to having damages assessed by a jury by reason of the taking of the hereinafter described property by the Plaintiff and that the settlement of said parties as above set forth is hereby approved by this court as full and complete payment and compensation for all damages of whatsoever nature sustained by said Defendants.

IT IS FURTHER ORDERED that fee simple title to the hereinafter described property be and the same is hereby vested in the City of Tulsa, Oklahoma, a municipal corporation, free and clear of any right, title, interest or claim of any kind or nature whatsoever of said Defendants and that said Defendants shall be forever barred from making any further or additional claims of any right,

title, interest or ownership in and to said property and this decree shall operate as a full and complete conveyance to the City of Tulsa, Oklahoma, a municipal corporation, of the fee simple title to the hereinafter described real property, to-wit:

Tract No. 23: Margaret Raleigh, Half Blood Unenrolled Cherokee Indian, and Sterling Raleigh, husband and wife - Fee Simple Owners

The Northeast 10 acres of Lot 3, of Section 7, Township 20 North, Range 15 East, Rogers County, Oklahoma.

DONE in open court this 14<sup>th</sup> day of November

1967.

*Luther Bohanan*

Judge of the District Court

APPROVED:

The City of Tulsa, Oklahoma,  
a municipal corporation,  
for the use and benefit of the  
CITY OF TULSA-ROGERS COUNTY  
PORT AUTHORITY

CHARLES E. NORMAN, City Attorney

By James R. Jessup

James R. Jessup,  
Assistant City Attorney

MARGARET RALEIGH, Half-Blood Unenrolled  
Cherokee Indian, and STERLING RALEIGH

By Peagins & Summerlin

Peagins & Summerlin, Attorneys  
at Law, Claremore, Oklahoma

AREA DIRECTOR, Muskogee Area,  
Bureau of Indian Affairs, United  
States Department of Interior,  
Successor to Superintendent of  
Five Civilized Tribes; and UNITED  
STATES OF AMERICA

LAWRENCE A. MCSOUD, U. S. Attorney

By Hubert A. Marlow

Hubert A. Marlow,  
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

Civil No. 67-C-181

Franklin Leroy Rehbein and  
Wanda Rehbein, Wodia McDaris, and  
Surety Construction Company, Inc.,

Defendants.

**FILED**

NOV 21 1967

NOBLE C. HOOD  
JUDGMENT OF FORECLOSURE Clerk, U. S. District Court

THIS MATTER comes on for consideration this \_\_\_\_\_ day of  
November 1967, the plaintiff appearing by Hubert H. Bryant, Assistant  
United States Attorney, and the defendants, Franklin Leroy Rehbein  
and Wanda Lou Rehbein, appearing by Joseph LeDonne, Jr., their attorney,  
and the defendants, Wodia McDaris and Surety Construction Company,  
appearing not; and

The Court being fully advised and having examined the file  
herein finds that the defendants, Franklin Leroy Rehbein and Wanda  
Lou Rehbein, have heretofore filed their answers denying they are  
indebted to the Plaintiff for the real property which is the subject  
matter hereof, by reason of a Warranty Deed, dated September 23, 1965,  
executed by them to Wodia McDaris, a single person, Grantee; and

It further appearing and the Court finds that due and legal  
personal service of summons has been made on the defendants, Wodia  
McDaris and Surety Construction Co., Inc., on the 26th day of September  
1967 and the 27th day of September 1967, respectively, in this state,  
requiring each of them to answer the complaint filed herein not more  
than twenty (20) days after service of summons, and it appearing that  
said defendants have failed to file an answer herein and their default  
has been entered by the Clerk of this Court; and

The Court further finds that the material allegations of the  
plaintiff's complaint are true and correct; that the defendants, Franklin  
Leroy Rehbein and Wanda Lou Rehbein, husband and wife, did on August 2,  
1963, execute and deliver to the Administrator of Veterans Affairs

their mortgage and mortgage note for the sum of \$10,250.00, with interest thereon at the rate of 5½% per annum, and further providing for the payment of monthly installments of principal and interest; that said defendants on September 23, 1965, did convey by General Warranty Deed the real property described in the aforesaid mortgage, to-wit:

Lot Thirty (30), in Block Three (3), in Northridge,  
an Addition in Tulsa County, State of Oklahoma,  
according to the recorded plat thereof,

to the defendant, Wodia McDaris, who agreed to assume and pay the aforesaid mortgage and note; and further that the defendant, Wodia McDaris, did encumber said real property by a Second Real Estate Mortgage dated September 23, 1965, to Surety Construction Company, Inc., both instruments being filed of record in the Office of the Tulsa County Clerk, in Book 3634, at Pages 313 and 335, respectively.

