

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America

v.

No. 74-CR-91

JUL 31 1974

Jack C. Silver, Clerk U.S. DISTRICT COURT

CHESTER CLYDE ROBNETT

On this 31st day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, Paul Brunton.

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 having violated T. 18, USC, Sec. 2115, in that on or about December 29, 1973, at Sublimity, Oregon, in the District of Oregon, Chester Clyde Robnett did unlawfully, wilfully, knowingly, feloniously and forcibly break into that part of a building which was then and there being used as a Post Office of the United States, to-wit: the Sublimity, Oregon Post Office, with the intent then and there to commit larceny in that part of said building which was being so used as a Post Office of the United States

and his attorney as charged in the Information and the court having asked the defendant whether they 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, for a study as described in 18 USCA Sec. 4208(c), the results of such study to be furnished this Court within 90 days, whereupon the sentence of imprisonment herein may be subject to modification in accordance with 18 USCA Sec. 4208(b).

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:

Clem E. Penaw

United States District Judge.

XXXXXXXXXXXXXXXXXXXX

Ben F. Baker Asst. U. S. Attorney

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

United States of America

v.

EDUARDO RODRIGUEZ

No. 74-CR-55

JUL 31 1974

Jack C. Silver, Clerk
U.S. DISTRICT COURT

On this 31st day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, George Carrasquillo and Roehm West

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. 21, USC, Sec. 841, in that on or about April 13, 1974, at about 16 miles northeast of Miami, Oklahoma, on the Will Rogers Turnpike, in the Northern District of Oklahoma, Eduardo Rodriguez did knowingly and unlawfully possess with intent to distribute 25 pounds of heroin, a Schedule I narcotic controlled substance,

and his attorney as charged in the Indictment and the court having asked the defendant whether they 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

Fifteen (15) Years, and pay a fine unto the United States in the amount of \$25,000.00.

IT IS ADJUDGED that the defendant is sentenced to a special parole term of three years, in addition and not in lieu of any other parole as provided by law.

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:

Handwritten signature of Jack H. [unclear]
Asst. U. S. Attorney

Handwritten signature of Glenn E. [unclear]
United States District Judge.

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 -vs-)
)
 JOHN D. TOPPING, JR.,)
 JULE GUNTER JOHNSON, II,)
 and EDWARD RAY FLORENCE, JR.,)
)
 Defendants.)

Case No. 74-CR-45

FILED

JUL 31 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

O R D E R

It has come to the attention of this Court that this Court did not in the above case sentence the Defendants John D. Topping, Jr. and Jule Gunter Johnson, II to special parole terms as required by Title 21, United States Code, Sections 845(a) and 841(b)(1)(B). The Defendant Edward Ray Florence, Jr. was sentenced under the Youth Corrections Act, 18 United States Code §§5005 et seq. and a special parole term is not required under his sentence.

Wherefore, this Court finds that it is mandatory under Title 21, United States Code, Sections 845(a) and 841(b)(1)(B), that Defendants Topping and Johnson be sentenced to minimum special parole terms of two years in addition to the sentences imposed by this Court on said Defendants on June 19, 1974 as to each of Counts 1, 2 and 3 of the Indictment herein and further that said Defendants be sentenced to minimum special parole terms of three years in addition to the sentences imposed by this Court on said Defendants on June 19, 1974 as to Count 4 of the Indictment herein;

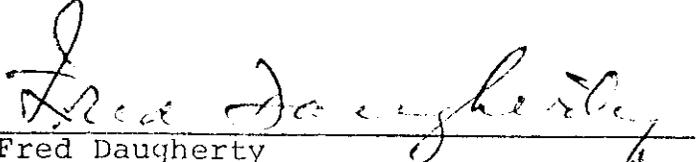
It is further the finding of this Court that because said special parole terms are mandatory under said statutes and the minimum parole terms must be imposed by this Court, the presence of the said Defendants is not necessary in so supple-

menting this Court's Judgments of June 19, 1974; [See United States v. Thomas, 356 F. Supp. 173 (E.D. NY 1972) affirmed 474 F. 2d 1336 (Second Cir. 1973) and Eaton v. Capps, 348 F. Supp. 237 (M.D. Ala. 1972.)]

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the Defendant John D. Topping, Jr. be, and is hereby, sentenced to special parole terms of two years on each of Counts 1, 2 and 3 of the Indictment herein in addition to this Court's Judgment and sentence of June 19, 1974; and is hereby sentenced to a special parole term of three years on Count 4 of the Indictment herein in addition to this Court's Judgment and sentence of June 19, 1974; and

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by this Court that the Defendant Jule Gunter Johnson, II, be, and is hereby sentenced to special parole terms of two years on each of Counts 1, 2 and 3 of the Indictment herein in addition to this Court's Judgment and sentence of June 19, 1974; and is hereby sentenced to a special parole term of three years on Count 4 of the Indictment herein in addition to this Court's Judgment and sentence of June 19, 1974.

Dated this 31 day of July, 1974.


Fred Daugherty
United States District Judge

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

ARMANDO CASTILLO

No. 74-CR-54

FILED

JUL 30 1974

Jack C. Silver, Clerk
U.S. DISTRICT COURT

On this 30th day of July, 1974 came the attorney for the government and the defendant appeared in person and¹ with counsel, James M. Robertson.

