

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

FLETCHER FOSTER,

Petitioner,

vs.

RAY H. PAGE, WARDEN, Oklahoma
State Penitentiary, McAlester,
Oklahoma,

Respondent.

NO. 69-C-219

FILED

JAN 5 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

O R D E R

The Court has before it a Petition for Writ of Habeas Corpus filed by State prisoner Fletcher Foster, pro se, wherein the petitioner alleges that his United States Constitutional rights have been abridged in the following particulars, to-wit:

1. That he did not intelligently waive his right to appeal because he was not advised of such rights, and one cannot intelligently waive what he does not know exists.

2. That his guilty plea was not voluntary, but rather he was forced to enter a guilty plea because the jailer and his wife told him he could not get a fair trial.

3. That the Court denied petitioner's request for a mental examination and he was thereby deprived of the defense of not guilty by reason of insanity. That at the time of his plea and sentence he was an escapee from a mental institution where he had been committed as a sexual psychopath; and that he was deprived of equal protection of the law because he was an indigent and could not afford a psychiatrist.

4. That the trial Court lacked jurisdiction of his person, subject matter, and authority under law to pronounce judgment and sentence against the petitioner.

5. That the sentence was excessive and rendered under influence of passion and prejudice.

The Court has carefully read the petition, response and files of record of the State Court proceedings and determines that the petition

is without merit and should be denied. This Court finds that the said files and transcripts of the State proceedings support the Court's findings as set out below, to-wit:

1. That the petitioner was under no coercion, duress or force, overt or subtle, which induced the petitioner to enter a plea of guilty.

2. That the trial Court on three occasions informed the petitioner in clear and concise language of his right to appeal and offered to grant petitioner time in which to appeal and have a case made, and that petitioner denied any intent to appeal and specifically requested that he be immediately sentenced and sent to the State penitentiary.

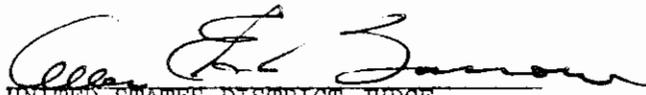
3. That, at the time defendant's attorney made the motion for a mental competency examination, said attorney offered to the Court no grounds showing a doubt of the present sanity of the accused, although such showing was specifically requested by the trial Court. The trial Court, therefore, had no grounds upon which the Court could base the need for such examination; and, in fact, the defense attorney had in his possession a letter from the institution from which petitioner is an escapee which states that the accused was competent to tell right from wrong, although such letter was not entered in evidence until the hearing on the State petition for habeas corpus.

4. That lack of jurisdiction of the trial Court over the accused, who was present in person, and over the subject matter of the offenses charged is wholly without merit.

5. That the sentence was clearly within the limits as set out in the Statutes of the State of Oklahoma, and the record supports the sentence imposed by the trial Court; therefore, this Court will not review or disturb such sentence.

IT IS, THEREFORE, ORDERED that the Petition for Writ of Habeas Corpus be and it is hereby denied.

Entered this 31st day of December, 1969, at Tulsa, Oklahoma.


CLAYTON E. SAMSON
UNITED STATES DISTRICT JUDGE

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

JERRY WAYNE FOX,

Petitioner,

vs.

RAY H. PAGE, WARDEN, Oklahoma
State Penitentiary, McAlester,
Oklahoma,

Respondent.

NO. 69-C-234

FILED *NS*

JAN 5 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

O R D E R

The Court has before it a pro se petition for Writ of Habeas Corpus filed by Jerry Wayne Fox, a prisoner in the Oklahoma State Penitentiary, wherein petitioner alleges his United States Constitutional rights have been abridged because his arrest was illegal since there was no probable cause for such arrest, the search and seizure immediately following the arrest was illegal, and there was no probable cause shown in the preliminary hearing. Further, petitioner names as a party respondent the State of Oklahoma.

The Court has carefully read the petition, response and attached transcripts of the State proceedings, and determines that the petition herein is without merit and should be denied. From said State transcripts and records the Court finds that the petitioner, while represented by counsel of his own choosing, entered a voluntary plea of guilty; and that such voluntary plea of guilty waives prior procedural defects and Constitutional infirmities if any there be; and that a sentence entered after such voluntary plea is not subject to collateral attack.

Further, the Court finds that the State of Oklahoma is not a proper party respondent, and pursuant to Rule 21 of the Federal Rules of Civil Procedure the Court should motu proprio drop as party respondent the State of Oklahoma and dismiss the cause of action as to it.

IT IS, THEREFORE, ORDERED that this cause of action as to the State of Oklahoma be and it is hereby dismissed, and the State of Oklahoma is dropped as party respondent.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas
Corpus be and the same is hereby denied.

Entered this 31st day of December, 1969, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

GLENN BRUMLEY,

Petitioner,

vs.

RAY H. PAGE, WARDEN, Oklahoma
State Penitentiary, McAlester,
Oklahoma,

Respondent.

NO. 69-C-238

FILED

JAN 5 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

O R D E R

The Court has before it a Petition for Writ of Habeas Corpus wherein the petitioner names as a party respondent the State of Oklahoma; and, wherein the petitioner, Glenn Brumley, alleges that he is restrained in the Oklahoma State Penitentiary unlawfully and that his United States Constitutional rights have been abridged in the following particulars, to-wit:

1. That there was irregularity in the proceedings of the sentencing Court of the State of Oklahoma;
2. That his sentences were excessive;
3. That his pleas of guilty were entered because of agreement with the State that was not kept; and
4. That he was denied his right to appeal.

Petitioner further alleges that he has exhausted his State remedies by Petition for Post-Conviction Appeal and/or Writ of Habeas Corpus to the Court of Criminal Appeals of the State of Oklahoma.

The Court has carefully reviewed the petition, response, and transcript of the proceedings of the sentencing Court in Case No. 22428 and No. 22481, filed in the District Court of Tulsa County, Oklahoma; and, this Court finds that said record reflects that there were no irregularities in the State proceeding, and that the State Court carefully and in clear and concise language gave petitioner the benefit and protection of his Constitutional rights. That the sentence imposed is within the limits of the Statutes of the State of Oklahoma and therefore is not here subject to review. That the

petitioner's plea of guilty was voluntary as reflected by said State Court record wherein the State Court asked petitioner, "Now, has anyone, Mr. Brumley, promised you anything whatsoever to get you to enter your plea of guilty in either 22428 or 22481?" To this question Glen Brumley, petitioner herein, responded, "No, Sir." Further, the Court finds that the right to appeal was fully, in clear and concise language explained to the petitioner in the State proceeding. The Court, therefore, finds that the petition herein is frivolous and without basis in fact and that said petition should be denied.

Further, the Court finds that the State of Oklahoma is not a proper party respondent, and pursuant to Rule 21 of the Federal Rules of Civil Procedure the Court should motu proprio drop as party respondent the State of Oklahoma and dismiss the cause of action as to it.

IT IS, THEREFORE, ORDERED that this cause of action as to the State of Oklahoma be and it is hereby dismissed, and the State of Oklahoma is dropped as a party respondent.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus be and it is hereby denied.

Entered this 31st day of December, 1969, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

DONALD STOCKTON,

Petitioner,

vs.

RAY H. PAGE, WARDEN, Oklahoma
State Penitentiary, McAlester,
Oklahoma,

Respondent.

NO. 69-C-244 ✓

FILED DS

JAN 5 1970

O R D E R

M. M. EWING, CLERK
U. S. DISTRICT COURT

The Court has before it a Petition for Writ of Habeas Corpus, filed by Attorney for Donald Stockton, wherein it is alleged that the petitioner was found guilty by a jury and timely notice of appeal was made, that the petitioner's parents paid in full the attorneys' fees for said appeal; that said attorneys failed to perfect the appeal. The petitioner further alleges that such failure to perfect his appeal by his attorneys, when they had been fully paid to do so, is a denial of his Constitutional rights to due process of law, equal protection of the law, and to the effective assistance of council. Further, petitioner names as a party respondent the State of Oklahoma.

The Court finds that the petitioner has completely failed to show the Court that the petitioner has been denied due process of law, equal protection of the law, or the effective assistance of counsel, which would entitle him to a Writ of Habeas Corpus. The failure to perfect an appeal by an attorney, selected and retained by the petitioner's own free choice, is not of itself a denial of a Constitutional right that would give this Court jurisdiction to act in a habeas corpus proceeding. The petition should be denied.

Further, the Court finds that the State of Oklahoma is not a proper party respondent, and pursuant to Rule 21 of the Federal Rules of Civil Procedure the Court should motu proprio drop as a party respondent the State of Oklahoma and dismiss the cause of action as to it.

IT IS, THEREFORE, ORDERED that this cause of action as to the State of Oklahoma be and it is hereby dismissed, and the State of Oklahoma is dropped as party respondent.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus be and the same is hereby denied.

Entered this 31st day of December, 1969, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

United States of America,

Petitioner,

vs.

Floyd Johnson,

Patient.

Civil No. 69-C-295

RECEIVED
U.S. DISTRICT COURT

JAN 5 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT
10

On this date, it appearing from the reports received by this Court (which are filed coincident herewith) that both of the examining physicians at the National Institute Mental Health Clinical Research Center, Fort Worth, Texas, have determined that the above named patient is not one who is likely to be rehabilitated through treatment, it is hereby ORDERED that these proceedings be dismissed and that said patient be discharged immediately from the care and custody of the Surgeon General.

Entered this 29th day of December, 19 69.

Luther Bohannon
United States District Judge

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

FILED

Civil Action No. 5861

JAN 7 1970

WILSHIRE OIL COMPANY OF TEXAS,)
a corporation,)
)
Plaintiff,)
)
vs.)
)
L. E. RIFFE, et al.,)
)
Defendants.)

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT PURSUANT TO MANDATE

This matter comes on for hearing January 7, 1970 before the Court for the purpose of entering judgment pursuant to the mandate of the United States Court of Appeals for the Tenth Circuit in the case of Wilshire Oil Company of Texas, a corporation, Appellant vs. L. E. Riffe, Appellee (Civil Action No. 10049; now reported in 406 F.2d 1061). This matter also comes on for hearing before the Court on Plaintiff's (Wilshire) Motion re Entry of Judgment Pursuant to Mandate. The Court has heard the representations and arguments of counsel for both parties; is mindful of the opinion and decision of the Court of Appeals, referred to above; and being satisfied in the premises;

IT IS ORDERED, ADJUDGED, AND DECREED:

1. That judgment be entered on behalf of Plaintiff, Wilshire Oil Company of Texas and against Defendant, L. E. Riffe, in the principal amount of \$41,542.67, with interest at the rate of 10% per annum, under the appropriate statute of the State of Oklahoma, to commence running from the date of this judgment until paid.