The Court further finds that default has been made by the defendants, Franklin Leroy Rehbein and Wanda Lou Rehbein, husband and wife, under the terms of the aforesaid mortgage and mortgage note by virtue of said defendants' failure to make the monthly installment of principal and interest due on said mortgage note on February 1, 1967, which default has continued; that said defendants by virtue of such default are now indebted to the plaintiff for the sum of \$9,745.14, with interest thereon at the rate of 5½% per annum from February 1, 1967, until paid, together with the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff have judgment against the defendants, Franklin Leroy Rehbein and Wanda Lou Rehbein, Wodia McDaris, and Surety Construction Company, Inc., for the sum of \$9,745.14, with interest thereon at the rate of 5½% per annum, from February 1, 1967, until paid, together with the costs of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants, Franklin Leroy Rehbein and Wanda Lou Rehbein, Wodia McDaris, and Surety Construction Company, Inc., to satisfy the judgment of the Plaintiff herein, an Order of Sale shall issue to the United

States Marshal for the Northern District of Oklahoma, commanding him to advertise and sell, with appraisement, the above-described real property and apply the proceeds thereof in satisfaction of Plaintiff's judgment. The residue, if any, to be deposited with the Clerk of the Court to await further Order of the Court.

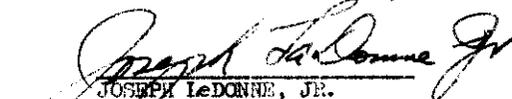
IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of said property under and by virtue of this judgment, the defendants, Franklin Leroy Rehbein and Wanda Lou Rehbein, Wodia McDaris, and Surety Construction Company, Inc., and each of them, and all persons claiming by, through or under said defendants, since the filing of the Complaint herein, be and they are forever barred and foreclosed from every right, title or interest in or to the heretofore described real property.

---

UNITED STATES DISTRICT JUDGE

APPROVED:

  
HULBERT H. BRYANT  
Assistant U. S. Attorney

  
JOSEPH LEDONNE, JR.  
Attorney for Franklin Leroy  
Rehbein and Wanda Lou Rehbein

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

United States of America,

Plaintiff,

vs.

Blueford O. Starr and  
Gloria S. Starr, husband  
and wife,

Defendants.

Civil No. 67-C-182

FILED

NOV 21 1967

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

DEFAULT JUDGMENT

NOW ON THIS 30<sup>th</sup> day of November 1967, the above-entitled matter comes on for hearing, the United States of America, Plaintiff, appearing by Hubert H. Brant, Assistant United States Attorney for the Northern District of Oklahoma, and the defendants, Blueford O. Starr and Gloria S. Starr, appearing not; and

IT appearing that ~~this~~ is an action based upon a mortgage note and foreclosure of a real estate mortgage securing said mortgage note, and it further appearing that the real property described in said real estate mortgage is located in Osage County, Oklahoma, and within the Northern Judicial District of Oklahoma; and

IT FURTHER appearing that due and legal service of summons has been made on each of the defendants herein more than twenty (20) days prior hereto requiring each of said defendants to plead, answer or otherwise move herein, but said defendants and each of them have failed to do so and their default has heretofore been entered, they are hereby adjudged to be in default.

The Court finds that the material allegations of plaintiff's complaint are true and correct; that the defendants, Blueford O. Starr and Gloria S. Starr, did on December 20, 1965, execute and deliver to the Administrator of Veterans Affairs, his successors and assigns, their mortgage note for the sum of \$12,500.00, bearing interest at the rate of 5 $\frac{1}{4}$ % per annum on the unpaid balance thereof; and

IT FURTHER appearing that said defendants, in order to secure the prompt and punctual payment of said note, did execute and deliver to the Administrator of Veterans Affairs, his successors and assigns, their real estate mortgage of even date with said note covering the following described property:

Lots 11 and 12 in Block 6, of Fairmont Plat of Pawhuska, Osage County, Oklahoma, according to the recorded plat thereof,

which mortgage is recorded in the Office of the County Clerk, Osage County, Oklahoma, in Book 210 at Page 346.