IT IS ADJUDGED that the defendant upon his plea of² not guilty, and a verdict of guilty

has been convicted of the offense of having violated T. 21, USC, Sec. 841, in that on or about 4-13-74, at about 16 miles northeast of Miami, Oklahoma, on the Will Rogers Turnpike, in the Northern District of Oklahoma, the Defendant did knowingly and unlawfully possess with intent to distribute 278 pounds of marihuana, a Schedule I non-narcotic controlled substance.

and his attorney

as charged³ in the Indictment

and the court having asked the defendant⁴ 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 of⁴

Five (5) Years, and pay a fine unto the United States in the amount of \$15,000.00.

IT IS FURTHER ADJUDGED that the defendant is sentenced to a special parole term of two (2) years to commence at the expiration of the five-year sentence imposed herein.

~~XXXXXXXXXXXX~~

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

Asst. U. S. Attorney

The Court recommends commitment to⁵

Allen E. Bennett

United States District Judge.

Clerk.

¹Insert "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. ²Insert (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. ³Insert "in count(s) number" if required. ⁴Enter (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. ⁵Enter any order with respect to suspension and probation. ⁶For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 30 1974

Jack C. Silver, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

MICHAEL EUGENE PITCHLYNN

No. 74-CR-35

On this 30th day of July, 1974, came the attorney for the government and the defendant appeared in person, and with counsel, Gomer Evans, Jr.

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 having violated T. 18, USC, Sec. 2312, in that on or about 7-19-73 at Bartlesville, Okla., in the Northern District of Oklahoma, Michael Eugene Pitchlynn and others did transport in interstate commerce stolen motor vehicles from Bartlesville, Oklahoma, in the Northern District of Oklahoma to Elgin, Kansas, and they then knew the motor vehicles to have been stolen

and his attorney as charged in Cts. 1 & 2 of the Indictment and the court having asked the defendant/whethertheyhad 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 Three (3) Years from this date as to each Count concurrently, pursuant to the Federal Youth Correction Act, Title 18, USCA, Sec. 5010(a).

IT IS FURTHER ADJUDGED that the probation shall run concurrently with the probation imposed in Case No. 74-CR-33.

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:

Jack M. Short
Asst. U. S. Attorney

Cecilia E. Barrow
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.

⁵ 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

UNITED STATES OF AMERICA

v.

MICHAEL EUGENE PITCHLYNN

No. 74-CR-33

FILED

JUL 30 1974

Jack C. Silver, Clerk U. S. DISTRICT COURT

On this 30th day of July, 1974, came the attorney for the government and the defendant appeared in person, and with counsel, Gomer Evans, Jr.

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 having violated T. 18, USC, Sections 2312 & 2314, in that on or about 8-7-73 at Dewey, Okla., in the Northern District of Okla. Michael Eugene Pitchlynn, the defendant herein, did transport in interstate commerce a stolen motor vehicle and stolen goods, wares and merchandise, from Dewey, Oklahoma, in the Northern District of Oklahoma, to Diamond, Missouri, he then knowing the motor vehicle, stolen goods, wares and merchandise to have been stolen

and his attorney as charged in Cts. 1 & 2 of the Indictment and the court having asked the defendant/whether they 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 imposition of sentence in Counts One and Two is hereby suspended and the defendant is placed on probation for a period of Three (3) Years from this date as to each Count concurrently, pursuant to the Federal Youth Correction Act, Title 18, USCA, Sec. 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:

Jack M. Phox Asst. U. S. Attorney

Cecil E. Barrow 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.

5 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

FILE

JUL 30 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America

v.

JAMES STEVEN MAGERS

No. 74-CR-26

On this 30th day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, Bruce Robinett

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 having violated T. 18, USC, Sec. 2312, in that on or about 9-19-73 & 11-3-73, at Miami, Okla., in the Northern District of Okla., the Defendant did transport in interstate commerce stolen motor vehicles, that is a 1970 Chevrolet 1/2 ton pick-up truck bearing vehicle identification No. CE 140J134713, from Miami, Okla. to near Seneca, Missouri, & a 1971 Chevrolet 1/2 ton pick-up truck bearing vehicle identification No. CE 141S660792, from Miami, Okla., to Diamond, Missouri, he then knowing the motor vehicles to have been stolen.

and his attorney as charged in Count 1 & 2 of the Information and the court having asked the defendant whether they 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 4

Count 1 - Five (5) Years, and the defendant may become eligible for parole at such time as the Board of Parole may determine as provided in T. 18, USCA, Sec. 4208(a)(2).

Count 2 - Imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Three (3) Years, to commence at the expiration of and run consecutive to the sentence imposed in Count 1.

IT IS ADJUDGED that the sentence imposed in Count 1 shall run concurrently with the sentence imposed in Count 1 of Case No. 74-CR-24.

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:

Jack H. Shou
Asst. U. S. Attorney

Celia E. Furrer
United States District Judge.

