

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

LARRY JOE DOSHIER

No.

70-CR-100 JAN 26 1972

FILED

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

On this 26th day of January, 19 72 came the attorney for the government and the defendant appeared in person and ¹with counsel, **Mallie Norton.**

IT IS ADJUDGED that the defendant upon his plea of² **guilty,**

has been convicted of the offense of **having violated T. 18, U.S.C., 2312, in that on or about November 19, 1969, he transported in interstate commerce from Long Beach, California, to Tulsa, Oklahoma, in the Northern District of Oklahoma, a stolen 1966 Ford Ranchero, Vehicle Identification No. 6K29C11 2659, he then knowing such automobile to have been stolen, as charged in the Indictment.**

~~xxxxxx~~

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~~ ^{is hereby committed to the custody of the Attorney General} ~~his authorized representative for imprisonment for a period of~~ ^{having been convicted upon his plea of GUILTY and having on September 9, 1971, been committed to the custody of the Attorney General pursuant to 18 U.S.C.A. § 4208(b) for imprisonment for a term of Five (5) years, and for a study as described in 18 U.S.C.A. § 4208(c), and the Court having now received and considered the report of such study, IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a maximum period of Five (5) years.}

IT IS ADJUDGED that ~~his report~~ ^{his report} be made to the Court be Prison Authorities within a period of 90 days.

(It is the intent of the Court that the defendant not be incarcerated in the U.S. Reformatory, El Reno, Oklahoma.)

~~the~~

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

Allen E. Sarrano

United States District Judge.

~~xxxxxx~~ ^{The Court recommends commitment to}
Ben F. Baker, Asst. U.S. Attorney

Clerk.

A True Copy. Certified this 26th day of January, 1972

(Signed) JOHN H. POE

Clerk.

(By)

Deputy Clerk.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

CHARLES EDWARD BROCK

No. 72-CR-7

On this 24th day of January, 1972, came the attorney for the government and the defendant appeared in person, and with counsel, Don Dees.

FILED

JAN 24 1972

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

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

has been convicted of the offense of having violated Title 18 U.S.C., 472, in that on or about December 13, 1971, at Tulsa, Oklahoma, in the Northern District of Oklahoma Charles Edward Brock and Jack Edward Moss, Jr., with intent to defraud, knowingly possessed approximately \$10,000 in counterfeit Federal Reserve Notes described as follows: Counterfeit \$10 Federal Reserve Notes drawn on the Federal Reserve Bank of Cleveland, Ohio; check letter and face plate number D-47; back plate number 31; serial number D67438883A and others; Series 1963 A; facsimile signatures of Kathryn O'Hay Granahan and Henry James H. Fowler, as charged in information and the court having asked the defendant whether he has anything to say why judgment should not be pronounced, and no sufficient cause to the contrary being shown or appearing to the court,

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

IT IS ADJUDGED' imposition of sentence is suspended and the defendant is placed on probation for a period of Three (3) Years from this date.

It is further adjudged that the defendant is to pay a fine unto the United States of America in the sum of One Thousand (\$1,000.00) Dollars; to be paid at the rate of Thirty (\$30.00) Dollars per month to the Clerk of the United States District Court for the Northern District of Oklahoma, beginning in the Month of February, 1972.

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

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

Approved as to form:

Ben F. Baker

Ben F. Baker, Asst. U. S. Atty.

[Handwritten signature of United States District Judge]

United States District Judge.

Clerk.

1 Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his right 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 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 If sentence is imposed but execution suspended, and probation ordered, enter here (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 outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of years from this date."

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 24 1972

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

UNITED STATES OF AMERICA

v.

JACK EDWARD MOSS

No. 72-CR-7

On this 24th day of January, 1972, came the attorney for the government and the defendant appeared in person, and with counsel, Jerry Smith.