The Court finds that the defendants, and each of them, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make the monthly installments due thereon on February 1, 1966, which default has continued and that by reason thereof the defendants are now indebted to the plaintiff in the sum of \$12,409.83 as unpaid principal with interest thereon at the rate of  $5\frac{1}{4}\%$  per annum from February 1, 1966, until paid.

IT FURTHER APPEARS that the plaintiff has a first and prior lien upon the real estate heretofore described by virtue of aforesaid mortgage given as security for the payment of the above-stated indebtedness.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED THAT the plaintiff, United States of America, have and recover judgment against the defendants, Blueford O. Starr and Gloria S. Starr, for the sum of \$12,409.83, with interest thereon at the rate of  $5\frac{1}{4}\%$  per annum from February 1, 1966, until paid, plus the cost of this action accrued and accruing.

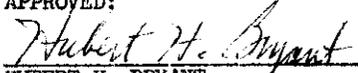
IT IS FURTHER ORDERED, ADJUDGED and DECREED that the plaintiff has a first and prior lien upon the real property heretofore described by virtue of the mortgage; and,

IT IS FURTHER ORDERED and ADJUDGED that upon failure of the defendants to satisfy plaintiff's money judgment herein, an Order of Sale shall issue to the United States Marshal for the Northern District of Oklahoma commanding him to advertise and sell with appraisement the real property heretofore described and to apply the proceeds thereof, first to the payment of the cost of said sale and this action, and then in satisfaction of the plaintiff's judgment herein. The residue of said sale proceeds to be paid to the Clerk of the Court to await further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of the aforesaid real property, under and by virtue of this judgment and decree, the defendants and each of them, and all persons claiming under them since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

  
Luther Bohannon  
UNITED STATES DISTRICT JUDGE

APPROVED:

  
Hubert H. Bryant  
HUBERT H. BRYANT  
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

Hugh Mahone, Jr. and Jacqueline L.  
Mahone, husband and wife; and  
Morrison Plumbing Co., a corporation,

Defendants.

Civil No. 67-C-187

**FILED**

NOV 21 1967

JUDGMENT OF FORECLOSURE

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

THIS MATTER comes on for consideration this 20<sup>th</sup> day of November 1967, the plaintiff appearing by Hubert E. Bryant, Assistant United States Attorney, and the defendants, Hugh Mahone, Jr. and Jacqueline L. Mahone, husband and wife, and Morrison Plumbing Company, a corporation, appearing not; and

The Court being fully advised and having examined the file herein finds that due and legal personal service of summons has been made on the defendants, Hugh Mahone, Jr. and Jacqueline L. Mahone, husband and wife, and Morrison Plumbing Company, a corporation, on the 4th day of October 1967, in this state, requiring each of them to answer the complaint filed herein not more than twenty (20) days after service of summons, and it appearing that said defendants have failed to file an answer herein and their default has been entered by the Clerk of this Court; and

The Court further finds that the material allegations of the plaintiff's complaint are true and correct; that the defendants, Hugh Mahone, Jr. and Jacqueline L. Mahone, husband and wife, did on March 6, 1964, execute and deliver to J. S. Gleason, Jr., as Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$9,250.00, with interest thereon at the rate of 5 $\frac{1}{4}$ % per annum, on the unpaid balance thereof; and

The Court further finds that said defendants, in order to secure the prompt and punctual payment of said note, did execute and deliver to J. S. Gleason, Jr., as Administrator of Veterans Affairs, his successors and assigns, their real estate mortgage of even date with said note covering the following described property:

Lot Sixteen (16), Block Three (3), Hartford Hills  
Addition to the City of Tulsa, Tulsa County, State  
of Oklahoma, according to the recorded plat thereof,

which mortgage is recorded in Book 3429 at Page 225, in the Office of  
the County Clerk, Tulsa County, Oklahoma.

It further appears that the defendant, Morrison Plumbing Company,  
a corporation, has or claims some right, title, or interest in and to the  
premises herein being foreclosed by reason of a Mechanic Lien filed in  
the Office of the District Court Clerk of Tulsa County, State of Oklahoma,  
on July 20, 1965, being Lien No. 44371, but in this regard, plaintiff  
has a first and prior lien upon the real property heretofore described  
by virtue of the mortgage; and

It further appears that the defendants, Hugh Mahone, Jr. and  
Jacqueline L. Mahone, husband and wife, made default under the terms of  
the aforesaid mortgage note and mortgage by reason of their failure to  
make the monthly installments due thereon on October 1, 1965, which  
default has continued and that by reason thereof the defendants are now  
indebted to the plaintiff in the sum of \$9,051.73 as unpaid principal  
with interest thereon at the rate of  $5\frac{1}{4}\%$  per annum from October 1, 1965,  
until paid.