The Court recommends commitment to

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America
v.
JAMES STEVEN MAGERS

No. 74-CR-25

FILED
JUL 30 1974
Jack C. Silver, Clerk
U.S. DISTRICT COURT

On this 30th day of July, 19 74 came the attorney for the government and the defendant appeared in person and with counsel, Bruce Robinett

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 having violated T. 18, USC, Sec. 2312 & 2314, in that on or about 8-7-73, the Defendant did transport in interstate commerce a stolen motor vehicle, that is a 1968 GMC one-ton flatbed truck, Serial No. CM30VPB12928, and stolen goods, wares and merchandise, that is, one 16-foot gooseneck metal trailer; and one 1963 Massey-Ferguson tractor, Ser. No. 2021Z134718436, equipped with a Massey-Ferguson back hoe, Ser. No. 1509101509, on the rear, & a Massey-Ferguson loader, Ser. No. 200-0596, on the front, of the aggregate value of \$7,600.00, from Dewey, Oklahoma, in the Northern District of Okla., to Diamond, Missouri, he then knowing the same to have been stolen.

and his attorney as charged in Count 1 & 2 of 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 is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 1 - Five (5) Years, and the defendant may become eligible for parole at such time as the Board of Parole may determine as provided in T. 18, USCA, Sec. 4208(a)(2).

Count 2 - Five (5) Years, and the defendant may become eligible for parole at such time as the Board of Parole may determine as provided in T. 18, USCA, Sec. 4208(a)(2), to run concurrently with sentence imposed in Count 1.

IT IS FURTHER ADJUDGED that the sentence imposed in Counts 1 & 2 shall run concurrently with the sentence imposed in Count 1 of Case No. 74-CR-24.

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:

Asst. U. S. Attorney
The Court recommends commitment to

United States District Judge.

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court

FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 30 1974

Jack C. Silver, Clerk U. S. DISTRICT COURT

United States of America

v.

JAMES STEVEN MAGERS

No. 74-CR-24

On this 30th day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, Bruce Robinett.

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 having violated T. 18, USC, Sec. 2312, in that on or about 7-19-73, at Bartlesville, Oklahoma, in the Northern District of Okla., the defendant did transport in interstate commerce stolen motor vehicles, that is, a 1973 Honda motorcycle SL 100, Serial No. SL 1001305363 and a 1973 Honda motorcycle SL-125, Serial No. SL 125-1204949; from Bartlesville, Oklahoma, in the Northern District of Okla. to Elgin, Kansas, and he then knew the motor vehicles to have been stolen.

and his attorney

as charged in Count 1 & 2 of 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 is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 1 - Five (5) Years, and the defendant may become eligible for parole at such time as the Board of Parole may determine as provided in T. 18, USCA, Sec. 4208(a)(2).

Count 2 - Five (5) Years, and the defendant may become eligible for parole at such time as the Board of Parole may determine as provided in T. 18, USCA, Sec. 4208(a)(2), to run concurrently with sentence imposed in Count 1.

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:

Jack M. Phost Asst. U. S. Attorney

Allen E. Brown United States District Judge.

The Court recommends commitment to

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court

FOR THE NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 29 1974

Jack C. Silver, Clerk U. S. DISTRICT COURT

United States of America

v.

WARREN CLAY TEAGUE

No. 74-CR-82

On this 29th day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, Ollie Gresham.

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 having violated T. 26, USC, Sec. 5861(d), in that on or about 4-18-74, near the intersection of 51st & Harvard, Tulsa, Oklahoma, in the Northern District of Oklahoma, the defendant did unlawfully possess a firearm, to wit: a silencer attached to a .32 caliber revolver, which was not registered to him in the National Firearms Registration & Transfer Record.

and his attorney

as charged in Count 2 of the Indictment and the court having asked the defendant whether they 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

Count 2 - Thirty (30) Months, and on the condition that the defendant be confined in a jail-type or treatment institution for a period of Three (3) Months, the execution of the remainder of the sentence of imprisonment is hereby suspended and the defendant is placed on probation for a period of Twenty-seven (27) Months.

IT IS ADJUDGED that the conditions of probation are that the defendant not associate with any known criminals and not violate any laws.

THE COURT RECOMMENDS that the defendant serve his sentence in the Halfway House closest to Tulsa, Oklahoma.

The execution of the sentence is deferred for a period of two weeks.

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 Asst. U. S. Attorney

Allen E. Snow United States District Judge.

The Court recommends commitment to

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America v. VELMA L. HARLOW, defendant No. 74-CR-90

On this 26th day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, James Fransein,

IT IS ADJUDGED that the defendant upon her plea of guilty, and the Court being satisfied there is a factual basis for the plea, has been convicted of the offense of having violated T. 18, U.S.C., Sec. 641, in that on or about April 12, 1974, at Tulsa, Oklahoma, in Northern District of Oklahoma, defendant did wilfully and knowingly conceal and retain stolen property of the United States with intent to convert said property to her own use, then knowing said property to have been stolen,

and the court having asked the defendant whether she 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

IT IS ADJUDGED that the defendant pay unto the United States of America a fine in the amount of TWO HUNDRED FIFTY DOLLARS (\$250.00).

IT IS ADJUDGED that the defendant is granted One (1) Year from this date in which to pay the total fine of \$250.00 imposed.

