

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

UNITED STATES OF AMERICA,

Plaintiff

-v-

RUSSELL WILEY MULLIKIN,

Defendant.

71-CR-123 ✓

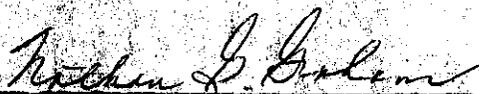
FILED

OCT 28 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

MOTION TO DISMISS

Comes now Nathan G. Graham, United States Attorney for the Northern District of Oklahoma, and respectfully moves the court to dismiss the above-entitled charge against the defendant, Russell Wiley Mullikin, on the ground and for the reason that said United States Attorney verily believes that such dismissal at this time is in the best interests of the United States of America and in the interests of justice, the United States Attorney so moves.


United States Attorney

ORDER

Now on this 28th day of October, 1971, comes on for hearing before me, the undersigned United States District Judge in and for the Northern District of Oklahoma, Government's motion to dismiss the above-entitled cause against defendant, and the court, upon due consideration, having heard the arguments in behalf of said motion by Government, and there being no objection by defendant or his counsel, and after the court has been fully satisfied that the defendant fully understands all legal aspects of such motion and the legal results thereof, finds that said motion should be dismissed.

IT IS THEREFORE ADJUDGED by the court that Government's Motion to Dismiss be and is hereby sustained, and the charges heretofore filed against the defendant in the above-entitled cause be and the same are hereby dismissed against the defendant, provided, however, that such dismissal of the charges against defendant is without prejudice to the Government.

IT IS FURTHER ADJUDGED that bond heretofore posted by the defendant in this matter be and is hereby exonerated, and any deposits made by defendant or his attorneys are to be returned to the defendant forthwith.

Luther Bohannon
United States District Judge

APPROVED:

Nathan G. Graham
United States Attorney

APPROVED:

John Charles Feigen
James W. Sumner
Attorneys for defendant

United States District Court
FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED
OCT 27 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

United States of America

v.

No.

71-00-114

Wayne Harmon Blake

On this 27th day of October, 1971, came the attorney for the government and the defendant appeared in person and with counsel, Jack S. Ferguson.

IT IS ADJUDGED that the defendant upon his plea of ^{not guilty, and a jury verdict of} GUILTY,

has been convicted of the offense of having violated U. S. C., 18 U.S.C., 871, in that, on or about September 26, 1970, he did transport in interstate commerce a stolen motor vehicle, that is, a 1969 Pontiac two-door, VIN 35P379R185107, from Grand Prairie, Texas, to Picher, Oklahoma, in the Northern District of Oklahoma, he then knowing such motor vehicle to have been stolen, as charged in the Indictment.

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

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

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

sixteen (16) months.

IT IS ADJUDGED that⁶
XXXXXXXXXXXXXXXXXXXX

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

Approved as to form:

Nathan S. Graham
Nathan S. Graham, C.N. Attorney

Walter E. Parrow
United States District Judge.

The Court recommends commitment to⁶
XXXXXXXXXXXXXXXXXXXX

Clerk.

A True Copy Certified this 27th day of Oct 71
(Signed) *John H. Poe* Clerk. (By) *Dr. Hanna* Deputy Clerk.

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

UNITED STATES OF AMERICA,
Plaintiff,
vs.
LEWIS C. BUTLER, ELI ELLIS GILBERT,
WOODROW J. HOWE, JOE BLEAKER JOHNSON,
STANFORD E. JOHNSON, JAMES MADDEN, JR.,
WALTER T. NAPIER, WILBERT MOORE, and
DOROTHY MAE PAGE,
Defendants.

Criminal No. 70-CR-39

FILED
OCT 26 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

~~FILED
OCT 14 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT~~

DISMISSAL OF INDICTMENT

Heretofore on July 27, 1971, the Tenth Circuit Court of Appeals rendered its opinion in the above-captioned case, which opinion reverses the convictions of Lewis C. Butler, Stanford E. Johnson, and James Madden, Jr. The reversal as to these three defendants was for the reason that the Circuit Court felt the evidence was so tenuous as to them as to require reversal. This same evidence, which the Grand Jury found sufficient to support an indictment and which the trial jury found sufficient to convict, is all the evidence that the Government possesses. Therefore, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by authorization of the Criminal Division, Department of Justice, and by leave of Court endorsed herein, the United States Attorney for the Northern District of Oklahoma hereby dismisses the indictment against Lewis C. Butler, Stanford E. Johnson, and James Madden, Jr.