2. Regarding Plaintiff's motion and prayer that interest at the rate of 6% per annum be added to the said principal of \$41,542.67 from and after the date of August 13, 1965, to and including the date of the instant judgment, as set forth in Plaintiff's motion considered hereunder, the same is denied as not being permitted within the purview of the Appellate Court's mandate in appellate action number 10049, referred to in the premises above.

This ORDER, JUDGMENT and DECREE is entered this 17 day of January, 1970.

By the Court:

LUTHER BOHANNON

LUTHER BOHANNON
United States District Judge

Approved as to Form
and Substance:

Richard H. Shaw
for MODESITT AND SHAW
Suite 1500, 1700 Broadway
Denver, Colorado 80202

Robert J. Woolsey for
FARMER, WOOLSEY, FLIPPO & BAILEY INCORPORATED
602 National Bank of Tulsa Building
Tulsa, Oklahoma 74103

By _____
Attorneys for Wilshire Oil Company of Texas, a corporation

Gerald G. Stamper for
THORNTON & STAMPER
1111 Mid-Continent Building
Tulsa, Oklahoma

By Gerald G. Stamper
Attorneys for Defendant, L. E. Riffe

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

THORP SALES CORPORATION and
THORP SMALL BUSINESS INVEST-
MENT CORPORATION,

Plaintiffs,

vs.

H. M. LUNDQUIST,

Defendant.

FILED

No. 67-C-197

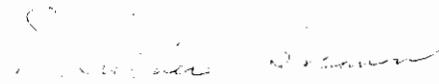
JAN 7 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

NOW on this 7th day of January, 1970, upon stipulation of the parties:

IT IS HEREBY ORDERED ADJUDGED AND DECREED that the above entitled matter be and the same is hereby dismissed with prejudice at the cost of the defendant.



JUDGE OF THE UNITED STATES DISTRICT COURT

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
) PLAINTIFF,)
)
) V.)
)
) 156.12 ACRES OF LAND, MORE OR)
) LESS, SITUATE IN ROGERS COUNTY,)
) OKLAHOMA, KERR ENTERPRISES,)
) ET AL., AND UNKNOWN OWNERS,)
)
) DEFENDANTS.)

CIVIL NO. 67-C-234
TRACTS NOS. 412, 412-2,
417-1, 417-2,
417-3 and
417-4

FILED

J U D G M E N T JAN 7 1970
(Pursuant to Stipulation of Parties)

On this 7th day of JANUARY, 1970, there
M. M. EWING, CLERK
U. S. DISTRICT COURT

is presented to this Court the matter of entering judgment on the
STIPULATION FOR JUST COMPENSATION between the United States of
America, Plaintiff, and Kerr Enterprises, a limited partnership,
D. A. McGee, C. W. Flint, Jr., Joan Flint, Allen E. Barrow, Dorothy
Barrow, and the LeFlore Land, Cattle and Investment Company, Inc.,
Defendants, and which has heretofore been filed in this action for
the above-referenced tracts.

Accordingly, this Court, after examination of the files
and the records of all the proceedings in this action, including the
above-referenced stipulation between the parties, and upon the
representations of the attorneys of said parties, makes the following
findings:

1. That this Court has jurisdiction over the parties and
the subject matter of this action.
2. That under the authority set forth in the Declaration
of Taking and the Complaint in Condemnation filed herein on
December 1, 1967, the United States of America has acquired the
ownership of the land designated therein as Tracts Nos. 412, 412-2,

417-1, 417-2, 417-3 and 417-4 to the extent set forth in the Declaration of Taking.

3. That on the date of the filing of the Declaration of Taking, the sum of \$65,880.50 was deposited into the registry of this Court for the taking of the interests acquired by these proceedings in said land insofar as the ownership of the above-named Defendants therein is concerned.

4. That by previous orders of this Court, the total sum of \$50,242.64 has already been disbursed to said Defendants, or on their behalf, but that there still remains on deposit, available for distribution, the sum of \$15,637.86 (interest of LeFlore Land, Cattle and Investment Company, Inc. in Tracts Nos. 417-1, 417-2, 417-3 and 417-4).

5. That on the date of the filing of the Declaration of Taking the fee simple estate in said land was owned collectively by all of said Defendants, subject only to a portion of the mineral estate owned by third parties, and to a leasehold interest therein for outdoor advertising purposes owned by the Knapp Outdoor Advertising Company.

6. That said Defendants and the United States of America have, in accordance with the terms of the stipulation filed herein, agreed that the total amount of just compensation due to all of said Defendants collectively for the taking of the estate acquired by this proceeding in said land is the sum of \$72,295.75, inclusive of interest.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That on December 1, 1967, the United States of America became vested with the ownership of these tracts of land to the extent set forth in the Complaint and Declaration of Taking.

B. That said Defendants collectively were, on the date of the filing of the Declaration of Taking, the owners of said land as hereinablve set forth.

C. That said stipulation between the United States of America and said Defendants is hereby approved, and that as a result thereof the total amount of just compensation due said Defendants collectively is the sum of \$72,295.75, inclusive of interest.

D. That the difference between the total amount deposited for said Defendants (\$65,880.50) and the total amount of just compensation (\$72,295.75) is the sum of \$6,415.25, for which sum said Defendants are hereby granted a deficiency judgment against the United States of America without interest thereon.

E. That when the amount of said deficiency is deposited into the registry of this Court, the United States of America will have discharged all of its obligations to said Defendants.

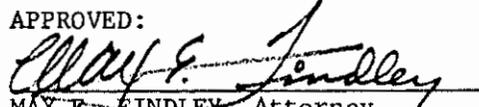
IT IS FURTHER ORDERED that when the amount of the deficiency judgment provided for herein has been deposited into the registry of this Court, the Clerk of this Court shall make disbursement thereof, together with the funds still on deposit and available for distribution (\$15,637.86), by check made payable to:

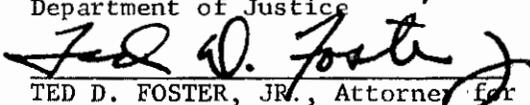
Kerr Enterprises, a limited partnership,
D. A. McGee, C. W. Flint, Jr., Joan Flint,
Allen E. Barrow, Dorothy Barrow, and the
LeFlore Land, Cattle and Investment Company,
Inc.

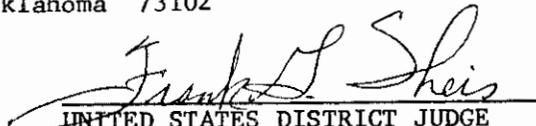
which check shall be mailed to:

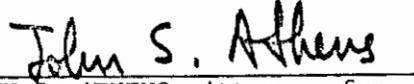
Ted D. Foster, Jr.
1500 Kermac Building
Oklahoma City, Oklahoma 73102

APPROVED:


MAX E. FINDLEY, Attorney
Department of Justice


TED D. FOSTER, JR., Attorney for
Kerr Enterprises, D. A. McGee,
and LeFlore Land, Cattle &
Investment Company, Inc.


UNITED STATES DISTRICT JUDGE


JOHN S. ATHENS, Attorney for
C. W. Flint, Joan Flint,
Allen E. Barrow & Dorothy Barrow

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
) PLAINTIFF,)
)
) V.)
)
) 156.12 ACRES OF LAND, MORE OR)
) LESS, SITUATE IN ROGERS COUNTY,)
) OKLAHOMA, KERR ENTERPRISES,)
) ET AL., AND UNKNOWN OWNERS,)
)
) DEFENDANTS.)

CIVIL NO. 67-C-234

TRACTS NOS. 412, 412-2,
417-1, 417-2,
417-3 and
417-4

FILED

J U D G M E N T
(Pursuant to Stipulation of Parties)

JAN 7 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

On this 7th day of JANUARY, 1970,

is presented to this Court the matter of entering judgment on the STIPULATION FOR JUST COMPENSATION between the United States of America, Plaintiff, and Kerr Enterprises, a limited partnership, D. A. McGee, C. W. Flint, Jr., Joan Flint, Allen E. Barrow, Dorothy Barrow, and the LeFlore Land, Cattle and Investment Company, Inc., Defendants, and which has heretofore been filed in this action for the above-referenced tracts.

Accordingly, this Court, after examination of the files and the records of all the proceedings in this action, including the above-referenced stipulation between the parties, and upon the representations of the attorneys of said parties, makes the following findings:

1. That this Court has jurisdiction over the parties and the subject matter of this action.
2. That under the authority set forth in the Declaration of Taking and the Complaint in Condemnation filed herein on December 1, 1967, the United States of America has acquired the ownership of the land designated therein as Tracts Nos. 412, 412-2,

417-1, 417-2, 417-3 and 417-4 to the extent set forth in the Declaration of Taking.

3. That on the date of the filing of the Declaration of Taking, the sum of \$65,880.50 was deposited into the registry of this Court for the taking of the interests acquired by these proceedings in said land insofar as the ownership of the above-named Defendants therein is concerned.

4. That by previous orders of this Court, the total sum of \$50,242.64 has already been disbursed to said Defendants, or on their behalf, but that there still remains on deposit, available for distribution, the sum of \$15,637.86 (interest of LeFlore Land, Cattle and Investment Company, Inc. in Tracts Nos. 417-1, 417-2, 417-3 and 417-4).

5. That on the date of the filing of the Declaration of Taking the fee simple estate in said land was owned collectively by all of said Defendants, subject only to a portion of the mineral estate owned by third parties, and to a leasehold interest therein for outdoor advertising purposes owned by the Knapp Outdoor Advertising Company.

6. That said Defendants and the United States of America have, in accordance with the terms of the stipulation filed herein, agreed that the total amount of just compensation due to all of said Defendants collectively for the taking of the estate acquired by this proceeding in said land is the sum of \$72,295.75, inclusive of interest.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

A. That on December 1, 1967, the United States of America became vested with the ownership of these tracts of land to the extent set forth in the Complaint and Declaration of Taking.

B. That said Defendants collectively were, on the date of the filing of the Declaration of Taking, the owners of said land as hereinabove set forth.

C. That said stipulation between the United States of America and said Defendants is hereby approved, and that as a result thereof the total amount of just compensation due said Defendants collectively is the sum of \$72,295.75, inclusive of interest.