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.

Handwritten signature of Jack M. Short, Assistant U.S. Marshal

Handwritten signature of Fred Deeghorst, United States District Judge

Clerk

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

SAMMY RISENHOOVER,
Defendant

No. 74-CR-74

Handwritten notes and stamps in the upper right corner.

On this 25th day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, Paul Garrison standing in for Tom Hanlon,

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. 21, U.S.C., §846, in that on or about March 23, 1974 to May 8, 1974, at Tulsa, Oklahoma, in Northern District of Oklahoma, and elsewhere, defendant did willfully and knowingly combine, conspire, confederate, and agree with another person to possess with intent to distribute and to distribute a Schedule I controlled substance, and to commit certain covert acts for the purpose of carrying out said unlawful conspiracy,

and his attorney, 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 Five (5) Years.

IT IS FURTHER ADJUDGED that the defendant is sentenced to a special parole term of five (5) years to commence at the expiration of the Five (5) Year sentence imposed herein.

IT IS ADJUDGED that the defendant shall pay unto the United States of America a fine in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00) and to do so within ten (10) days from this date.

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:

Handwritten signature of Jack M. Short, Asst. U. S. Atty.

Handwritten signature of Lee D. Short, United States District Judge.

The Court recommends commitment to

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

JAMES NORWOOD HUTCHING,

No. 74-CR-74

U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
TULSA, OKLAHOMA

On this 26th day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, Paul Garrison standing in for Tom Hanlon,

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 Title 21, U.S.C., §846, in that on or about March 23, 1974 to May 8, 1974, at Tulsa, Oklahoma, in the Northern District of Oklahoma, and elsewhere, the defendant did willfully and knowingly combine, conspire, confederate, and agree with another person to possess with intent to distribute and to distribute a Schedule I controlled substance, and to commit certain overt acts for the purpose of carrying out said unlawful conspiracy,

and his attorney 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 Five (5) Years.

IT IS FURTHER ADJUDGED that the defendant is sentenced to a special parole term of five (5) years to commence at the expiration of the Five (5) Year sentence imposed herein.

IT IS ADJUDGED that the defendant shall pay unto the United States of America a fine in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00) and to do so within ten (10) days from this date.

IT IS FURTHER ADJUDGED that the sentence imposed in this case shall run consecutive to any previous sentence imposed by Federal Court.

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:

Jack M. Short, Asst. U. S. Atty.

The Court recommends commitment to

Handwritten signature of the United States District Judge.

United States District Judge

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

United States of America
v.
JAMES NORWOOD HUTCHING,

No. 74-CR-74

FILED
JUL 26 1974 km
Jack C. Silver, Clerk
U. S. DISTRICT COURT

On this 26th day of July, 1974 came the attorney for the government and the defendant appeared in person and with counsel, Paul Garrison standing in for Tom Hanlon,

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 Title 21, U.S.C., §846, in that on or about March 23, 1974 to May 8, 1974, at Tulsa, Oklahoma, in the Northern District of Oklahoma, and elsewhere, the defendant did willfully and knowingly combine, conspire, confederate, and agree with another person to possess with intent to distribute and to distribute a Schedule I controlled substance, and to commit certain overt acts for the purpose of carrying out said unlawful conspiracy,

and his attorney 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 Five (5) Years.

IT IS FURTHER ADJUDGED that the defendant is sentenced to a special parole term of five (5) years to commence at the expiration of the Five (5) Year sentence imposed herein.

IT IS ADJUDGED that the defendant shall pay unto the United States of America a fine in the amount of FIFTEEN THOUSAND DOLLARS (\$15,000.00) and to do so within ten (10) days from this date.

IT IS FURTHER ADJUDGED that the sentence imposed in this case shall run consecutive to any previous sentence imposed by Federal Court.

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:
Jack M. Short, Asst. U. S. Atty.
The Court recommends commitment to

United States District Judge

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 25 1974

United States of America

v.

WILLIAM FRED PHILLIPS

No. 74-CR-56

Jack C. Silver, Clerk U. S. DISTRICT COURT

On this 25th day of July, 1974 came the attorney for the government and the defendant appeared in person and by counsel, Corky Bishop

defendant

IT IS ADJUDGED that the defendant is not guilty upon a verdict of

not guilty, of the offense of having violated T.18, USC, Sec.1014, in that on or about 10-12-71, at Miami, Okla., in the Northern District of Okla., the Defendant did, knowingly and fraudulently, make a materially false statement in an application for a loan submitted to the Security Bank & Tr. Co., Miami, Okla., the deposits of which are insured by the FDIC, for the purpose of influencing the action of said bank to approve said loan, in that the defendant presented personal financial statements to said bank showing as an asset, bonds & stocks of Lee-Qualls Ins. Agency in the amount of \$9,000.00 when, in truth & in fact, the Defendant well knew he did not own any stock in, or bond of the Lee-Qualls Ins. Agency, & showing as a liability, notes payable in the amount of \$7,500.00 when, in truth & in fact, the Defendant well knew that he had outstanding notes payable in the amount of \$12,083.88,

as charged in Counts 1 & 2 in the Indictment

IT IS ADJUDGED that the defendant is Not Guilty, by virtue of the jury finding of not guilty.