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

has been convicted of the offense of having violated Title 18, U.S.C., 472, in that on or about December 13, 1971, at Tulsa, Oklahoma, in the Northern District of Oklahoma, Charles Edward Brock and Jack Edward Moss, Jr., with intent to defraud, knowingly possessed approximately \$10,000 in counterfeit Federal Reserve Notes described as follows: Counterfeit \$10 Federal Reserve Notes drawn on the Federal Reserve Bank of Cleveland, Ohio; check letter and face plate number D-47; back plate number 31; serial number D67438883A and others; Series 1963 A; facsimile signatures of Kathryn O'Hay Granahan and Henry H. Fowler as charged in the Information

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

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

IT IS ADJUDGED that imposition of sentence is suspended and the defendant is placed on probation for a period of One (1) Year from this date.

United States District Court) ss
Northern District of Oklahoma)

I hereby certify that the foregoing is a true copy of the original on file in this Court.

John H. Pue, Clerk

By _____
Deputy

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

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

Approved as to Form:

Ben F. Baker

Ben F. Baker, Asst. U.S. Atty.

John E. Brown

United States District Judge.

Clerk.

¹ Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his right 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 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 If sentence is imposed but execution suspended, and probation ordered, enter here (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 outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of _____ years from this date."

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 18 1972

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

United States of America

v.

No. 72-CR-4

Charles Lunsford Friend

On this 18th day of January, 1971 came the attorney for the government and the defendant appeared in person and with counsel, Charles Froeb.

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., 35(b), in that,

on or about December 30, 1971, at Tulsa, Oklahoma, in the Northern District of Oklahoma, he did willfully and maliciously impart and convey to Marlene James, an employee of American Airlines, false information, knowing the information to be false, concerning an attempt and alleged attempt being made to willfully damage, destroy, disable, and wreck a civil aircraft then being used, operated and employed by American Airlines in interstate air commerce as flight No. 40 from Tulsa, Oklahoma, to Chicago, Illinois, as charged in the Information.

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

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

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of five (5) years, for a study as described in 18 U.S.C.A. § 4208(c), the results of such study to be furnished this court within 90 days, whereupon the sentence of imprisonment herein imposed may be subject to modification in accordance with 18 U.S.C.A. § 4208(b).

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:

Hubert H. Bryant, Asst. U.S. Attorney

Allen E. Barnes, United States District Judge

United States District Judge

Hubert H. Bryant, Asst. U.S. Attorney

Clerk

Under "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. 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. Insert "in count(s) number" if required. Insert (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 unexpired 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. Enter any order with respect to suspension and probation. For use of Court to recommend a particular institution.

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

Roy Milton Birmingham

No. 72-CR-9

FILED
JAN 18 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this 18th day of January, 1972, came the attorney for the government and the defendant appeared in person, and with counsel, T.B. Hendrix.

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

has been convicted of the offense of having violated T. 26, U.S.C., 4704, (a), in that on or about September 29, 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.

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 imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Two (2) years from this date.

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

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

Approved as to form:

Ben F. Baker

Ben F. Baker, Asst. U.S. Attorney

Allen E. Benson

United States District Judge.

Clerk.

1 Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his right 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 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 If sentence is imposed but execution suspended, and probation ordered, enter here (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 outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of years from this date."

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JAN 8 1972

JOHN H. POE, Clerk

No. 71-CR-90 U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

TOMMIE EUGENE LUELLEN

On this 18th day of January, 1972, came the attorney for the government and the defendant appeared in person, and with counsel, Dickson Saunders.

IT IS ADJUDGED that the defendant upon his plea of guilty

has been convicted of the offense of having violated T. 18, USC, Sec. 472, in that on or about 6-17-71 at Tulsa, Okla., in the Northern District of Oklahoma, he did, with intent to defraud, possess and utter to the Tastee Burger Drive-in, Tulsa, Okla., a counterfeit \$10.00 bank note, being an obligation of the United States of America, described as follows: a \$10.00 Federal Reserve Note drawn on the Federal Reserve Bank of Cleveland, Ohio, check letter "D", face plate number 52, back plate number 40, Series 1963-A, with facsimile signatures of Kathryn O'Hay Granahan and Henry H. Fowler

and his attorney as charged in the Information and the court having asked the defendant whether he had 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 having been convicted upon his plea of guilty and having on 9-21-71 been committed to the custody of the Atty. Gen. pursuant to 18 U.S.C.A. Section 4208(b) for imprisonment for a term of 15 years and for a study as described in 18 U.S.C.A., Sec. 4208(c), and the Court having now received and considered the report of such study, IT IS ADJUDGED that the period of imprisonment heretofore imposed is suspended and that the defendant is placed on probation for a period of