Dated this 14th day of October, 1971.

UNITED STATES OF AMERICA
Nathan G. Graham
NATHAN G. GRAHAM
United States Attorney

Leave of Court is granted for the filing of the foregoing Dismissal of Indictment.

IT IS ORDERED, ADJUDGED AND DECREED that Lewis C. Butler, Stanford E. Johnson, and James Madden, Jr., be released from their present incarceration

at the United States Penitentiary for Federal Prisoners, Leavenworth, Kansas,
upon the entry of his Discharge of Imprisonment.

October - 22 - 1971

Lester Bohannon
UNITED STATES DISTRICT JUDGE

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

United States of America,

Plaintiff,

-v-

Walter Lee Brown,

Defendant.

No. 71-CR-124

FILED
IN OPEN COURT
OCT 27 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

JUDGMENT

On this 27 day of October 1971, this matter coming on for hearing, and the United States of America appearing by Hubert H. Bryant, Assistant United States Attorney for the Northern District of Oklahoma, and the defendant, Walter Lee Brown, and Imperial Insurance Company by Richard Thompson, attorney in fact, as surety, appearing not and there being before the Court the Motion of the United States for judgment on the appearance bond herein, and the Court being fully advised in the premises finds that said motion should be sustained; said motion having been made and found to be proper under the provisions of Rule 46(f) of the Federal Rules of Criminal Procedure and that judgment herein should be rendered in favor of the Plaintiff and against Walter Lee Brown, Imperial Insurance Company by Richard Thompson, attorney in fact, as surety.

The Court further finds that the forfeiture of the Appearance Bond of Walter Lee Brown in the amount of \$2,500 which was ordered by this Court on September 22, 1971, should be sustained.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court that the United States of America have judgment against Walter Lee Brown, Imperial Insurance Company by Richard Thompson, attorney in fact, as surety, in the amount of \$2,500.

Arthur Robinson
United States District Judge

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
-vs-)
)
)
)
LEROY DALE HINES, et al.,)
)
)
) Defendants.)

No. 71-CR-48

FILED

OCT 22 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

MEMORANDUM OPINION AND ORDER

The Statute alleged to have been violated in this cause of action is Title 18, United States Code, Section 1955, which provides in pertinent part:

"Whoever conducts, finances, manages, supervises, directs, or owns all or part of an illegal gambling business. . . "

shall be guilty of an offense against the laws of the United States.

As used in this Statute, an "illegal gambling business" means a gambling business which,

- (1) is a violation of the law of the State or political subdivision in which it is conducted;
- (2) involves five or more persons who conduct, finance, manage, supervise, direct, or own all or part of such business; and
- (3) has been or remains in substantially continuous operation for a period in excess of thirty days or has a gross revenue of \$2,000 in a single day.

Two essential elements are required to be proved in order to establish the offense charged in the indictment:

1. That there was an illegal gambling business as defined in the Statute.
2. That the defendants conducted, financed, managed, supervised, directed, or owned all or part of such illegal gambling business.

The Court finds that under the Statute, after having carefully studied the legislative history of the Organized Crime Control Act of 1970, that:

The Organized Crime Control Act of 1970 was passed for the purpose of giving the Federal authorities a chance to strike at

organized crime-- the large gambling business. The Act was to permit the Federal Government to assist the State Governments in attacking organized crime without having to rely in every instance on a violation of interstate commerce.

The standard in this Act provides that before the Federal Act could become operative there had to be an "illegal gambling business" defined as:

Five or more persons who conducted, financed, managed, supervised, directed or owned all or part of a gambling business in violation of the laws of the State or political subdivision in which it was conducted; and, which had been or remained in substantially continuous operation for a period in excess of thirty days or had a gross revenue of \$2,000 in a single day.

This standard was repeatedly said, by those introducing and supporting the bill, to have been set forth to prevent the preempting of State law. The standard was for the purpose of keeping Federal charges under the Act, aimed at the huge gambling rings. A few excerpts from the authors and supporters of the bill are as follows:

A top ranking Assistant Attorney General said at a Congressional hearing concerning this legislation: "We believe that this standard will insure that the federal effort is directed only at the more important gambling operation-- those in which there may clearly be said to be a strong Federal interest."