IT IS ADJUDGED that the defendant is hereby discharged, his bond exonerated and the Indictment dismissed.

APPROVED AS TO FORM: [Signature] U. S. Attorney

[Signature]

[Signature] United States District Judge

U. S. Attorney

[Signature]

[Signature]

The Court recommends commitment to

United States District Judge

Clerk

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

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

FILED

JUL 25 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

THE UNITED STATES OF AMERICA,)
)
 Plaintiff)
)
 vs.) No. 73-CR-103
)
 ROBERT EUGENE COTNER,)
)
 Defendant.)

ORDER DENYING MOTION FOR BOND TIME

On this 25th day of July, 1974, there came on for hearing a Motion For Bond Time filed in this case on July 19, 1974, by Robert Eugene Cotner, pro se as Petitioner against the United States of America as Respondent. Petitioner, Robert Eugene Cotner, appeared by counsel, Larry McSoud, and the United States appeared by Jack M. Short, Assistant United States Attorney for the Northern District of Oklahoma.

The Court finds that the United States admits the facts set out in Petitioner's Motion, i.e., Petitioner was arrested and charged on November 8, 1973, and was released on (his own unsecured) Bond on November 8, 1973; that Petitioner was under the jurisdiction of the Court which directed Petitioner to report to Dr. James O'Carroll, M.D., for a mental competency evaluation (on Petitioner's Motion For Judicial Determination Of Mental Competency); and, further directed Petitioner to keep in constant contact with his attorney; restricted Petitioner's travel to the Northern District of Oklahoma; and, forbade Petitioner to associate with any known criminals. And, that Petitioner, after a Plea of Guilty, was sentenced on January 22, 1974.

Petitioner claims that he is entitled to and should be granted credit for 75 days against his one year sentence because this time, while he was on bond, was a restraint of his liberty by an act of the United States.

The Court finds Petitioner's Motion For Bond Time to be one of first impression to this Court; however, the United States Court of Appeals, Fifth Circuit decided the identical question in two separate opinions in February, 1974. Those cases are: Polakoff v. United States, 489 F.2d 727 (February 14, 1974) and Cochran v. United States, 489 F.2d 691 (February 19, 1974), wherein the Court held that a federal prisoner was not entitled to credit against his sentence for time he spent while free on a highly restricted bond between the time of his arrest and his conviction on a plea of guilty. The Court construed the word "custody" as used in 18 U.S.C. §3568 to mean incarceration and further held that Hensley v. Municipal Court, 411 U.S. 345 (1973) does not compel a contrary conclusion.

Therefore, the Court finds the Petitioner here is not entitled to credit against his sentence for the 75 days he was free on bond from the date of his arrest to the date of his sentencing.

IT IS THEREFORE ORDERED BY THE COURT that the Petitioner's Motion For Bond Time be, and the same is hereby denied.

Dated this 25th day of July, 1974.

LUTHER BOHANON

LUTHER BOHANON
United States District Judge

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 23 1974

United States of America

v.

No. 74-CR-73

Jack C. Silver, Clerk
U. S. DISTRICT COURT

MICHAEL ANTHONY POLOTTO

On this 23rd day of July, 1974, came the attorney for the government and the defendant appeared in person and by counsel, James Fransein

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 having violated Title 21, U.S.C., Section 841, in that on or about May 20, 1974, at Tulsa, Oklahoma, in the Northern District of Oklahoma, Michael Anthony Polotto, Defendant, did possess with intent to distribute, approximately 3 pounds of LSD, a Schedule I controlled substance,

as charged in Count 1 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 treatment and supervision until discharged by the Youth Correction Act as provided by T. 18, U.S.C. Section 5010(b).

IT IS ADJUDGED that the sentence shall run concurrently with the sentence imposed in 74-CR-72.

IT IS FURTHER ORDERED that the Court be furnished a report on the status of the defendant within 90 days.

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:

[Signature of Cecil E. Barrow]

United States District Judge.

[Redacted signature area]

[Signature of Ben F. Baker]

Asst. U. S. Attorney

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 27 1974

Jack C. Silver Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

LARRY WAYNE KEY

No. 74-CR-71

On this 24th day of July, 1974, came the attorney for the government and the defendant appeared in person, and with counsel, J. Warren Jackman.

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 having violated T. 18, USC, Sec. 2313, in that on or about 3-26-74 at Broken Arrow, Okla. in the Northern District of Okla., Larry Wayne Key did receive and conceal a stolen motor vehicle, which was part of and constituted interstate commerce, moving from the State of Tennessee to the State of Oklahoma, he then knew the 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 imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Five (5) Years from this date, pursuant to the Federal Youth Correction Act, Title 18, USCA Sec. 5010(a), and the conditions of probation are that the defendant seek outpatient psychiatric treatment, obtain employment and stay employed.

IT IS FURTHER ADJUDGED that the supervision of probation be maintained from this Court and that the defendant is limited to the Northern District of Oklahoma and the State of Tennessee.

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:

John E. ...
United States District Judge.

Ben F. Baker
Asst. U. S. Attorney

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

JUL 23 1974

Jack C. Silver, Clerk U. S. DISTRICT COURT

United States of America

v.