D. That the difference between the total amount deposited for said Defendants (\$65,880.50) and the total amount of just compensation (\$72,295.75) is the sum of \$6,415.25, for which sum said Defendants are hereby granted a deficiency judgment against the United States of America without interest thereon.

E. That when the amount of said deficiency is deposited into the registry of this Court, the United States of America will have discharged all of its obligations to said Defendants.

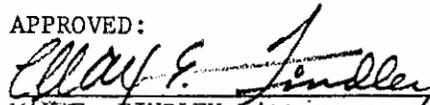
IT IS FURTHER ORDERED that when the amount of the deficiency judgment provided for herein has been deposited into the registry of this Court, the Clerk of this Court shall make disbursement thereof, together with the funds still on deposit and available for distribution (\$15,637.86), by check made payable to:

Kerr Enterprises, a limited partnership,
D. A. McGee, C. W. Flint, Jr., Joan Flint,
Allen E. Barrow, Dorothy Barrow, and the
LeFlore Land, Cattle and Investment Company,
Inc.

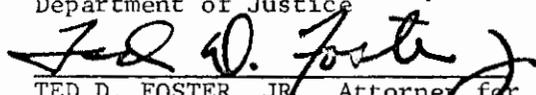
which check shall be mailed to:

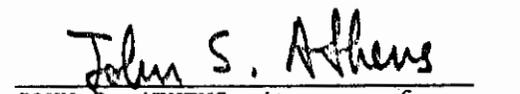
Ted D. Foster, Jr.
1500 Kermac Building
Oklahoma City, Oklahoma 73102

APPROVED:


MAX E. FINDLEY, Attorney
Department of Justice


UNITED STATES DISTRICT JUDGE


TED D. FOSTER, JR., Attorney for
Kerr Enterprises, D. A. McGee,
and LeFlore Land, Cattle &
Investment Company, Inc.


JOHN S. ATHENS, Attorney for
C. W. Flint, Joan Flint,
Allen E. Barrow & Dorothy Barrow

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

MARVIN LEROY "ROY" LONG,)
)
 Plaintiff,)
)
 -vs-)
)
 JUNE DEAN HANK,)
)
 Defendant.)

No. 67-C-248 ✓

FILED

JAN 7 1970 *m*

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

On this 7th day of January, 1970, there came on for hearing the motion of the plaintiff herein for new trial, plaintiff being present by his attorneys, Carl Longmire and Jack L. Gaither, and the defendant by her attorney, Bert McElroy. The Court, having heard the arguments of counsel and having examined the briefs filed in the cause, and being fully advised, upon consideration finds that the said motion for new trial should be overruled.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the motion of the plaintiff for a new trial be, and the same is hereby overruled.

Luther Bohannon
JUDGE

APPROVED:

Jack L. Gaither
Attorney for Plaintiff

Bert McElroy
Attorney for Defendant

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

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign
insurance corporation,

Complainant,

vs.

MID-CONTINENT CASUALTY COMPANY,
a domestic insurance corporation, and
LLOYD V. DeSHAZER,

Defendants.

No. 68-C-97

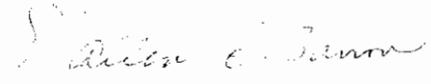
FILED

JAN 7 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Now on this 5th day of January, 1970, the issues in the above
entitled cause having been resolved, upon joint motion by the parties,
the above captioned cause is dismissed.



ALAN E. BARROW
Judge, United States District
Court, Northern District of
Oklahoma

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

Alpha General Corporation,)
an Oklahoma Corporation, and Joseph)
S. Jondahl,)

No. 69-C-297

Plaintiffs,)

vs.)

Brides Showcase International, Inc.,)
a Connecticut Corporation, and Peter Marin,)
Individually, and as an agent and employee)
of Brides Showcase International, Inc.,)

Defendants.)

FILED

JAN 8 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

DISMISSAL WITH PREJUDICE

Come now the plaintiffs, Alpha General Corporation, an Oklahoma Corporation, and Joseph S. Jondahl, and hereby dismiss with prejudice the above styled cause of action against the defendants, Brides Showcase International, Inc., a Connecticut corporation, and Peter Marin, individually, and as an agent and employee of Brides Showcase International, Inc.

ALPHA GENERAL CORPORATION

BY: Joseph S. Jondahl
Joseph S. Jondahl, President

Joseph S. Jondahl
Joseph S. Jondahl, Individually

Jan Eric Cartwright, their Attorney

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

FILED

JAN 8 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

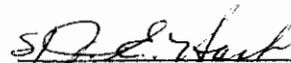
VIRGIL N. HARRINGTON, Area Director, Bureau of)
Indian Affairs, for John Beaver Estate, and the heirs of)
John Beaver, deceased; ESTATE OF JOHN BEAVER,)
deceased; ANNA BEAVER HALLAM, MARY WILSON,)
IRVIN WILSON, ESTATE OF LOUISE WILSON,)
COLLEEN WILSON NEWLON, IRVINA WILSON McKIBBEN,)
LAURA JENNY WILSON DOWNUM, ROBERT LAWRENCE)
STANLEY, VERNA WILSON POGUE, IDA LOUISE)
KILLOUGH, and INDIA WILSON,)
Plaintiffs,)
vs.)
UNITED STATES OF AMERICA,)
Defendant.)

CIVIL ACTION

NO. 68-C-163

MOTION FOR VOLUNTARY DISMISSAL

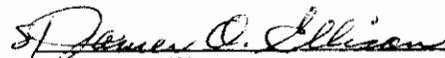
Plaintiff moves the Court for an Order dismissing the action without prejudice on the ground that defendant has not pleaded any counterclaim against plaintiff, and that such dismissal will not inconvenience or prejudice the defendant.



J. E. Hart
1911 Liberty Bank Building
Oklahoma City, Oklahoma 73102



Byron V. Boone



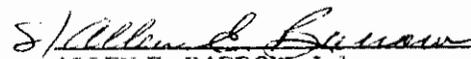
James O. Ellison
914 World Building
Tulsa, Oklahoma 74103

ATTORNEYS FOR PLAINTIFFS

ORDER DISMISSING ACTION ON MOTION OF PLAINTIFF

This cause came on to be heard on plaintiffs' Motion For Voluntary Dismissal of the action, and it appearing that defendant has not pleaded any counterclaim against plaintiff, and that defendant will not be prejudiced or inconvenienced by such dismissal,

IT IS ORDERED that the action be and it is hereby dismissed without prejudice.
Dated the 8th day of January, 1970.


ALLEN E. BARROW, Judge

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

CHARLES SHIDELER,)
)
Plaintiff,)
)
vs.)
)
PROCTER & GAMBLE DISTRIBUTING)
COMPANY, a Corporation, and)
HAROLD L. FITE,)
)
Defendants.)

NO. 69-C-182 ✓

FILED

JAN 8 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

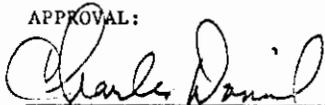
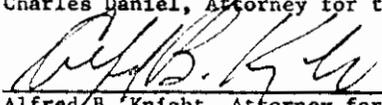
ORDER OF DISMISSAL

The above matter coming on to be heard this 8th day of January,
19 70 upon the written application of the parties for a dismissal of
said action with prejudice, the Court having examined said application
finds that said parties have entered into a compromise settlement cover-
ing all claims involved in the action and have requested the Court to
dismiss said action with prejudice to any future action, and the Court
being fully advised in the premises, finds that said action should be
dismissed pursuant to said application.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that
the Action of plaintiff filed herein against the defendants be and the
same hereby is dismissed with prejudice to any future action.


JUDGE, DISTRICT COURT OF THE UNITED
STATES, NORTHERN DISTRICT OF OKLAHOMA

APPROVAL:


Charles Daniel, Attorney for the Plaintiff

Alfred B. Knight, Attorney for Defendants

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

FILED

JAN 12 1970

JOSEPH SEIBERT,

Petitioner,

vs.

RAY H. PAGE, WARDEN,

Respondent.

M. M. EWING, CLERK
U. S. DISTRICT COURT

NO. 69-C-252

O R D E R

The Court has before it the pro se, habeas corpus petition of Joseph Seibert, a prisoner in the Oklahoma State Penitentiary at McAlester, Oklahoma; the response of the Warden of said Penitentiary; and the full and complete transcript of the plea and sentencing proceedings before the Tulsa County District Court in Tulsa, Oklahoma. Therefrom, this Court finds that petitioner was sentenced February 5, 1968, to 150 years imprisonment in Case No. 22973, robbery with firearms, and concurrent therewith to 10 years imprisonment in Case No. 22974, assault and battery with a deadly weapon. Further, that petitioner has exhausted his State remedies by appeal and by Writ of Habeas Corpus to the Oklahoma Court of Criminal Appeals; and petitioner has also previously presented a Writ of Habeas Corpus, 69-C-82, to this Court which was denied June 4, 1969, because petitioner had at that time failed to exhaust his adequate and available State remedies.

Petitioner, in this present petition, alleges that he is incarcerated unlawfully because his United States Constitutional right to due process of law was abridged in the State of Oklahoma sentencing Court in the following particulars, to-wit:

1. That at his preliminary hearing his Court-appointed attorney was a member of the County Attorney's staff and therefor could not adequately represent petitioner; and that there was no ruling on petitioner's motion for a second preliminary hearing. That petitioner filed two motions for change of venue, and that there was no ruling on one and one was denied. That petitioner's motion to suppress the evidence was denied.

2. That petitioner's plea of guilty was not voluntary, but made under duress and in fear of the death penalty if he went to trial; that the County Attorney made the guilty plea look better when he informed the Court and petitioner the death penalty would not be sought if a guilty plea was entered; and that the County Attorney thus denied the petitioner a jury trial.

3. That the "after former conviction of a felony" charge was for purposes of prejudice to the petitioner and is unconstitutional.

4. That petitioner was denied a psychiatrist's examination by a physician of his own choosing.

This Court has carefully considered the instruments herein and finds as follows, to-wit:

1. That the record of the sentencing Court unequivocally demonstrates that the petitioner, Joseph Seibert, in response to said Court's careful questioning, stated that he was satisfied with his counsel's representation, said attorney appointed early in the proceedings to replace former counsel who was permitted to withdraw; and, unmistakably affirms that the accused had discussed the nature and circumstances of the offense with his attorney. Further, that the maximum penalty the Court could impose was explained by both Court and counsel to the accused; that no promise of reward or special treatment was made to him, but rather the severity of the probable sentence was in clear and concise language made known to the accused; and, that the accused, petitioner herein, freely, knowingly and voluntarily pled guilty because, as he admitted in open Court, he was guilty. That such knowing and voluntary plea waives prior procedural defects and Constitutional infirmities if any there be.