He went on to say that the Act is a "fight against organized crime by filling a loophole that presently prevents Federal prosecution of huge gambling rings whose activities are of legitimate concern to the Federal Government."

Senator McClellan stated in March of 1969 that this legislation "is directed primarily at organized crime. . ."

The Court could continue for hours citing those who advocated the legislation and who adamantly averred, over and over again, that the Statute itself prohibits only "an illegal gambling business" and that it was and is not to be aimed at "small gambling business;" and that it was and is not to be aimed at "small gambling operators;" or, in any way intended, to "preempt local law enforcement."

In this case, the prosecuting United States Attorney was asked by the Court at one of the pre-trial conferences if this alleged operation involved organized crime, and the Court was advised by the Assistant United States Attorney that it did not involve organized crime.

The Government has proved beyond question in this trial that there are individual, small bookmaking businesses being conducted within the State of Oklahoma. In fact, the defendants have stipulated and agreed that most of them, if not all, are engaged in bookmaking operations, some of which may be quite profitable; although some of the conversations on tapes and the transcripts reveal that some of the operations were not necessarily profitable. As shown by all of the evidence, including conversations on tapes and conversations transcribed, as well as, exhibits and stipulations, these defendants make up a group of individual bookmakers, whose activities, as presented by the prosecution and defense, do not constitute an "illegal Gambling business" as defined by the Federal Statute allegedly violated. To find otherwise would be an impermissible distortion of the Statute, itself, and would contravene the promises by the authors and sponsors of the law, and, therefore, the intent of Congress as revealed by the entire legislative history of the Act.

If I were called upon to define the gambling operations that have been stipulated to and shown by the evidence in these proceedings, I would characterize them as "Mom and Pop" operations. This is the very type of operation that the opponents to this Act were assured this legislation would not be used to prosecute. The defendants appear to be involved in the type of operation that the sponsors of the Act assured Congress were not included, and were specifically precluded, from prosecution under the standard of an "illegal gambling business" within the Act.

The matter here presents a possible question of a violation of the Oklahoma State law. Though there has been a failure of proof that a State Statute has been violated, there has been evidence that some of the Ordinances of the City of Tulsa, Oklahoma, have been violated. The Court recognizes that this trial may well make it difficult, if not impossible, for successful prosecutions to

now be lodged under the City Ordinances for these alleged violations because of the immunity granted to witnesses in these proceedings. Such immunity was granted at the United States Attorney's request, as it became apparent that such immunity was necessary in order to obtain evidence from these witnesses. The Court granted the immunity in order to protect the rights of the witnesses as guaranteed to them by the Constitution of the United States.

The Court notes that this Section 1955 of the Organized Crime Control Act under which the Government has brought this prosecution is a new law, passed in the Fall of 1970. As such, few Courts have been called upon to interpret its provisions. For this reason, presumably the Government had no reported case law from the appellate level on which to rely before initiating this prosecution.

It is unfortunate that a case of this type could not have been evaluated more carefully and scrutinized more closely under the commands of the Federal Statute to make certain that the essential elements were capable of proof before the cause of action was filed. This is particularly true when the Court is asked to grant immunity to witnesses. Only the strongest type of case, indicating a likelihood of successful prosecution, should be filed when immunity of witnesses must be sought. This is for the obvious reason that the immunity in all probability will make it difficult, if not ^{witnesses} preclude prosecution ^{the appropriate City or} under State law.

Criminal prosecutions, such as this, are essentially a problem of the States. More and more the Federal Courts are abstaining from interfering with the State Courts in most types of controversies for the obvious reason of comity; and, further for the reason that the State Courts are responsible, equally with the Federal Courts, to make their decisions within the guidelines of the Constitution of the United States. The States should have the opportunity to determine what is illegal within their borders, and to prosecute those activities deemed offensive to their laws. This is a perfect example of a case where the Government could have abstained, as the charge is lodged for an alleged violation of State Statutes and City Ordinances. Such abstention by the Federal Government would not only improve the comity between State and Federal Courts, but it would also allow the State a chance to police and

enforce its own Statutes prior to Federal intervention. Indeed, a review of the legislative history of this Federal Statute indicates that Congress did not intend the Federal Government to prosecute cases such as this. They intended that such prosecutions be left to the State.