MICHAEL EUGENE PROCHASKA

No. 74-CR-31

On this 23rd day of July, 1974 came the attorney for the government and the defendant appeared in person and by counsel, Waldo Jones, II.

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 having violated T. 18, USC, Sec. 2312, in that on or about February 4, 1974, Michael Eugene Prochaska did transport in interstate commerce a stolen motor vehicle, that is, a 1965 Oldsmobile, from the State of Texas to a point near Tulsa, Oklahoma, in the Northern District of Oklahoma, and he then knew the motor vehicle to have been stolen

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

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

IT IS ADJUDGED that the defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Three (3) Years, and the defendant may become eligible for parole at such time as the Board of Parole may determine as provided in Title 18, USCA, Sec. 4208(a)(2).

~~IT IS ORDERED THAT~~

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

APPROVED AS TO FORM:

Allen E. Bowman

United States District Judge.

~~The Clerk reads, responds, and returns this to~~

Walter A. Keweenaw

Asst. U. S. Attorney

Clerk.

1Insert "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. 2Insert (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. 3Insert "in count(s) number" if required. 4Enter (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. 5Enter any order with respect to suspension and probation. 6For use of Court to recommend a particular institution.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

E I L E D
JUL 23 1974
Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

GARY DALE McINTOSH,

No.

74-CR-6

On this 23rd day of July, 1974, came the attorney for the government and the defendant appeared in person, and with counsel, Roehm West.

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 having violated Title 21, USC, Section 846, by conspiring with others to possess with intent to distribute, and to distribute Phencyclidine, a schedule 3 controlled substance, and Methamphetamine, a schedule 2 controlled substance,

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 imposition of sentence is hereby suspended and the Defendant is placed on probation for a period of three (3) years from this date, pursuant to the Federal Youth Correction Act, Title 18, USCA, Section 5010(a), and the conditions of probation are: that the Defendant avoid use of drugs, avoid association with drug users, seek guidance for avoidance of drug use and for marital guidance through church or psychiatric counsel, seek employment and stay employed.

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

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

APPROVED AS TO FORM:

Allen E. Barron
United States District Judge.

Clerk.

Ben F. Baker
Asst. U. S. Attorney

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.)
)
 VELMA L. HARLOW,)
)
 Defendant.)

No. 74-CR-57

FILED

JUL 22 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER OF DISMISSAL

On this 22nd day of July, 1974, on the Motion of the United States of America by Jack M. Short, Assistant United States Attorney, same being to dismiss the Indictment herein against the Defendant, Velma L. Harlow, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and the Court, having considered the same and there being no objection by the Defendant or her attorney of record, finds that said Motion should be sustained and the Indictment herein against the Defendant, Velma L. Harlow, should be and is hereby dismissed.

FRED DAUGHERTY

UNITED STATES DISTRICT JUDGE

FILED

JUL 18 1974 ✓

Jack C. Silver, Clerk
U. S. DISTRICT COURT

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JIM ZOLLIE JOHNSON,

Defendant.

NO. 74-CR-80 ✓

ORDER

The Court received evidence at hearing July 2, 1974, and took under advisement the defendant's motion to suppress any and all moneys seized from the defendant's automobile in an alleged inventory search on April 14, 1974. Having reviewed the motion, response, original and supplemental briefs, the hearing evidence, and being fully advised in the premises, the Court FINDS:

The facts that an Oklahoma Highway Patrol trooper stopped and arrested Defendant for driving while intoxicated at approximately 6:30 a.m. on April 14, 1974. After inventorying the contents of the interior of the car, exclusive of any locked compartments which the trooper testified he never inventories, the trooper caused the car to be towed by and impounded at Green's Wrecker Company. Said garage has been used for such purposes in Oklahoma for some 16 to 18 years. The trooper, upon discovering that he had failed to note the vehicle identification number of the automobile at the time of arrest, went to the storage garage later that same morning, at approximately 8:00 a.m., to obtain such VIN. He was informed by an employee of the garage, based on a telephone call the employee had received from a caller unidentified in this Court, that there was supposed to be a large sum of money in the trunk of the car. The trooper called for a fellow officer to be present with him, opened the trunk of the impounded car with the keys, and found therein a suitcase, a set of beam scales, and under the floormat of the trunk \$1,000 in cash. He listed these items in the other officer's presence, including the serial numbers of five \$100 bills, and placed everything back in the car just as it had been found. The trooper testified that

that the garage is kept locked and that it is secure from theft, and that he did not believe that there was any danger that the money would be stolen.

The troopers noticed that the \$100 bills were in almost consecutive sequence and thought they might have been from a bank robbery or some type of crime. They attempted to call Federal authorities, the Secret Service and FBI, and a phone conversation was had with a Federal Drug Enforcement Agent, but he was unable to come to the garage. An Agent from the Oklahoma State Bureau of Investigation was contacted, and with him, the troopers returned to the garage in the afternoon of April 14, 1974, and said Agent took possession of the money in question and started seizure on the car.