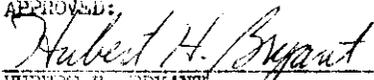
IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the plaintiff,  
United States of America, have and recover judgment against the defendants,  
Hugh Mahone, Jr. and Jacqueline L. Mahone, for the sum of \$9,051.73 with  
interest thereon at the rate of  $5\frac{1}{4}\%$  per annum from October 1, 1965,  
until paid, plus the cost of this action accrued and accruing.

IT IS FURTHER ORDERED AND ADJUDGED that upon failure of the  
defendants to satisfy plaintiff's money judgment herein, an Order of Sale  
shall issue to the United States Marshal for the Northern District of  
Oklahoma commanding him to advertise and sell with appraisement the real  
property heretofore described and to apply the proceeds thereof, first  
to the payment of the cost of said sale and this action, and then in  
satisfaction of the plaintiff's judgment herein. The residue of said  
sale proceeds, if any, to be paid to the Clerk of the Court to await  
further Order of the Court.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that from and after the sale of the aforesaid real property, under and by virtue of this judgment and decree, the defendants and each of them, and all persons claiming under them since the filing of the Complaint herein, be and they are forever barred and foreclosed of any right, title, interest or claim in or to the real property or any part thereof.

UNITED STATES DISTRICT JUDGE

APPROVED:

  
\_\_\_\_\_  
HUBERT H. BRYANT  
Assistant U. S. Attorney

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

United States of America, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
G. L. Myers, )  
 )  
Defendant. )

✓  
Civil No. 67-C-80

**FILED**

NOV 21 1967

*OF*  
STIPULATION ~~AND~~ DISMISSAL

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

It is stipulated by and between the Plaintiff, United States of America, acting through Robert P. Santee, Assistant United States Attorney for the Northern District of Oklahoma, and G. L. Myers, Defendant, that the above action be and hereby is dismissed with prejudice for the reason that a compromise settlement has been entered into by and between these parties.

LAWRENCE A. MCSOUD  
United States Attorney

*Robert P. Santee*  
\_\_\_\_\_  
ROBERT P. SANTEE  
Assistant U. S. Attorney for the  
Northern District of Oklahoma

*G. L. Myers*  
\_\_\_\_\_  
G. L. MYERS, Defendant

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

TEXACO INC., a corporation,  
Plaintiff,

vs.

OTEY JOHNSON and NATIONAL BANK  
OF TULSA, a national banking  
association,

Defendants.

NO. 6316

**FILED**

NOV 30 1967

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

FINAL JUDGMENT  
PURSUANT TO STIPULATION

Pursuant to stipulation entered into by and among the parties to this action and filed herein this date, IT IS ORDERED, ADJUDGED AND DECREED:

1. The plaintiff, Texaco Inc., recover of the defendant, Otey Johnson, the total amount of \$10,500.00, said amount to be due and payable as follows:

10% (\$1,050.00) immediately upon entry of this judgment;

40% (\$6,600.00) on or before January 2, 1968;

50% (\$8,250.00) on or before March 13, 1968.

No interest shall accrue on the amount of this judgment or any part thereof if payments are made on or before specific dates set out above, respectively.

2. The cross-complaint of the defendant, Otey Johnson, is hereby dismissed with prejudice.

3. The defendant, National Bank of Tulsa, no longer has an interest in the subject matter of this litigation, no relief is granted against it, and it is hereby dismissed without liability herein.

4. No judgment for costs shall be entered for or against any party hereto.

ENTERED this 30th day of November, 1967.



United States District Judge

APPROVED:

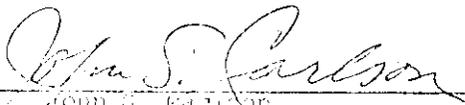


Elmer W. Adams



Philip R. Wimbish  
P. O. Box 2420  
Tulsa, Oklahoma 74102

Attorneys for Plaintiff, Texaco Inc.