This is not a conspiracy trial; the defendants have each been charged with a substantive crime. Now that all of the evidence is in, and applying this evidence to the Statute involved; the Court must hold that the Government has failed to meet the test of the Statute. This case is clearly distinguishable from the Missouri case (relied on by the prosecution) which case is reported in Federal Supplement and is on appeal to the Eighth Circuit Court of Appeals.

The Government has argued that the taking of lay-offs in exchange for line information in itself constitutes an illegal gambling business. The Court finds no evidence upon which a reasonable man might believe that five or more persons participated in a business resulting from lay-offs. Nor does the evidence establish that lines were given in exchange for lay offs. The Court further finds that even if the prosecution's theory were supported by the evidence in the case, such evidence would not constitute an "illegal gambling business" within the meaning of the Federal Statute allegedly violated.

The Court is hesitant, always, to remove a case from the jury; but, after studying the legislative history of the Act and after listening to, and reviewing and studying the evidence presented during the course of this trial; and, having considered such evidence in the light most favorable to the Government, the Court has determined that reasonable men could find, at the very most, that the Government has shown only a mere possibility of a business relationship among three of the persons named in the indictment; and, if all inferences and suggestions from the transcripts and tapes were given the meaning urged by the Government the evidence reveals that at an absolute maximum only four persons could possibly be considered as involved in an illegal gambling business. The Federal Act provides there must be a minimum of five persons -- nothing less.

Moreover, even if the Government had established that five or more persons had conducted a business in violation of local law, the Court would still be forced to find that the Government has failed to prove its case.

An essential element of the crime with which these defendants are charged is the proof that the illegal business has been in substantially continuous business for a period in excess of thirty days or has a gross revenue of \$2,000 in any single day. The Court finds that the Government has failed to prove either element of the crime.

The Government's evidence of thirty days continuous operation is comprised of ten (10) days of continuous wire-tap evidence and testimony from telephone company records that numerous telephone calls were placed between the telephone numbers registered in the defendants' names for approximately a month prior to said wiretap. No evidence has been presented as to the contents of these untapped telephone conversations, or, indeed, if these conversations were between the defendants, or persons unknown using the defendants' telephones. The inference that the defendants participated in these conversations, and that the content of these conversations was incriminating, cannot, lawfully, be drawn.

In addition, the Government has offered testimony of several persons who placed wagers with certain defendants during the two month period covered by the indictment. However, these persons did not specify the dates of these wagers in a manner that would prove a substantially continuous operation for a period in excess of thirty days.

The Government asserts that it has proved that the gambling business in question has a gross revenue of \$2,000 in a single day. In support of this contention, the Government will point to the testimony of its expert witness on the dollar volume of wagers accepted during the wire-tap period.

It must be noted that this evidence relates to the total volume wagered during this period. The Government itself has already argued that many of the defendants before this Court have acted individually in some instances, and jointly in others. The Government has further stated that it is the joint action, which constitutes the "illegal business" for which defendants are prosecuted.

The Government cannot have it both ways. The dollar volume wagered during the wire-tap period may have involved individual and joint action. The Government has failed to break down this dollar volume figure, and to show what portion related to individual betting, and what portion related to so-called lay-off betting. In the absence of this proof, the Court cannot assume that the portion of the defendants dollar volume related to illegal business, as defined in the statute, has a gross revenue of \$2,000 in any single day.

In view of these findings, the Court as a matter of law cannot allow this cause of action to go to the jury. The Court finds that there is insufficient evidence to support a finding of guilty beyond a reasonable doubt. The Government has failed to prove an "illegal gambling business" as defined by the Statute, Title 18, United States Code, Section 1955, which "illegal gambling business" is an essential element that must be proved before there is a crime under the Federal law.

The Court, therefore, enters its judgment of acquittal for all defendants herein. It is so ordered.


UNITED STATES DISTRICT JUDGE

United States District Court
FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America
v. Plaintiff,
Luther Hill, Jr.,
Defendant

No. 70-CR-52

FILED
OCT 26, 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this 21st day of October, 1971, came the attorney for the government and the defendant appeared in person and by counsel, Robert G. Brown.