The parties herein have referred the Court to five United States Supreme Court decisions, Mapp v. Ohio, 367 U. S. 643 (1961); Preston v. United States, 376 U. S. 364 (1964); Cooper v. California, 386 U. S. 58 (1967); Harris v. United States, 390 U. S. 234 (1968); and Cady v. Dombrowski, 413 U. S. 433 (1973). These decisions, though helpful, are clearly distinguished by their facts from the matter before the Court. Herein, the Court must determine the validity of an "inventory search" of an impounded vehicle, a case of first impression in the 10th Circuit. Decisions on this issue from other Circuits have been reviewed, and they have been factually restricted so that they do not extend to the circumstances before this Court. The 8th Circuit has specifically excluded trunk searches from the ambit of permissible inventory searches. U. S. v. Lawson, 487 F.2d 468 (8th Cir. 1973).

The Court's review of the case law discloses that an inventory search is not made as a general exploratory search for the purpose of finding evidence; rather, such search is made for the justifiable purpose of finding, listing, and securing from loss property belonging to arrested persons during detention. An inventory search serves a two-fold need, first, to protect the property of the accused, and second, to protect the police from ungrounded claims upon return of the property.

From the evidence on the motion before the Court, the defendant was under arrest for driving while intoxicated. His car was lawfully impounded under Oklahoma Statutes and stored inside a locked garage. The car was not being held to be used as evidence until a forfeiture had been declared or a release ordered, but more properly was being held in safekeeping for return to the defendant or at his direction. The car might well be deemed the same as in the accused's own or his agent's possession, where it could be expected to be safe from intrusions by the police or anyone else. The search was not incident to arrest. It is equally clear that there existed no probable cause to support entrance into the locked trunk of the car in connection with the driving while intoxicated charges for which defendant was under arrest. Therefore, unless the search can be found to be a permissible inventory search, it was an unreasonable intrusion in violation of the Defendant's Fourth Amendment rights; and, any evidence gained therefrom is inadmissible against the defendant. The Government, itself, makes no assertion that the search complained of can be justified upon any ground other than an inventory search.

The garage employee did not know the person who phoned asking to get money out of the trunk of defendant's car. The approval of warrantless searches, using such alleged calls or messages from unidentified sources as probable cause to support a search, is fraught with dangers which the Courts must carefully scrutinize and strictly limit to protect Fourth Amendment rights of our citizenry. The employee informed the caller that nothing in the car would be released without the permission of the Highway Patrol. The troopers knew that the automobile and its contents would not be released without their permission when they searched the trunk of the car. Therefore, there were no exigent circumstances requiring an immediate search of the trunk for the purposes of an inventory or any other reason. The trunk search is not shown on the record to be standard police procedure.

The twofold needs for validating an inventory search are not found in the facts before the Court. The car and its contents were adequately

protected. The troopers present no circumstances to support any need to protect them from ungrounded claims upon return of the automobile. Their private, exploratory search of the trunk at that point in time, in the absence of the accused, under arrest and in custody, would be little, if any, protection from such later claims. Such private, warrantless, exploratory searches could well invite, rather than be a protection from, such claims.

In the present instance, the use of the VIN number of the vehicle, which was obtained without entrance into the car, is proper for any purposes for which it might be needed. However, upon the facts before this Court, the troopers could not have shown probable cause and therefore could not have obtained a search warrant to enter the trunk of the car. The car and its contents were not in danger, nor were the troopers in danger of a false claim upon return of the automobile. They, themselves, replaced the money and contents in the trunk as they had found them, as a perfectly safe place for them to remain. The arresting trooper had secured the car in the defendant's presence and departed the arrest scene with the defendant. The tow truck of Green's Wrecker Company was present at the arrest scene, picked up the automobile, and took it to the garage to be held for the accused. The intrusion into the trunk by the trooper later in the day may not have been pretextual. It may have been with innocent intent on the part of the troopers. Nevertheless, under the circumstances before the Court, their intrusion into the locked trunk of the car was supported by no necessity, and it was a general, exploratory search, unreasonable under the protection of the Fourth Amendment of the Constitution. Authorities may not circumvent the reasonableness test of the Fourth Amendment, or the necessity for a search warrant, by use of the label "inventory search." This is especially true when the search is into locked compartments of secured automobiles on the sole justification of mere police custody of the vehicle. Under the facts and circumstances of this case, the motion to suppress should be sustained.

IT IS, THEREFORE, ORDERED that the motion to suppress be and it is hereby sustained and no evidence obtained from the searches of the trunk

of the defendant's car on April 14, 1974, shall be admitted in the proceedings against him before this Court.

Dated this 18th day of July, 1974, at Tulsa, Oklahoma.

Cleen E. Barrow

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

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

FILED

JUL 16 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

United States of America

vs.

**CARL RAY HOOD, whose
true and correct name is
ROY ELTON HAWKINS**

Criminal No. 73-CR-34

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon the United States Attorney for the Northern District of Oklahoma hereby dismisses the indictment against Carl Ray Hood, (indictment, information, complaint) defendant, without prejudice.

The United States Attorney would state to the Court that the Government intends to reindict or file a superseding indictment against the above-named defendant at the next session of the Federal Grand Jury.

United States Attorney
NATHAN G. GRAHAM

Leave of court is granted for the filing of the foregoing dismissal.