2. That the County Attorney neither encouraged the petitioner to enter a plea of guilty nor in any way deprived petitioner of a jury trial, but to the contrary stated to the sentencing Court, as reported at Pages 6 and 7 of the transcript of said proceedings, "I would like, your Honor, for the record, while I think it is explicit in the statement of counsel and the defendant, I would ask that the record be completed by his [accused's] reviewing a formal jury waiver form and executing the same in open court to be attached

to the file. I might state further for the record that the State does not waive it's right to a trial by jury, but being powerless to prevent a plea of guilty why we have no alternative but to accept that plea."

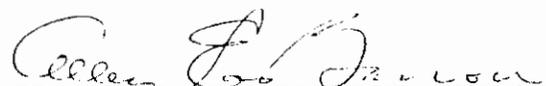
4. That the validity of recidivist statutes has been decided and they are held not to abridge the guarantees of the Constitution of the United States against double jeopardy, self-incrimination, cruel and unusual punishment, and due process and equal protection of both the 5th and 14th Amendments. Further, the habitual criminal statute of Oklahoma does not define or describe a new and additional offense, but merely provides conditions under which one convicted of a crime may be given a heavier penalty. *Sanders v. Waters, C.A.A. 10th Cir. 1952, 199 F.2d 317; Williams v. Page, E.D. Okla. 1968, 289 F. Supp. 661.*

5. That petitioner was committed to Eastern State Hospital for a mental examination on November 3, 1967, and returned December 8, 1967, as mentally competent to stand trial, said commitment specifically admitted by petitioner in his application to the trial Court for a subsequent and additional mental examination. That the question of whether defendant would be entitled to a second mental competency examination was a matter within the trial Court's sound discretion, and the decision of the trial Judge should not be disturbed except for a clear showing of abuse of discretion. Further, the Court finds that there is no absolute right to a mental examination by an expert of accused's choice. *Perry v. United States, C.A.A. D.C. 1964, 347 F.2d 813.*

6. That these findings set out above, with replete substantiation in the sentencing Court record, clearly show that the Petition for Writ of Habeas Corpus herein is totally without merit and should be denied.

IT IS, THEREFORE, ORDERED that the Petition for Writ of Habeas Corpus of Joseph Seibert be and the same is hereby denied.

Dated this 12th day of January, 1970, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

FILED

JAN 14 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

E. J. ARMSTRONG, d/b/a ALAN, INC.,)
)
 Plaintiff,)
)
 vs.)
)
 FISCHER & PORTER COMPANY,)
 a Pennsylvania corporation,)
)
 Defendant.)

NO. 67-C-237

DISMISSAL

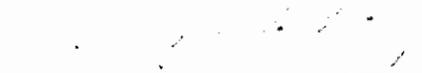
Comes now the plaintiff, E. J. ARMSTRONG, d/b/a ALAN, INC., and dismisses the above cause of action against the defendant, Fischer & Porter Company, with prejudice to the future action.

DATED this 11th day of January, 1970.



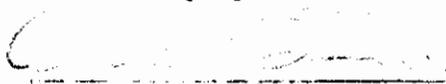
E. J. ARMSTRONG

HALL AND WILLIAMS

By: 

Attorneys for Plaintiff

It is ordered that the above cause of action is dismissed as to defendant Fischer and Porter Co., with prejudice.



U.S. District Judge

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

United States of America,

Plaintiff,

vs.

Carolyn Nell Hill,

Defendant.

70-C-13

Civil No. _____

FILED

JAN 14 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER

This day came on for consideration the petition of the United States in this cause; and it appearing to the Court that the patient, after having been fully advised of his rights as set forth in Title 42 U.S.C. Section 3411, et seq. (Title III, Section 301, et seq. Public Law 89-793), has in open Court waived all such rights and has again expressed his desire to obtain treatment for his addiction; and the Court having determined that there is reasonable cause to believe that the patient is a narcotic addict, and that there are not any appropriate State or other facilities available for his treatment pursuant to said law, it is hereby

ORDERED that the patient be committed to the custody of the Surgeon General for examination under Title 42 U.S.C. Section 3413 (Title III, Section 303, Public Law 89-793), to determine whether or not he is a narcotic addict who is likely to be rehabilitated. The written report required of each examining physician shall be filed with the Court and copies thereof furnished to the patient, not later than twenty (20) days after the patient is received at the facility hereinafter designated, and the patient shall be detained for an additional period of ten (10) days at the institution, pending further order of the Court. Provided, however, in the event both examining physicians conclude in their respective written reports that the patient is a narcotic addict who is likely to be rehabilitated through treatment, and, if the patient by written instrument filed with the Court along with, and at the same time as, the reports of the examining physicians, waives any right he may have to notice and hearing on the issue as to whether or not he is a narcotic addict who is likely to be rehabilitated through treatment, and requests that he be forthwith committed to the care and custody of the Surgeon General for treatment in a hospital of the Service, rather than be returned to this Court for further proceedings, he shall be detained at said institution for a reasonable time after the expiration of thirty (30) days from the date he is received at said facility, pending further order of the Court.

It is further ORDERED that the patient shall be transported to the National Institute Mental Health Clinical Research Center, at Lexington, Kentucky, by the United States Marshal, within such time as the U. S. Marshal may be able to transport said patient.

Signed the 14th day of January 19 70.


UNITED STATES DISTRICT JUDGE

APPROVED:


Hubert H. Bryant
Assistant U. S. Attorney

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

RICHARD R. VAN TINE,)
Plaintiff,)
vs.) No. 69 C 19
HARLEY SALES CO. OF OKLAHOMA,)
INC., A Corporation,)
Defendant.)

FILED
JAN 15 1970
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Now on this 13 day of January, 1970, this matter comes on for hearing pursuant to the Dismissal with Prejudice filed herein by the plaintiff, and the Court being fully advised in the premises finds: That said lawsuit should be dismissed with prejudice.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that this matter is dismissed with prejudice.

William L. Brown
Judge

APPROVED AS TO SUBSTANCE AND FORM:

H. J. Cotton
Attorney for Plaintiff

J. David H. Adkins
Attorney for Defendant

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

United States of America,

Plaintiff,

vs.

Civil No. 69-C-228

Jay Donald Howard and Patricia L.
Howard, William Kenneth Wyble and
Colleen H. Wyble, Mirl R. Kellogg
a/k/a Mirl Ray Kellogg and Shirley
Kellogg, Credit Plan, Inc., Eli
Petnick, Agent of U. S. Carpets,
Inc., Third Finance Corporation,

Defendants.

FILED

JAN 15 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES ON for consideration this _____ day of
January, 1970, the defendant, Credit Plan, Inc., appearing by J. Stanley
Gill, its attorney, the defendants, U. S. Carpets, Inc., Carpetland, Inc.
and Third Finance Corporation, appearing by Mickey D. Wilson, their
attorney, and the defendants, Jay Donald Howard and Patricia L. Howard,
William Kenneth Wyble and Colleen H. Wyble, Mirl R. Kellogg a/k/a Mirl
Ray Kellogg and Shirley Kellogg, appearing not; and

The Court being fully advised and having examined the file herein
finds that the defendants, U. S. Carpets, Inc., Carpetland, Inc., and Third
Finance Corporation, have heretofore filed their General Entry of Appearance
waiving service of summons thereon and affirmatively stating that the
plaintiff herein may proceed as if summons were issued and properly served,
and the defendant, Credit Plan, Inc., has heretofore filed its Answer
disclaiming any right, title and interest in and to the real property
which is the subject of this foreclosure proceeding; and

It further appearing and the Court finds that due and legal
personal service of summons has been made on the defendants, Jay Donald
Howard and Patricia L. Howard, Mirl R. Kellogg a/k/a Mirl Ray Kellogg,
and Shirley Kellogg, requiring each of them to answer the complaint filed
herein not more than twenty (20) days after service of summons; and it
further appearing that legal service by publication was made upon the
defendants, William Kenneth Wyble and Colleen H. Wyble, requiring each
of them to answer the complaint filed herein no later than December 24, 1969,

and it appearing that the defendants, Jay Donald Howard and Patricia L. Howard, William Kenneth Wyble, and Colleen H. Wyble, Mirl R. Kellogg a/k/a Mirl Ray Kellogg and Shirley Kellogg, have failed to file an Answer herein and 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, Jay Donald Howard and Patricia L. Howard, did, on September 26, 1963, execute and deliver to the Administrator of Veterans Affairs their mortgage and mortgage note for the sum of \$9,700.00, with interest thereon at the rate of 5 $\frac{1}{2}$ % per annum, and further providing for the payment of monthly installments of principal and interest; and

It further appears that the defendant, William Kenneth Wyble, a single man, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, dated September 12, 1966, and filed of record in the Office of the County Clerk of Tulsa County, Oklahoma, on September 15, 1966, in Book 3756, at Page 198, but in this regard, plaintiff states that whatever right, title, or interest the defendant, William Kenneth Wyble, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendants, Mirl L. Kellogg and Shirley Kellogg, husband and wife, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, dated June 9, 1967, filed of record June 15, 1967, in the Office of the County Clerk of Tulsa County, Oklahoma, in Book 3810, at Page 580, and General Warranty Deed, dated June 9, 1967, ~~filed of record~~ May 14, 1969, in Book 3889, at Page 415, in the Office of the County Clerk of Tulsa County, Oklahoma, but in this regard, plaintiff states that whatever right, title, or interest the defendants, Mirl R. Kellogg and Shirley Kellogg, husband and wife, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendants, Jay Donald Howard and Patricia L. Howard, William Kenneth Wyble and Colleen H. Wyble, Mirl R. Kellogg a/k/a Mirl Ray Kellogg and Shirley Kellogg, made default under

the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly ~~instalments~~ installments due thereon on June 1, 1969, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$8,894.32, ~~as unpaid~~ principal, with interest thereon at the rate of 5 $\frac{1}{4}$ % per annum from June 1, 1969, until paid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Jay Donald Howard and Patricia L. Howard, William Kenneth Wyble and Colleen H. Wyble, Mirl R. Kellogg a/k/a Mirl Ray Kellogg and Shirley Kellogg, for the sum of \$8,894.32, with interest thereon at the rate of 5 $\frac{1}{4}$ % per annum from June 1, 1969, until paid, plus the cost of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that upon failure of the defendants, Jay Donald Howard and Patricia L. Howard, William Kenneth Wyble, and Colleen H. Wyble, Mirl R. Kellogg a/k/a Mirl Ray Kellogg and Shirley Kellogg, 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 appraisal, the following described real property:

Lot Eight (8), in Block Six (6), Northridge,
an Addition in Tulsa County, State of Oklahoma,
according to the recorded plat thereof,

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, Jay Donald Howard and Patricia L. Howard, William Kenneth Wyble and Colleen H. Wyble, Mirl R. Kellogg a/k/a Mirl Ray Kellogg and Shirley Kellogg, 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.