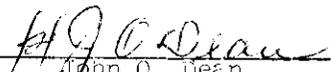
John S. Carlson  
LPO Petroleum Club Building  
Tulsa, Oklahoma

Attorney for Defendant, Ctey Johnson



Truman B. Rucker  
Rucker Building  
Tulsa, Oklahoma

Attorney for Defendant, Ctey Johnson



John O. Dean  
120 South Boston  
Tulsa, Oklahoma

Attorney for Defendant, National Bank of Tulsa

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

Larry G. Lineberger, )  
Petitioner, )  
vs. )  
U. S. District Court for the )  
Northern District of Oklahoma )  
and the State of Oklahoma, )  
Respondents. )

No. 67-C-112

FILED

NOV 1 1967

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

ORDER

Upon consideration of the Petitioner's two Motions for Rehearing, the Court finds that the same should be denied.

Additional jurors testifying to their understanding of a comment alleged to have been made by the prosecuting attorney in his argument will not alter the decision of the Court as expressed in the Memorandum Opinion filed herein on October 30, 1967. Jurors cannot be expected to clearly and reliably understand the technical complexities of the point involved in the said comment. See 14 A.L.R. 3d, 723.

The Court is convinced that the alleged comment was not made by the prosecuting attorney as claimed by the Petitioner in view of the testimony of the prosecuting attorney that he did not make the alleged statement, the testimony of Petitioner's privately retained counsel that no such comment was made by the prosecuting attorney, and the absence of any action by the capable and experienced trial judge which the Court feels would have ensued had the alleged comment been made by the prosecuting attorney to the jury.

Accordingly, the Petitioner's two Motions for Rehearing are overruled.

Dated this 7 day of November, 1967.

Fred Daugherty  
Fred Daugherty  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 30 1967

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

Francis Ray Robinson,  
Petitioner,  
vs.  
United States of America,  
Respondent.

No. 67-C-205

ORDER OVERRULING MOTION TO VACATE SENTENCE

This matter coming on for hearing this 28th day of November, 1967, upon the motion of the petitioner Francis Ray Robinson to vacate and set aside the judgment of conviction and sentence in Criminal Case No. 14231 in this court, the petitioner Francis Ray Robinson being present in person and represented by Mr. John L. Ward and Mr. Robert G. Brown, and the respondent being represented by Assistant United States Attorney James E. Ritchie, and the court having considered the motion finds:

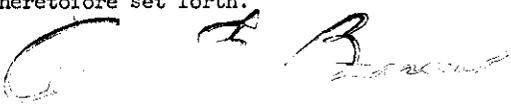
That the petitioner complains in his motion filed in accordance with 28 U.S.C. 2255 that he was unable to assist his counsel, Mr. Elmore Page, in the preparation of his defense or in the trial of the aforementioned criminal action due to the petitioner's impaired hearing, and the United States Attorney knowingly used perjured testimony which prejudiced the jury against petitioner.

The court having reviewed the transcript of the trial of Criminal Case No. 14231 and the decision in the United States Court of Appeals for the Tenth Circuit, Case No. 8354, wherein the petitioner Francis Ray Robinson was the appellant, which court affirmed the findings of the trial court on September 20, 1966, and the court further being advised that petitioner's writ for certiorari was denied by the United States Supreme Court on January 9, 1967, finds that petitioner's contention that the United States Attorney knowingly used perjured testimony was adequately raised in the foregoing appeal by the petitioner and found to be without merit by the United States Court of Appeals for the Tenth Circuit.

The court having allowed this date an evidentiary hearing on the effect of petitioner's impaired hearing, and having allowed full and complete

evidence to be presented by the petitioner and the respondent finds that petitioner was represented in this court by Mr. Elmore Page, a seasoned attorney of criminal representation experience, and a respected member of this Bar; that petitioner's impaired hearing did not prevent his assisting Mr. Page with the preparation for his trial nor limit his assistance during trial due to the many conversations the petitioner had with his counsel prior to trial and in recess during the trial, and the court having allowed the petitioner's wife to sit at counsel table at the request of petitioner during said trial; and the further fact that the court room was equipped with a public address system for use by the witnesses in said trial; and the transcript of said trial reflecting Mr. Page's vigorous cross-examination based upon facts obviously only known to said petitioner evidencing the extent of petitioner's assistance in his defense, both in preparation for trial and during trial.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that petitioner's motion to vacate the judgment and sentence under the provisions of 28 U.S.C. 2255 is overruled for the reasons heretofore set forth.



ALLEN E. BARROW  
United States District Judge