IT IS ADJUDGED that the defendant upon his plea of Guilty. not guilty and a finding of

has been convicted of the offense of having violated T. 26, U.S.C., 4704 (a), in that on or about September 22, 1968, at Tulsa, Oklahoma, in the Northern District of Oklahoma, Luther Hill did dispense and distribute not in the original stamped package and not from the original stamped package, a narcotic drug, that is approximately 0.349 grams of Heroin Hydrochloride.

and the court and his attorney as charged in the indictment, judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the Court, in Count Two (2)

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

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

Count Two (2)--Ten (10) Years

IT IS ADJUDGED that

[REDACTED]

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

APPROVED AS TO FORM:

/s/ Nathan G. Graham
Nathan G. Graham, Clerk of Court

/s/ Fred Daugherty
United States District Judge.

Clerk.

A True Copy. Certified this 21st day of October, 1971

(Signed) John H. Poe (By) Deputy Clerk.

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 BRIAN MCCOY,)
)
 Defendant.)

71-CR-129 ✓

FILED

OCT 15 1971 ✓

JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER

On the 12th day of October, 1971 the above styled action came on regularly for hearing before the Honorable Morris L. Bradford, Magistrate, on Defendant's Motion to Dismiss, the plaintiff being represented by Mr. Ben Baker, Assistant U. S. Attorney, and the defendant being present in person and by his attorney, Mr. Ed Parks; upon recommendation of the United States Magistrate, which is adopted and confirmed by the Court, the Court finds that the Government announced before the Magistrate that it did not desire to contest the defendant's motion and upon said announcement, the Magistrate ordered that defendant's motion to dismiss should be sustained.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the defendant's Motion to Dismiss should be and is hereby sustained, the defendant discharged and his bond exonerated.

Allen E. Barrow

Allen E. Barrow
United States District Judge

*Received the attached certificates
of shares of common stock this
15th day of October, 1971.*

*W. M. Moody
Attorney for
Defendant
Brian McCoy*

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

FILED

OCT 7 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

United States of America }
vs }
Robert Lee Alexander }

70-CR-108

On the 2nd day of July, 1970, came the attorney for the government and the defendant appeared in person and was represented by counsel, Kenneth Stainer.

It was adjudged that the defendant had been convicted upon his plea of guilty of the offense of having violated Title 26, U.S.C., 4704(a), in that on or about September 26, 1968, at Tulsa, Oklahoma, in the Northern District of Oklahoma, he did dispense and distribute, not in the original stamped package and not from the original stamped package, a narcotic drug, that is, approximately 0.525 grams of Heroin Hydrochloride, as charged in the Information.

It was adjudged that the defendant was guilty as charged and convicted.

It was adjudged that the defendant be placed on probation for a period of Five (5) Years from that date.

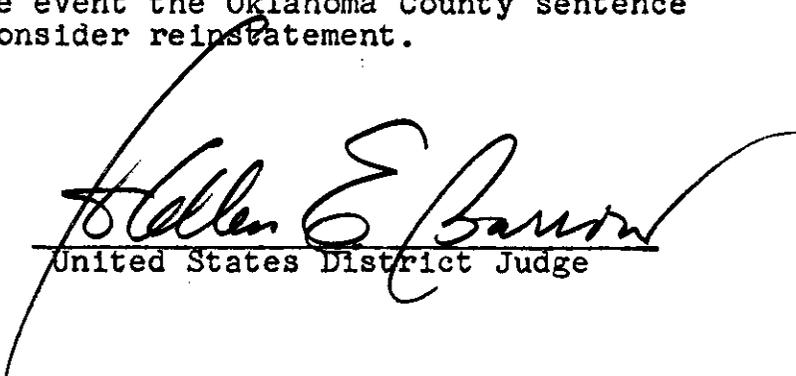
Now, on this 7th day of October, 1971, came the attorney for the government and the defendant appeared in person and was represented by counsel, Kenneth Stainer. And it being shown to the Court that the defendant has violated the terms and conditions of said probation,

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

Two (2) Years

IT IS ADJUDGED that the period of sentence in this case shall run concurrently with the defendant's Oklahoma County sentence of 5 years.

IT IS ORDERED that in the event the Oklahoma County sentence is reversed, the Court will consider reinstatement.