S/Allen C. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

Robert P. Santee
ROBERT P. SANTEE
Assistant U. S. Attorney

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

United States of America,

Plaintiff,

vs.

Civil No. 69-C-247

James M. Hale and Pearl J.
Hale, Morris Pope, Jr. and
Anna Bell Pope, Greater New
York Savings Bank, and Century
Finance Company,

Defendants.

FILED

JAN 15 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 14th day of January, 1970, the defendant, Greater New York Savings Bank appearing by John L. Boyd, its Attorney, and the defendants, James M. Hale and Pearl J. Hale, Morris Pope, Jr. and Anna Bell Pope, and Century Finance Company, appearing not; and

The Court being fully advised and having examined the file herein finds that the defendant, Greater New York Savings Bank, has heretofore filed its answer disclaiming any right, title and interest in and to the real property which is the subject of this foreclosure proceeding; and

It further appearing and the Court finds that due and legal personal service of summons has been made on the defendants, James M. Hale and Pearl J. Hale, Anna Bell Pope, and Century Finance Company, on October 15, 1969, in this state, requiring each of them to answer the complaint filed herein not more than twenty (20) days after service of summons; and that legal service by publication was made upon the defendant, Morris Pope, Jr., as appears by Proof of Publication filed herein on January 6, 1970, requiring him to answer the complaint filed herein not later than December 24, 1969; 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 this is a suit based upon a mortgage note and foreclosure on a real property mortgage securing said mortgage note on the following described real property located in Tulsa, Tulsa County, Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Seventeen (17), Block Fourteen (14), Valley View
Acres Addition to the City of Tulsa, County of Tulsa,
State of Oklahoma, according to the recorded plat thereof.

The Court further finds that the material allegations of Plaintiff's Complaint are true and correct; that the defendants, James M. Hale and Pearl J. Hale, husband and wife, did, on November 15, 1968, execute and deliver to the Administrator of Veterans Affairs, their mortgage and mortgage note for the sum of \$9,750.00, with interest thereon at the rate of 7% per annum and further providing for the payment of monthly installments of principal and interest; and

It further appears that the defendants, Morris Pope and Anna Bell Pope, have or claim some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, dated January 14, 1969, and filed of record in the Office of the County Clerk, Tulsa County, Oklahoma, in Book 3876, Page 607, on January 15, 1969, but in this regard, plaintiff states that whatever right, title, or interest the defendants, Morris Pope and Anna Bell Pope, have in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendant, Century Finance Company, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Judgment entered April 23, 1969, in the District Court Within and For Tulsa County, Oklahoma, being #80-69-56, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Century Finance Company, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appearing that the defendants, James M. Hale and Pearl J. Hale, and Morris Pope, Jr. and Anna Bell Pope, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on January 1, 1969, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$9,741.99, as unpaid principal, with interest thereon at the rate of 7% per annum from January 1, 1969, until paid.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, James M. Hale and Pearl J. Hale, and Morris Pope, Jr. and Anna Bell Pope, for the sum of \$9,741.99, with interest thereon at the rate of 7% per annum from January 1, 1969, until paid, plus the cost of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED 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 appraisal, 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 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.

Steven E. Barron
UNITED STATES DISTRICT JUDGE

APPROVED:

Robert P. Hawke
ROBERT P. HAWKE
Assistant U. S. Attorney

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

WILLIS J. CRAIG,

Plaintiff,

vs.

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.

No. 68-C-51

FILED

JAN 16 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT

Upon the Findings of Fact and Conclusions of Law entered herein,

IT IS ORDERED, ADJUDGED, AND DECREED:

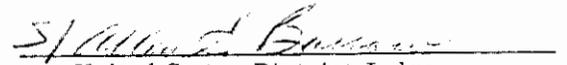
1. The defendant, Metropolitan Life Insurance Company, is discharged from any and all liability in connection with all matters which are the subject of this action, and, specifically, said defendant is discharged from any and all liability with respect to its Group Contract of Insurance No. 50 R. P. on all its employees and Certificate issued to Willis J. Craig as an employee of said defendant, and said Certificate and any and all responsibility to the plaintiff is hereby cancelled and declared void.

2. The defendant, Metropolitan Life Insurance Company, is granted attorney's fees in the amount of \$300.00, payable to G. Ellis Gable.

3. The amount of \$6,468.22 deposited into court by the defendant, Metropolitan Life Insurance Company, is hereby ordered distributed as follows:

G. Ellis Gable, Attorney for Metropolitan Life Insurance Company	\$ 300.00
Greer & Greer, Attorneys for Plaintiff	750.00
Dr. Averill Stowell	978.00

Grigsby's Carpets	1,656.35
Willis J. Craig and Bruce Harlton, Jr., His Attorney	<u>2,783.87</u>
Total Deposited in Court	<u>\$6,468.22</u>


United States District Judge

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

IRISH KEVIN KELLY,)
)
 Plaintiff,)
)
 vs.)
)
 SAMUEL W. FRY, Clerk, District)
 Court of Tulsa County, Oklahoma,)
 and COUNTY COMMISSIONERS OF)
 Tulsa County, Oklahoma,)
)
 Defendants.)

No. 69-C-300

FILED

JAN 16 1970

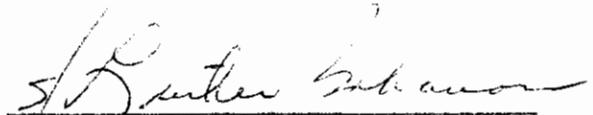
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

The plaintiff, Irish Kevin Kelly, has filed his Motion to Dismiss the above numbered and captioned cause, and the defendant, Samuel W. Fry, and the defendant County Commissioners of Tulsa County, Oklahoma, have filed their Motion to Dismiss the above numbered and captioned cause.

IT IS, THEREFORE, ORDERED that the above numbered and captioned cause be, and the same is hereby dismissed.

Dated this 15 day of January, 1970.


United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America,

Plaintiff,

vs.

42.54 Acres, More or Less, in Rogers
County, Oklahoma, including all accre-
tions and riparian rights thereto,
and W. D. Bacon, et al, and Unknown
Owners,

Defendants.

CIVIL ACTION NO. 6553

Tract No. 302

FILED

JAN 19 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

NOW, on this 19th day of ^{1. ~~May~~ 1970} ~~May~~, 1968, this matter comes on for dis-
position on application of Plaintiff, United States of America, for entry of
judgment on a contract, wherein the former owner of the subject tract and the
United States of America have agreed upon the amount of just compensation for
the estate taken herein, and the Court, after having examined the files in this
action and being advised by counsel for Plaintiff, finds:

2.

This judgment applies only to the estate condemned in Tract No. 302
as such estate and tract are described in the Complaint and the Declaration of
Taking filed in this action.

3.

The Court has jurisdiction of the parties and subject matter of this
action.

4.

Service of Process has been perfected personally, as provided by Rule
71A of the Federal Rules of Civil Procedure, on all parties defendant in this
cause who are interested in subject tract.

5.

The Acts of Congress set out in paragraph 2 of the Complaint herein
give the United States of America the right, power, and authority to condemn
for public use the estate described in paragraph 2 herein. Pursuant thereto,
on October 13, 1966, the United States of America has filed its Declaration of
Taking of such described property, and title to the described estate in such
property should be vested in the United States of America as of the date of
filing the Declaration of Taking.

6.

On filing of the Declaration of Taking, there was deposited in the Registry of this Court, as estimated compensation for the taking of a certain estate in subject tract a certain sum of money, and all of this deposit has been disbursed, as set out in paragraph 11 below.

7.

On the date of taking in this action, the owner of the estate taken in subject tract was the defendant whose name is shown in paragraph 11, below. Such named defendant is the only person asserting any interest in the estate taken in such tract, all other persons having either disclaimed or defaulted, and such named defendant is entitled to receive the just compensation awarded by this judgment.

8.

The former owner of subject tract and the United States of America have executed a contract designated as, "Offer to Sell Real Property", as alleged in the Complaint herein, wherein they have agreed that just compensation for the estate condemned in subject tract is in the amount shown as compensation in paragraph 11 below, and such contract should be approved.

9.

It Is Therefore ORDERED, ADJUDGED and DECREED that the United States of America has the right, power, and authority to condemn for public use the tract named in paragraph 2 herein, as such tract is particularly described in the Complaint and Declaration of Taking filed herein; and such tract, to the extent of the estate described and for the uses and purposes described in such Declaration of Taking, is condemned and title thereto is vested in the United States of America, as of the date of filing such Declaration of Taking, and all defendants herein and all other persons interested in such estate are forever barred from asserting any claim thereto.

10.

It Is Further ORDERED, ADJUDGED and DECREED that on the date of taking, the owner of the estate condemned herein in subject tract was the defendant whose name appears below in paragraph 11, and the right to receive the just compensation for the estate taken herein in this tract is vested in the party so named.

It Is Further ORDERED, ADJUDGED, and DECREED that the contract described in paragraph 8 above, hereby is confirmed; and the sum therein fixed is adopted as the award of just compensation for the estate condemned in subject tract, as follows:

TRACT NO. 302

Award of just compensation pursuant to contract - - - - -	\$18,500.00
Deposited as estimated compensation - - - - -	<u>\$18,500.00</u>

Owner and disbursal:

<u>Owner</u>	<u>Interest Owned</u>	<u>Disbursed</u>	<u>Balance Due</u>
W. D. Bacon	All	\$18,500.00	None

/s/ Allen E. Barrow

UNITED STATES DISTRICT JUDGE

APPROVED:

/s/ Hubert A. Marlow

HUBERT A. MARLOW
Assistant United States Attorney

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

UNITED STATES OF AMERICA)
for the use and benefit of)
MARION TURNER d/b/a)
FAIRLAND LUMBER & SUPPLY COMPANY,)

Plaintiff,)

No. 68-C-121

vs.)

PACIFIC INDEMNITY COMPANY,)
a California corporation,)

Defendant.)