Two (2) Years

to run concurrently with any state sentence now being served, and the special conditions of probation are that the defendant seek after incarceration out-patient psychiatric counseling, and seek and attend Alcoholics Anonymous meetings.

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

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

APPROVED AS TO FORM:

Ben F. Baker

Asst. U. S. Attorney

Allen E. Bannan

United States District Judge.

Clerk.

1 Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his right 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 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 If sentence is imposed but execution suspended, and probation ordered, enter here (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 outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.
If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of years from this date."

FILED

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

JAN 18 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.)
)
 CHARLES FRANKLIN BARNETT,)
)
) Defendant.)

NO. 71-CR-125 ✓

O R D E R

The Court has before it defendant's "Motion for Rehearing and Review" wherein he alleges that the judgment whereby he was found guilty is contrary to law. Such allegation is based on the United States Supreme Court's decision of December 20, 1971, in United States v. Bass, and the defendant's unrelinquished contention that 18 U.S.C. App. § 1202(a)(1) provides no unlawful crime absent a nexus with interstate commerce.

The Court notes that a notice of appeal has been filed and that defendant has filed a dismissal of said appeal with the clerk of this Court today. Therefore, the Court treats the pending motion of the defendant as a motion pursuant to 28 U.S.C. § 2255 to vacate and set aside the judgment and sentence in criminal cause of action, Case No. 71-CR-125, and finds that it has jurisdiction to proceed herein. Further, the Court finds that there are such extraordinary circumstances here involved, and that the reason for granting the motion is so plain, that any delay would work an injustice.

IT IS, THEREFORE, ORDERED that the Judgment of this Court entered December 7, 1971, and the resulting sentence of Charles Franklin Barnett be and they are set aside and held for naught. The indictment is dismissed. The defendant is released from custody forthwith.

Judgment entered in open Court in Tulsa, Oklahoma, this 18th day of January, 1972.


UNITED STATES DISTRICT JUDGE

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
JAN 28 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

JOHN W. HANING

No. 72-CR-1

On this 18th day of January, 1972, came the attorney for the government and the defendant appeared in person, and with counsel, Jack Ferguson.

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

has been convicted of the offense of having violated U.S.C., Section 495, in that, on or about June 2, 1971, in the District of Massachusetts, he did falsely make and forge a writing, and did utter and publish as true the false and forged writing, and did utter and publish as true the false and forged writing, to wit, a check in the amount of \$181, for the purpose of obtaining from the United States a sum of money, knowing the same to be false and forged, 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 imposition of sentence in Counts One and Two is hereby suspended and the defendant is placed on probation for a period of Eighteen (18) Months from this date, as to each count, concurrently, pursuant to the Federal Youth Correction Act, Title 18, U.S.C.A. 5010(a).

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

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

Approved as to Form:

[Handwritten signature of United States District Judge]

United States District Judge.

[Handwritten signature of Ben F. Baker]
Ben F. Baker, Asst. U.S. Atty.

Clerk.

1 Insert "by [name of counsel], counsel" or "without counsel; the court advised the defendant of his right 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 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 If sentence is imposed but execution suspended, and probation ordered, enter here (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 outstanding or unserved sentence, (3) whether defendant is to be further imprisoned until payment of fine or fines and costs, or until he is otherwise discharged provided by law, (4) the facts regarding the suspension of the sentence or sentences and (5) the period of probation.

If sentence is suspended and probation ordered, enter here the following: "The imposition of sentence is hereby suspended and the defendant is placed on probation for a period of years from this date."