Allen E. Barron
United States District Judge

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 7 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

RONNIE WAYNE CRANE

No. 71-CR-158

On this 7th day of October, 1971, came the attorney for the government and the defendant appeared in person, and with counsel, Larry A. McSoud, and having consented in writing to prosecution under the Juvenile Delinquency Act, and having been fully apprised of his rights and consequences of such Consent,

IT IS ADJUDGED that the defendant upon his plea of guilty, and the court being satisfied there is a factual basis for the plea,

has been convicted of the offense of embezzling, stealing, taking and carrying away from a Southern Pacific railroad car No. SP 691925, at the Ford Distributing Company, Tulsa, Oklahoma, chattels of a value less than \$100.00, that is, forty-five (45) cases of 12-ounce aluminum cans of Coors beer, which were moving as, were part of, and constituted an interstate shipment of freight and express from the Adolph Coors Company, Golden, Colorado, to Ford Distributing Company, Tulsa, Oklahoma

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

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

IT IS ADJUDGED that imposition of sentence is hereby suspended and the defendant is placed on probation for a period of six (6) months from this date.

It is further ordered that defendant make restitution direct to the Frisco Railway Company in the amount of \$27.00 within five (5) days from this date.

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

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

APPROVED:

Ben F. Baker

Ben F. Baker, Ass't. U. S. Attorney

Morris L. Bradford

United States District Judge
~~XXXXXX~~
MAGISTRATE

Clerk.

A True Copy. Certified this 7TH day of October

(Signed) *John H. Poe*

Clerk.

(By) *Larry L. Vaughn*

Deputy Clerk.

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

LEO LAVONZO PURDY

No. 71-CR-157

FILED
OCT 7 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this 7th day of October, 1971 came the attorney for the government and the defendant appeared in person and without counsel

IT IS ADJUDGED that the defendant upon his plea of Guilty has been convicted of the offense of shooting duck/closed season in violation of U.S.C. Title 50, Section 10.4

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

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

[Illegible text]

IT IS ADJUDGED that defendant is fined \$15.00 and costs, and fine and costs are suspended.

APPROVED: Ben F. Baker
Ass't. U. S. Attorney

[Signature]
United States
MAGISTRATE

Clerk.

1 Insert "by [name of counsel], counsel" or without counsel; the court advised the defendant of his rights to counsel and asked him whether he desired to have counsel appointed by the court, and the defendant thereupon stated that he waived the right to the assistance of counsel. 2 Insert (1) "guilty and the court being satisfied there is a factual basis for the plea," (2) "not guilty, and a verdict of guilty," (3) "not guilty, and a finding of guilty," or (4) "nolo contendere," as the case may be. 3 Insert "in count(s) number" if required. 4 Enter (1) sentence or sentences, specifying counts if any; (2) whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin with reference to termination of preceding term or to any other outstanding unserved sentence; (3) whether defendant is to be further imprisoned until payment of the fine or fine and costs, or until he is otherwise discharged as provided by law. 5 Enter any order with respect to suspension and probation. 6 For use of Court to recommend a particular institution.

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

United States of America)
vs)
Harold Ray Harding)

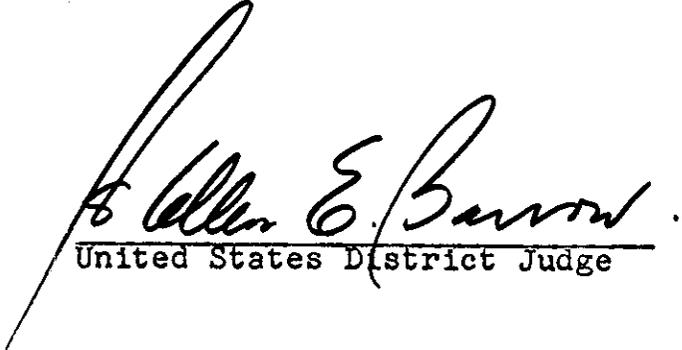
71-CR-86

FILED
OCT 7 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

ORDER CORRECTING SENTENCE

On this 7th day of October, 1971, it is ordered that the judgment entered herein September 21, 1971, be and it is corrected to read as pronounced by the Court:

It is adjudged that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for an examination to determine whether he is a narcotic addict and is likely to be rehabilitated through treatment, pursuant to Title 18, U.S.C., 4252. The Attorney General will report to the Court within 30 days the results of such examination and make any recommendation he deems desirable.


United States District Judge

United States District Court
FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

Clifford F. Callahan

No. 71-CR-88

FILED
OCT 5 1971
JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this 5th day of October, 1971, came the attorney for the government and the defendant appeared in person and with counsel, John K. Harlin, Jr.