FILED

JAN 20 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

J U D G M E N T

On this 16th day of January, 1970, this matter comes on for hearing before the undersigned District Judge at Tulsa, Oklahoma, in the Northern District pursuant to regular setting, the plaintiff appearing herein by and through Warren L. McConnico, Attorney. This matter was duly set on non-jury assignment, jury trial not having been requested by either party, on January 12, 1970, and the plaintiff only appeared by and through Warren L. McConnico, and the defendant appeared not. The Court finds that good and sufficient notice was given on January 12, 1970, by the Clerk of this Court to the attorney for the defendant of the setting of this matter on January 16, 1970. The Court, being fully advised in the premises, finds the issues generally in favor of the plaintiff and against the defendant in the principal sum of \$709.81, together with applicable interest and attorney fees.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the plaintiff have judgment against the defendant for the sum of \$709.81, together with interest thereon at the rate of 6% per annum from date of judgment, an attorney fee in the amount of \$250.00, and the costs accrued to this date in the sum of \$22.72.


ALLEN E. BARROW
DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Willard D. Brumley and Velma
Brumley, and William Crofut,

Defendants.

Civil No. 69-C-301

FILED

JAN 20 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 11 day of January, 1970, the defendants, Willard D. Brumley and Velma Brumley, and William Crofut, 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 defendant, William Crofut, on December 22, 1969, and the defendants, Willard D. Brumley and Velma Brumley, on December 26, 1969, 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, Willard D. Brumley and Velma Brumley, husband and wife, did, on May 1, 1968, execute and deliver to the Administrator of Veterans Affairs their mortgage and mortgage note for the sum of \$11,250.00, with interest thereon at the rate of 6% per annum, and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that defendant, William Crofut, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a General Warranty Deed, filed of record in the Office of the County Clerk, Creek County, Oklahoma, on August 2, 1968, in Book 1052, Page 70, but in this regard, plaintiff states that whatever right, title or interest the defendant, William Crofut, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

The Court further finds that default has been made by the defendants, Willard D. Brunley and Velma Brunley, and William Crofut, under the terms of the aforesaid mortgage and mortgage note by virtue of said defendants' failure to make monthly installment of principal and interest due on said mortgage note on March 15, 1969, which default has continued; that said defendants by virtue of such default are now indebted to the plaintiff for the sum of \$11,165.34, with interest thereon at the rate of 6% per annum from March 15, 1969, until paid, together with the costs of this action.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff have judgment against the defendants, Willard D. Brunley and Velma Brunley, and William Crofut, for the sum of \$11,165.34, with interest thereon at the rate of 6% per annum, from March 15, 1969, 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, Willard D. Brunley and Velma Brunley, husband and wife, and William Crofut, 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 appraisal, the following described real property:

Lot One (1), Block Six (6), LAZY H ADDITION,
an addition to the City of Sapulpa, Creek
County, Oklahoma, according to the recorded
plat thereof,

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, Willard D. Brunley and Velma Brunley, husband and wife, and William Crofut, 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:


ROBERT F. SAWYER
Assistant U. S. Attorney

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

TRI-STATE INSURANCE COMPANY,
a corporation,

Complainant,

-vs-

HARTFORD INSURANCE GROUP, a
foreign insurance corporation,

Defendant.

NO. 68-C-242

FILED

JAN 23 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

It being shown this cause has been compromised and settled and upon
request of both parties, this cause is hereby dismissed with prejudice.

Dated this 23rd day of January, 1970.


JUDGE

IN SENATE, FEBRUARY 11, 1970

THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF COLUMBIA

IN RE

vs.

THE DISTRICT OF COLUMBIA, et al.

Case No. 68-C-53

68-C-53

FILED

JAN 23 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

MEMORANDUM FOR THE COURT

On or about the 15th day of January, 1970, the undersigned, Clerk of the District Court, advised the Court that the following exhibits were filed for the case captioned above.

EXHIBIT NO. 100-100-100-100

By

[Signature]
Clerk

EXHIBIT NO. 100-100-100-100, et al.

By

[Signature]
Clerk

ORDER OF THE COURT

and that on this 23 day of January, 1970, the undersigned, Clerk of the District Court, advised the Court that the following exhibits were filed for the case captioned above.

[Signature]
Clerk

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

UNITED STATES OF AMERICA,)	
)	
)	
)	
)	
Plaintiff,)	
)	
vs.)	
)	
ROGERS N. STRICKLAND, d/b/a THE)	CIVIL ACTION
STRICKLAND COMPANY, and STRICKLAND)	No. 67-C-84
COMPANY, a corporation,)	
)	
)	
)	
Defendant and)	
Third-party)	
Plaintiff,)	
)	
vs.)	
)	
JAMES B. DAVIS, d/b/a DAVIS ENGINEERING)	
COMPANY,)	
)	
)	
)	
Third-party)	
Defendant.)	
)	

FILED
JAN 26 1970
M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT

This matter came on to be heard on the 12th day of January, 1970. After hearing statements of counsel and testimony and having examined exhibits and heard argument, the court finds:

1. The claim of the plaintiff, United States of America, is not supported by sufficient evidence upon which to base a judgment and the motion for judgment of defendant and third-party defendant should be sustained.
2. Since the plaintiff's claim is denied, the third-party complaint should be dismissed.
3. Third-party defendant James B. Davis should recover from defendant Strickland Company, a corporation, the sum of \$7,500.00, less the sum already paid to William L. Shriner of \$1,500.00.

4. The amount third-party defendant Davis is obligated to William L. Shriner for services on testing under Contract No. DA-03-006-AIV-3396 is \$2,125.00, of which \$1,500.00 has previously been paid by defendant Strickland Company and \$50.00 paid by third-party defendant Davis.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED:
and cause of action

1. The complaint of plaintiff, United States of America, is denied and dismissed.

2. Judgment is granted in favor of third-party defendant Davis, d/b/a Davis Engineering Co. against defendant Strickland Company, a corporation, in the sum of \$6,000.00.

Dated this 26th day of January, 1970.

S. G. B...
Chief Judge

Approved as to form:

[Signature]
Ass't United States District Attorney

[Signature]
Jack N Hays

[Signature]
C. W. Pate
Attorneys for Defendants

[Signature]
William S. Hall
Attorney for Third-party Defendant

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

EUGENE C. MULLENDORE, et al.,

Plaintiffs,

vs.

SOHIO PETROLEUM COMPANY, et al.,

Defendants.

)
)
) 69-C-24
)
)
)
)
)
)

FILED

JAN 26 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER DISMISSING CAUSE OF ACTION

The Court has for consideration the motion for summary judgment filed by the defendant, Sohio Petroleum Company, and the Motion to Dismiss filed by the defendant, Layton Oil Company, and the answer filed by the defendants, Sohio Petroleum Company and Joseph E. Seagram & Sons, Inc., the briefs in support and opposition thereto, and oral argument of counsel on the 26th day of January, 1970, and being fully advised in the premises.

The Court finds that the statute of limitations as to a tort action is 2 years, as set forth in Title 12 O.S.A. §95.

That the fire in question, for which damages are sought, occurred on the 24th day of January, 1967. That the instant action, sounding in tort, was commenced in this Court on February 24, 1969, being the removal of a case originally filed in the District Court of Osage County, Oklahoma, on January 27, 1969. That thereafter, defendant, Sohio Petroleum Company, filed its Motion for Summary Judgment, premised on the fact that such action was barred by limitations. Thereafter plaintiffs amended their

complaint, attempting to circumvent the limitation question by interjecting violation of the Blanket Oil Mining Lease in effect; because of an alleged violation of 2 O.S.A. §§741, 746 and 747 and also seeking recovery by virtue of Section 2 of the Act of Congress of March 2, 1929 (45 Stat. 1478, 1479) and 25 C.F.R. §183.5(b).

The Court concludes that the Oklahoma Statutes cited by plaintiffs in their amended complaint do not create a new cause of action, but merely provide for a penalty and forfeiture, and, in addition thereto, state that a person so wronged may collect civil damages. Such statutes do not create a statutory remedy in derogation of the common law recovery in tort. The Court, therefore, concludes that the statutes of limitations raised by defendants in the instant cause bar recovery of plaintiffs in this action.

IT IS, THEREFORE, ORDERED that the motions be and they are hereby sustained.

IT IS, FURTHER ORDERED that the complaint, amended complaint and this cause of action be and the same is hereby dismissed.

ENTERED this 26th day of January, 1970.



UNITED STATES DISTRICT JUDGE

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

JACK A. YORK,

Petitioner,

vs.

RAY H. PAGE, Warden, Oklahoma
State Penitentiary, McAlester,
Oklahoma, et al.

Respondent.

NO. 69-C-267

FILED

JAN 26 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

O R D E R

The Court has before it a Petition for Writ of Habeas Corpus filed by Jack A. York, a prisoner serving an indeterminate sentence of from 40 years to 120 years imprisonment in the Oklahoma State Penitentiary at McAlester, Oklahoma. Petitioner was tried for Murder, Case No. 22,507, in the Tulsa County District Court and the jury found him guilty of the lesser included offense of Manslaughter in the First Degree, and sentence therefor was imposed on June 19, 1967. Said cause of action was appealed to the Oklahoma Court of Criminal Appeals, Case No. A-14550, and the appeal denied January 8, 1969; rehearing was denied February 14, 1969. Thereafter, Mr. York, pro se, filed a Petition for Writ of Habeas Corpus and/or Post Conviction Review, Case No. A-15,576, which was denied October 1, 1969.

Petitioner here alleges that his rights guaranteed by Amendments No. 5, 6, and 14 of the United States Constitution were abridged in his trial in the following particulars, to-wit:

1. His Court-appointed counsel were incompetent and negligent in presenting petitioner's defense in that they failed to reserve Constitutional questions so that appeal could be made to the Supreme Court of the United States; they failed to object to introduction of prejudicial, coerced and hearsay testimony of witnesses, they failed to call for proof of testimony of witnesses; they failed to call important witnesses in defendant's behalf; they failed to object when the State's Attorney raised previous felony convictions in cross-examining defendant; they failed to object when the Judge warned observers of possible punishment if they went into the halls and reported what was being testified to in the Court room after the "Rule"

had been **invoked**; and they failed to object to inflammatory statements of the States Attorney made to prejudice the jury.

2. The arresting officers did not at any time advise defendant of his right to remain silent.

3. The trial Judge failed to properly instruct the jury on the law of the case and refused to give defendant's requested instructions of his theory of the case; and, he failed to give a directed verdict when the evidence proved there was no premeditated intent.