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

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

LUTHER HILL, JR.,

Defendant.

No. 70-CR-52

FILED
JAN 18 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

MOTION FOR LEAVE TO DISMISS COUNT I OF INDICTMENT

Comes now the plaintiff, United States of America, by Nathan G. Graham, United States Attorney for the Northern District of Oklahoma, and moves this Honorable Court for permission to allow the Government to dismiss Count I of the indictment filed herein, on the ground and for the reason that such dismissal would be to the best interests of justice, in that the defendant herein, on October 21, 1971, was found guilty of Count II of said indictment and received a sentence from the Court of a term of ten years; that Count II of the indictment was based generally on the same facts and circumstances involved in Count I; and that the Government verily believes that the punishment imposed upon defendant in Count II is sufficient punishment for the defendant as a result of his law violations in these instances.

Wherefore, plaintiff respectfully moves the Court to dismiss said
Count I.


NATHAN G. GRAHAM
United States Attorney

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing Motion was served on Robert G. Brown, 500 West 7th, Tulsa, Oklahoma 74119, attorney for Luther Hill, Jr., by depositing the same, postage prepaid, in the United States mail at Tulsa, Oklahoma on the 18th day of January, 1972.


United States Attorney

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

FILED

JAN 18 1972

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

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

ROY MILTON BIRMINGHAM,

Defendant.

No. 70-CR-40

DISMISSAL OF INDICTMENT

On this 18th day of January, 1972, pursuant to Rule 48 of the Federal Rules of Criminal Procedure, and by authorization of the Assistant Attorney General, Criminal Division, Department of Justice, Ben F. Baker, Assistant United States Attorney for the Northern District of Oklahoma, hereby dismisses the indictment against Roy Milton Birmingham, defendant herein.

Ben F. Baker

BEN F. BAKER
Assistant United States Attorney

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

Dated this 17 day of January, 1972.

Alan F. Brown
United States District Judge

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

UNITED STATES OF AMERICA,

Plaintiff,

-v-

LOYD RAY BRAZEL,

Defendant.

FILED

JAN 13 1972

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

No. 71-CR-167

ORDER OVERRULING DEFENDANT'S MOTION FOR NEW TRIAL

Now, on this 12th day of January, 1972, the above cause comes on for hearing on defendant's Motion for New Trial. Defendant is present in his own proper person and by his attorney of record, Mr. John Harlin; and the plaintiff is represented by Mr. Ben F. Baker, Assistant United States Attorney for the Northern District of Oklahoma.

The Court, having examined the pleadings on file herein and having heard argument of counsel and being fully advised, finds that said Motion for New Trial should be overruled.

IT IS THEREFORE ORDERED that defendant's Motion for New Trial be, and the same is hereby overruled.

W. Luther Robinson
Judge of the District Court

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America
v.
Lloyd Ray Brazeal

No. 71-CR-167

FILED
JAN 12 1972
JOHN H. POE, Clerk
U. S. DISTRICT COURT

On this 12th day of January, 1972 came the attorney for the government and the defendant appeared in person and by counsel, John Harlin, Jr.

IT IS ADJUDGED that the defendant upon his plea of not guilty, and a verdict of guilty has been convicted of the offense of having violated T. 18, Sec. 2312, in that on or about August 20, 1971, Lloyd Ray Brazeal did transport in interstate commerce from the State of California to Claremore, Oklahoma, in the Northern District of Oklahoma, a 1971 Ford Econoline, he then knowing the motor vehicle to have been stolen, as charged in the Information

and his attorney and the court having asked the defendant whether he had 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

Five (5) Years

IT IS ADJUDGED that the defendant is ordered to pay a fine unto the United States in the amount of \$1,000.00.

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:

LUTHER BOHANON

United States District Judge.

Asst. U. S. Attorney

Clerk.

A True Copy. Certified this 12th day of Jan 1972
(Signed) John N. Poe Clerk. (By) Helen R. Miller Deputy Clerk.