IT IS ADJUDGED that the defendant upon his plea of guilty,

has been convicted of the offense of having violated T. 18, U.S.C., 1709, in that, on or about July 9, 1971, at Tulsa, Oklahoma, in the Northern District of Oklahoma, he did, while being a Postal Service employee, embezzle a letter containing \$10.00, addressed to Return to the Gospel, P.O. Box 3633, Tulsa, Oklahoma, and did remove from said letter the \$10.00 contained therein; in violation of Title 18, U.S.C., Section 1709, as charged in the Information.

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

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

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

Twenty- Four (24) months

and on the condition that the defendant be confined in a jail type or treatment institution for a period of Six (6) months, the execution of the remainder of the sentence of imprisonment is suspended and the defendant placed on probation for a period of Eighteen (18) months

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

Approved as to form:

Ben F. Baker
The Court recommends commitment to
Agst. U.S. Attorney

ALLEN E. BARROW

United States District Judge.

Clerk.

A True Copy. Certified this 5th day of October, 1971

(Signed) JOHN H. POE

Clerk.

(By)

Deputy Clerk.

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

No.

71-CR-6

FILED

OCT 5 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

William Kursh

On this 5th day of October, 1971, came the attorney for the government and the defendant appeared in person and with counsel, Ed Goodwin.

IT IS ADJUDGED that the defendant upon his plea of guilty,

has been convicted of the offense of

having violated T. 18, U.S.C., 922(a)(6), in that on or about August 19, 1970, at Tulsa, Oklahoma, in the Northern District of Oklahoma, he, defendant herein, in connection with the acquisition of a firearm from two licensed dealers in firearms, did knowingly and unlawfully make false and fictitious written statements, that is to say, he then and there gave a written statement on Department of Treasury, Internal Revenue Service, Form 4473, that, among other things he had not been convicted of a crime punishable by imprisonment for a term exceeding one year, when in truth and fact he was a person who had been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, and this false and fictitious written statement was likely to deceive such licensed dealers in firearms with respect to a fact material to the lawfulness of the sale and disposition of such firearms under provisions of Chapter 44, Title 18, U.S.C., as charged in Counts One and Two of the indictment.

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

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

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of 4

Count One- Five (5) years

Count Two- Five (5) years; Count Two to run con-

secutively with Count One, for a study as described in 18 U.S.C.A. Section 4208(c), the results of such study to be furnished this court within 90 days, whereupon the sentence of imprisonment herein imposed shall be subject to modification in accordance with 18 U.S.C.A. Section 4208(b).

IT IS ADJUDGED that 5

XXXXXXXXXXXXXXXXXX

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

Approved as to form:

Ben F. Baker The Court recommends commitment to Assistant U.S. Attorney

ALLEN E. BARROW United States District Judge. U.S. Medical Center in Springfield, Missouri. Clerk.

A True Copy. Certified this 5th day of October, 1971

(Signed) JOHN H. POE

(By)

Clerk.

Deputy Clerk.

E I L E D

OCT 1 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY LEE GREENBURG,

Defendant.

NO. 71-CR-58

O R D E R

The Court has for consideration a letter from the defendant, Terry Lee Greenburg, which the Court is treating as a motion for modification or reduction of sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. After careful consideration of said motion, the Court finds that the sentence imposed was lenient and proper and that said sentence should not be modified or reduced.

IT IS, THEREFORE, ORDERED that the motion pursuant to Rule 35 be and the same is hereby overruled.

Dated this 14th day of September, 1971, at Tulsa, Oklahoma.

Alan E. Barrow
UNITED STATES DISTRICT JUDGE

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

FILED

OCT 1 1971

JOHN H. POE, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BOBBY JOE HIGH,

Defendant.

NO. 71-CR-89 ✓

ORDER

The Court has for consideration a letter dated September 25, 1971, from the defendant, Bobby Joe High, which the Court is treating as a motion of the defendant for a modification or reduction of sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. After careful consideration of said motion, the Court finds that the sentence imposed was lenient and proper and that said sentence should not be modified or reduced.

IT IS, THEREFORE, ORDERED that the motion pursuant to Rule 35 be and the same is hereby overruled.

Dated this 29th day of September, 1971, at Tulsa, Oklahoma.


UNITED STATES DISTRICT JUDGE