4. Defendant's Petition for Writ of Habeas Corpus and/or Post Conviction Appeal was denied by the Oklahoma Court of Criminal Appeals without an evidentiary hearing.

This Court has before it the full and complete transcript of the trial submitted with the response herein. A close and careful reading of said transcript, consisting of some 897 pages, clearly shows that an evidentiary hearing is unnecessary because petitioner's allegations are wholly without merit, and therefore his petition for writ of habeas corpus should be denied. Based on the said transcript of the trial, the Court finds as follows, to-wit:

1. That the accused's right to counsel is not a right to an attorney's services with specified aptitude tests in professional skill, and a charge of incompetent counsel will support a collateral attack only when the trial is reduced to a farce. Counsel's common mistakes of judgment, strategy or trial tactics, if any there be, are not grounds for a collateral attack. The Court has carefully reviewed the entire trial record and petitioner's counsel fully appreciated their responsibilities and diligently represented the petitioner. The petitioner's allegation of incompetent and negligent counsel is wholly without merit.

2. That the interrogating officer testified under oath that he advised the defendant, Jack A. York, of his Constitutional rights, in particular the right to remain silent. The officer so testified in the preliminary hearing, appearing at Page 101 of the transcript, and during the trial, as reflected at Page 542 of the transcript. The defendant, Jack A. York, took the witness stand in his own behalf, and to defense counsel's question as to whether the interrogating

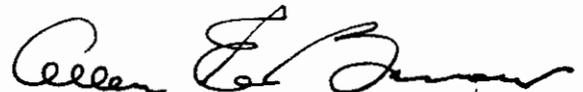
officer had done or said anything to him, as recorded at Page 649 of the transcript, answered, "No. The first thing that I remember Officer Hunt saying was he was running off a whole bunch of stuff about constitutional rights..."

3. That the instructions given by the Trial Judge completely, accurately and properly state the law, both as to the theory of prosecution and defense, in the light of the evidence, and the punishment imposed is within the range provided by the laws of the State of Oklahoma, therefore, there is no constitutional breach giving this Court jurisdiction to interfere with the judgment and sentence imposed.

4. That when the full and complete transcript is before the Court, and such transcript clearly supports the jury's verdict and proves the trial was conducted so that the accused received the protection of his constitutional rights, the Federal Court has no jurisdiction on which to disturb the verdict.

IT IS, THEREFORE, ORDERED that the petition for writ of habeas corpus of Jack A. York be and it is hereby denied.

Dated this 26th day of January, 1970, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

FILED

JAN 26 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

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

RICHARD FRANK NUTILE,

Petitioner,

vs.

THE UNITED STATES OF AMERICA,

Respondent.

NO. 69-C-299

O R D E R

The Court has before it a letter of petitioner which the Court has granted leave to be filed as a pro se motion pursuant to T. 28 U.S.C. § 2255, wherein, the petitioner, Richard Frank Nutile, alleges that the prison authorities are incorrectly computing the petitioner's release date in accordance with the sentence imposed by this Court.

The Court held in abeyance the entering of a final Order in the said § 2255 proceeding until the Warden of the United States Penitentiary at Lewisburg, Pennsylvania, where the petitioner is incarcerated, submitted a summary of the sentence being served by the petitioner.

The Court has received the said summary and finds that the prisoner's sentence commenced on August 24, 1967. That the prisoner was given credit on said sentence for his pre-sentence custody from July 31, 1967, through August 23, 1967; and, that at the present time, with good time allowance credited and to be credited and barring any infractions of the prison rules by the petitioner which would extend his date of release, the petitioner, Richard Frank Nutile, is eligible for release from the imprisonment sentence imposed by this Court on the 22nd day of February, 1970.

The Court further finds that these computations are in complete accord with the sentence imposed by this Court, and that February 22, 1970, is the accurate and proper release date. The findings herein set forth render the Section 2255 motion without merit and a final order should be entered denying said motion.

IT IS, THEREFORE, ORDERED that the motion pursuant to T. 28 U.S.C. § 2255 of Richard Frank Nutile be and the same is hereby overruled and denied.

Dated this 26th day of January, 1970, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE

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

FILED

JAN 28 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

TULSA MOVING PICTURE MACHINE OPERATORS
UNION LOCAL #513 OF THE INTERNATIONAL
ALLIANCE OF THEATRICAL STAGE EMPLOYEES
AND MOVING PICTURE MACHINE OPERATORS
OF THE UNITED STATES AND CANADA, ET AL,

Plaintiffs,

v.

G. J. PURDIE, ET AL,

Defendants.

Case No. 69-C-156

ORDER DISMISSING ACTION ON PARTS OF TULSA MOVING PICTURE MACHINE
OPERATORS UNION LOCAL #513 OF THE INTERNATIONAL ALLIANCE OF
THEATRICAL STAGE EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS
OF THE UNITED STATES AND CANADA AND NEW MAJESTIC THEATRE, INC.

NOW, on this 28th day of January, 1970, the motion
of TULSA MOVING PICTURE MACHINE OPERATORS UNION LOCAL #513 OF THE
INTERNATIONAL ALLIANCE OF THEATRICAL STAGE EMPLOYEES AND MOVING
PICTURE MACHINE OPERATORS OF THE UNITED STATES AND CANADA and
NEW MAJESTIC THEATRE, INC. to dismiss the above-styled action
comes on for hearing before me, the undersigned Judge of this
court, and the Court finds that said motion should be granted.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this
Court that the Complaint by TULSA MOVING PICTURE MACHINE OPERATORS
UNION LOCAL #513 OF THE INTERNATIONAL ALLIANCE OF THEATRICAL STAGE
EMPLOYEES AND MOVING PICTURE MACHINE OPERATORS OF THE UNITED STATES
AND CANADA and NEW MAJESTIC THEATRE, INC. be and the same is
hereby voluntarily dismissed.

(Signature)

FRED DAUGHERTY

JUDGE

GUDGER,
WIRN,
AND SCOTT
ATTORNEYS AT LAW
500 1ST
TULSA, OKLAHOMA
452-4000

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

FILED

JAN 28 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

VIRGIL N. HARRINGTON, Area Director, Bureau of
Indian Affairs, for Flora Y. G. Whitebird Estate,
and the heirs of Flora Y. G. Whitebird, deceased;
ESTATE OF FLORA Y. G. WHITEBIRD, deceased;
ROBERT A. WHITEBIRD, PHILIP ROMICK, JR. and
GEORGE ALPHONSO ROMICK, heirs of Flora Y. G.
Whitebird, deceased,

Plaintiffs,)

vs.)

UNITED STATES OF AMERICA,

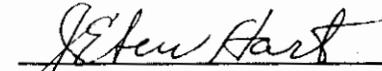
Defendant.)

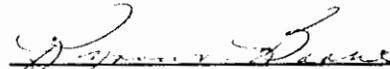
CIVIL ACTION

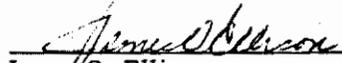
NO. 68-C-160

MOTION FOR VOLUNTARY DISMISSAL

Plaintiff moves the Court for an Order dismissing the action without prejudice
on the ground that defendant has not pleaded any counterclaim against plaintiff, and
that such dismissal will not inconvenience or prejudice the defendant.


L. E. Hart
1911 Liberty Bank Building
Oklahoma City, Oklahoma 73102


Byron V. Boone


James O. Ellison
914 World Building
Tulsa, Oklahoma 74103

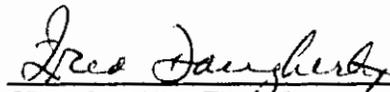
ATTORNEYS FOR PLAINTIFFS

ORDER DISMISSING ACTION ON MOTION OF PLAINTIFF

This cause came on to be heard on plaintiffs' Motion For Voluntary Dismissal
of the action, and it appearing that defendant has not pleaded any counterclaim against
plaintiff, and that defendant will not be prejudiced or inconvenienced by such dismissal,

IT IS ORDERED that the action be and it is hereby dismissed without
prejudice. Dated the 13 day of November, 1969.

LAW OFFICES
BOONE, ELLISON
& SMITH
914 WORLD BLDG.
TULSA, OKLA. 74103


FRED DAUGHERTY, Judge

THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

TERESA M. SULLIVAN)
)
) Plaintiff)
))
 Vs.))
))
))
 THE WASHINGTON, FOREIGN AND ANNEAPOLIS)
 RAILWAY COMPANY, a corporation)
))
))
))
) Defendant)

Case No. 70-00234

FILED

JAN 28 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Upon application of the plaintiff and defendant, all appearing to the Court that this cause has been fully settled between the parties hereto and should be dismissed:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that this cause be and the same is hereby dismissed with prejudice to the filing of any further or future action, and costs herein are taxed against the defendant.

s/ Luther Bohanon

United States District Judge

s/ Theresa M. Sullivan

Theresa M. Sullivan, Plaintiff

Boesche, McDemott & Eskridge
By s/ Fenelon Boesche

Attorney for Plaintiff

Wilkey, Flynn, Welch, Wallace,
Korn & Cooper

By s/ G. F. Rainey

Attorney for Defendant

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT W. SULLIVAN
Plaintiff
vs.
THE ATCHISON, TOPEKA AND
SAFARI RAILWAY COMPANY,
a corporation
Defendant

101-1049-2

FILED
JAN 28 1970
M. M. EWING, CLERK
U. S. DISTRICT COURT

ORDER OF DISMISSAL

Upon application of the plaintiff and defendant, it appears to the Court that this cause has been fully settled between the parties hereto and should be dismissed.

IT IS ORDERED, ADJUDGED AND DECREED that this cause and the same is hereby dismissed with prejudice to the filing of any further or future action, and costs herein are taxed against the defendant.

s. Luther Bohanon
United States District Judge

s/ Robert J. Sullivan
Robert J. Sullivan, Plaintiff

Boesche, McDonnell & Esbridge
By s/ Feneion Boesche
Attorneys for Plaintiff

Rainey, Flynn, Welch, Wallace,
Ross & Cooper
By s/ G. F. Rainey
Attorneys for Defendant

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

FILED

JAN 29 1970

HELMERICH & PAYNE, INC.,

Plaintiff,

vs.

MORGAN POWER APPARATUS CORPORATION,
a corporation, and LLOYD MORGAN,

Defendants.

HELMERICH & PAYNE, INC.,

Plaintiff,

vs.

MORGAN POWER APPARATUS CORPORATION,
a corporation,

Defendant.

) M. M. EWING, CLERK
) U. S. DISTRICT COURT

) 68-C-221

) 68-C-222

ORDER DISMISSING

The Court has for consideration the stipulation of dismissal entered into between the parties, and, being fully advised in the premises, finds:

That said cause of action in 68-C-221 and 68-C-222 should be dismissed.

IT IS, THEREFORE, ORDERED that the cause of action and complaint in 68-C-221 and 68-C-222 be and the same are hereby dismissed.

ENTERED this 29 day of January, 1970.


UNITED STATES DISTRICT JUDGE

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

FILED

JAN 29 1970

HELMERICH & PAYNE, INC.,

Plaintiff,

vs.

MORGAN POWER APPARATUS CORPORATION,
a corporation, and LLOYD MORGAN,

Defendants.

HELMERICH & PAYNE, INC.,

Plaintiff,

vs.

MORGAN POWER APPARATUS CORPORATION,
a corporation,

Defendant.

) M. M. EWING, CLERK
) U. S. DISTRICT COURT

) 68-C-221

) 68-C-222

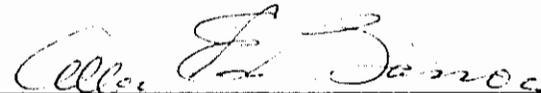
ORDER DISMISSING

The Court has for consideration the stipulation of dismissal entered into between the parties, and, being fully advised in the premises, finds:

That said cause of action in 68-C-221 and 68-C-222 should be dismissed.

IT IS, THEREFORE, ORDERED that the cause of action and complaint in 68-C-221 and 68-C-222 be and the same are hereby dismissed.

ENTERED this 29 day of January, 1970.



UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

vs.

Civil No. 69-C-265

Millard B. Barnes, a/k/a Millard
Buel Barnes, if living; or if dead, the
Unknown Heirs, Executors, Administrators,
Devises, Trustees, and Assigns, if any,
of Millard B. Barnes, a/k/a Millard
Buel Barnes; Frances H. Barnes and Lucy
Albertson Barnes,

Defendants.

FILED

JAN 29 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

JUDGMENT OF FORECLOSURE

THIS MATTER COMES on for consideration this 28th day of

January, 1970. The defendants, Millard B. Barnes, a/k/a Millard
Buel Barnes, if living, or if dead, the Unknown Heirs, Executors, Administra-
tors, Devises, Trustees, and Assigns, if any, of Millard B. Barnes, a/k/a
Millard Buel Barnes, Frances H. Barnes and Lucy Albertson Barnes appearing
not; and

The Court being fully advised and having examined the file herein
finds that the due and legal personal service of summons has been made on
the defendant, Lucy Albertson Barnes, on December 1, 1969; and

It further appearing and the Court finds that legal service by
publication was made upon the defendants, Millard B. Barnes, a/k/a Millard
Buel Barnes, if living, or if dead, the Unknown Heirs, Executors, Administra-
tors, Devises, Trustees, and Assigns, if any, of Millard B. Barnes, a/k/a
Millard Buel Barnes and Frances H. Barnes, as appears by Proof of Publication
filed herein on January 22, 1970, requiring each of them to answer the
complaint filed herein not later than January 21, 1970, 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 this is a suit based upon a mortgage
note and foreclosure on a real property mortgage securing said mortgage note
on the following described real property located in Tulsa, Tulsa County,
Oklahoma, within the Northern Judicial District of Oklahoma:

Lot Three (3), Block Two (2), Lakeview Heights Second
Addition to the City of Tulsa, Tulsa County, State of
Oklahoma, according to the recorded Plat thereof.

The Court further finds that the material allegations of Plaintiff's Complaint are true and correct;

That the Defendant, Millard B. Barnes a/k/a Millard Buel Barnes, did, on April 14, 1964, execute and deliver to the Administrator of Veterans Affairs, his mortgage and mortgage note for the sum of \$8,500.00, with interest thereon at the rate of 5½% per annum and further providing for the payment of monthly installments of principal and interest; and

The Court further finds that the defendant, Lucy Albertson Barnes, has or claims some right, title, or interest in and to the premises herein being foreclosed by virtue of statutory homestead rights acquired by her marriage to Millard B. Barnes, a/k/a Millard Buel Barnes, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Lucy Albertson Barnes, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

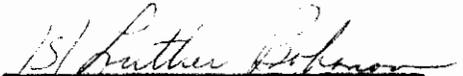
The Court further finds that the defendant, Frances H. Barnes, has or claims some right, title, or interest in and to the premises herein being foreclosed by reason of a Judgment in favor of Frances H. Barnes against Millard B. Barnes a/k/a Millard Buel Barnes, in the amount of \$16,335.00, which judgment is recorded in the records of the District Court In and For Tulsa County, Oklahoma, being No. D-83841, dated December 2, 1963, and entered December 6, 1963, but in this regard, plaintiff states that whatever right, title, or interest the defendant, Frances H. Barnes, has in and to said property being foreclosed herein is junior and inferior to the first mortgage lien of this plaintiff; and

It further appears that the defendants, Millard B. Barnes, if living, or if dead, The Unknown Heirs, Executors, Administrators, Devisees, Trustees and Assigns, if any of Millard B. Barnes, a/k/a Millard Buel Barnes and Lucy Albertson Barnes, made default under the terms of the aforesaid mortgage note and mortgage by reason of their failure to make monthly installments due thereon on July 1, 1969, which default has continued and that by reason thereof the defendants are now indebted to the Plaintiff in the sum of \$7,772.89, as unpaid principal, with interest thereon at the rate of 5½% per annum from July 1, 1969, until paid, plus the cost of this action accrued and accruing.

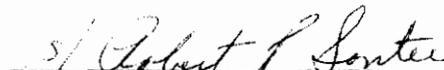
IT IS THEREFORE ORDERED, ADJUDGED and DECREED that the Plaintiff, United States of America, have and recover judgment against the defendants, Millard B. Barnes, if living, or if dead, the Unknown Heirs, Executors, Administrators, Devisees, Trustees and Assigns, if any of Millard B. Barnes, a/k/a Millard Buel Barnes and Lucy Albertson Barnes, for the sum of \$7,772.89, with interest thereon at the rate of 5 $\frac{1}{2}$ % per annum from July 1, 1969, until paid, plus the cost of this action accrued and accruing.

IT IS FURTHER ORDERED, ADJUDGED and DECREED 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 appraisal, 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 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 hereof.


LUTHER P. JOHNSON
UNITED STATES DISTRICT JUDGE

APPROVED:


ROBERT P. SANTEE
Assistant U. S. Attorney

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

COLEMAN LOTT,

Petitioner,

vs.

RAY H. PAGE, Warden, Oklahoma
State Penitentiary, McAlester,
Oklahoma,

Respondent.

NO. 70-C-18

FILED

JAN 29 1970

O R D E R

M. M. EWING, CLERK
U. S. DISTRICT COURT

The Court has before it a Petition for Writ of Habeas Corpus filed by the Petitioner, Coleman Lott, wherein the named respondent is the 14th Judicial District Court, Tulsa, Oklahoma. The Court finds that the petitioner is imprisoned in the Oklahoma State Penitentiary at McAlester, Oklahoma, pursuant to conviction and sentence in Case No. 69-1023 by the Tulsa County District Court of Tulsa, Oklahoma. That pursuant to Rule 21 of the Federal Rules of Civil Procedure, the Court should motu proprio add the proper party respondent, Ray H. Page, Warden, Oklahoma State Penitentiary, McAlester, Oklahoma, the person who has custody over the petitioner; and, dismiss the cause of action as to the 14th Judicial District Court, Tulsa, Oklahoma, and drop the said Court as a party respondent.

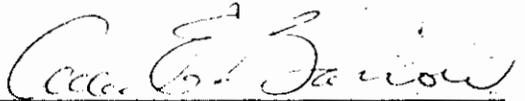
The Court finds that an appeal in Case No. 69-1023 has been perfected and is presently pending before the Oklahoma Court of Criminal Appeals. Further, the Court finds that the laws of the State of Oklahoma protect the right of every person to due process of law and give any person illegally held in custody within the State the right to habeas corpus protection in the State Courts. Okl. St. Ann. Const. Art. 2 § 7 and 10; 12 Okl. St. Ann. § 1331 et seq. That the petition herein should be denied because it is premature in the Federal Court. The petitioner has failed to exhaust his available and adequate state remedies and he is not eligible for Federal habeas corpus relief. Hudson v. Crouse, C.A.A. 10th Cir. Nov. Term 1969, No. 29-69 filed Jan. 21, 1970, ___ F.2d ___.

IT IS, THEREFORE, ORDERED that Ray H. Page, Warden, Oklahoma State Penitentiary, McAlester, Oklahoma, be and he is hereby added as the proper party respondent in this action; and, the cause of

action be and it is hereby dismissed as to the 14th Judicial District Court, Tulsa, Oklahoma, and said Court is dropped as a party respondent.

IT IS FURTHER ORDERED that the Petition for Writ of Habeas Corpus of Coleman Lott be and the same is hereby denied.

Dated this 29th day of January, 1970, at Tulsa, Oklahoma.


CECIL E. JOHNSON
UNITED STATES DISTRICT JUDGE

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

WILLIAM JOSEPH LEE,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

NO. 69-C-263

FILED

JAN 30 1970

M. M. EWING, CLERK
U. S. DISTRICT COURT

O R D E R

On this 27th day of January, 1970, pursuant to Order entered herein on January 15, 1970, comes on for hearing the petition of William Joseph Lee, petitioner herein, filed in forma pauperis under authority of T. 28 U.S.C., Section 2255; the petitioner appearing in person under Writ of Habeas Corpus Ad Testificandum and by his Court-appointed attorney, Mr. Kenneth L. Stainer, and the United States of America, Respondent, appearing by Nathan G. Graham, United States Attorney for the Northern District of Oklahoma, and the Court having advised the petitioner of the purpose of this hearing and that the primary issue at bar being the issue of the voluntariness of that certain plea entered by petitioner in District Court Case No. 12305 Criminal wherein the United States of America was the plaintiff and William Joseph Lee was the defendant and that it would be incumbent upon the petitioner to present evidence in support of his petition herein;

WHEREUPON, the defendant, with the advice and consent of his attorney, did indicate in open court his desire that the petition for Writ of Habeas Corpus be by petitioner withdrawn from consideration of the Court and the petitioner being advised that he need not so withdraw his petition and that he was entitled to have such evidentiary hearing but that if he desired to withdraw it at this time that the Court would entertain such application for withdrawal and allow the petitioner to re-file his petition at such later time as he might choose, again, petitioner requested withdrawal of his petition and his request was by the Court allowed.