(Signed) ALLEN E. BARROW

United States District Judge

Date: July 16, 1974

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 15 1974

THE UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROGER DALE THOMPSON,)
)
 Defendant.)

Jack C. Silver, Clerk
U. S. DISTRICT COURT

Criminal No. 74-CR-34

ORDER

NOW on this 17th day of June, 1974, the above captioned matter comes on for hearing before the Honorable Luther Bohanon on the application to modify the sentence pursuant to rule 35. The Defendant appearing not but was represented by his attorney, John W. Klenda and the United States Government was represented by Ben Baker.

The Court finds that the Defendant, Roger Dale Thompson, was previously sentenced to 5 years for possession of an unregistered firearm.

The Court further finds that the Defendant has been sentenced in the District Court of Tulsa County to 7 years for armed robbery.

The Court further finds that the Federal sentence for possession of unregistered firearms should be modified to run concurrently with the State sentence and that the State penitentiary at McAlester be recommended as the institution at which the Defendant should serve the Federal sentence.

IT IS THEREFORE THE ORDER OF THE COURT that the sentence for possession of an unregistered firearm which was ordered by the Court January 22, 1974, should be modified to run concurrently with the 7 year sentence which the Defendant received in connection with the armed robbery charge in Tulsa County, State of Oklahoma and that the State Penitentiary at McAlester is recommended as the

Counselors at Law
Bruce H. Harlow, Jr.
John W. Klenda
Suite 809
Prison Building
Okla. 74109
509 5591

institution at which the Defendant should serve the sentence.

Luther Robinson
JUDGE OF THE DISTRICT COURT

APPROVED AS TO FORM:

Ben Baker

BEN BAKER

John W. Klenda

JOHN W. KLEND

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 11 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

GLEN DALE HUMES,

No. 74-CR-5

On this 11th day of July, 1974, came the attorney for the government and the defendant appeared in person, and with counsel, Larry McSoud.

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 having violated U.S.C., T. 18, Sec. 656, in that on or about 8-14-73, 8-17-73, 6-19-73, 10-4-73, 10-29-73, 6-18-73, 10-30-73, at Skiatook, Okla. in the Northern District of Okla., Glen Dale Humes, being an officer of The Exchange Bank, Skiatook, Okla., whose deposits are insured by the Federal Deposit Ins. Corp., with intent to injure and defraud said insured bank, willfully and knowingly did misapply and convert to his own use the sum of \$11,490.16 of the moneys and funds of such bank,

as charged in Cts. 1, 2, 3, 4, 5, 6, 7, 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 imposition of sentence in Cts. 1, 2, 3, 4, 5, 6 & 7 is hereby suspended and the defendant is placed on probation for a period of five (5) years from this date, as to each count, concurrently, and the conditions of probation are: that the defendant seek employment immediately, stay employed, avoid association with any known criminals, and make restitution in the amount of \$11,490.16 within 5 years, payable to the U. S. Court Clerk, at the rate of approximately 25% of his salary, or a greater amount if possible, unless excused by the Court.

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:

William E. ...
United States District Judge.

Brian F. Baker
Asst. U. S. Attorney

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) "non 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

Northern District of Oklahoma

United States of America

vs.

Lawrence L. Cooper

}
}
}

Criminal No. 73-CR-41

FILED

JUL 8 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon the United States Attorney for the Northern District of Oklahoma hereby dismisses the indictment against (indictment, information, complaint) Lawrence L. Cooper, defendant, for the reason that defendant was acquitted by jury in a related case (73-CR-45), and the Government's proof is too weak to sustain charges. Authority to dismiss has been received from the Department of Justice by telephone; written authority will follow.

United States Attorney
NATHAN G. GRAHAM

Leave of court is granted for the filing of the foregoing dismissal.

(Signed) ALLEN E. BARROW

APPROVED IN OPEN COURT;

United States District Judge

Date: July 2, 1974

United States District Court
FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 2 1974

United States of America

v.

STEVEN NUCKOLLS

No. 74-CR-83

Jack C. Silver, Clerk
U. S. DISTRICT COURT

On this 2nd day of July, 1974, came the attorney for the government and the defendant appeared in person and with Counsel, Larry McSoud,

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 having violated T. 26, U.S.C., Sec. 5845:5861 in that on or about April 8, 1974, at 1649 South Main Street, Tulsa, Oklahoma, in the Northern District of Oklahoma, the Defendant, did knowingly and unlawfully possess a firearm, which was not registered to him in the National Firearms Registration and Transfer Record.

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 treatment and supervision until discharged by the Youth Correction Act as provided by T. 18, U.S.C., Sec. 5010(b).

~~IT IS ADJUDGED THAT~~

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:

Carroll E. Brown

United States District Judge.

~~The Court recommends commitment to~~

Ben F. Baker

Assistant U.S. Attorney

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.

United States District Court
FOR THE

FILED

NORTHERN DISTRICT OF OKLAHOMA

JUL 2 1974

United States of America

v.

No.

74-CR-79

Jack C. Silver, Clerk
U. S. DISTRICT COURT

ANTHONY L. WHITEWATER a/k/a
Tony Whitewater

On this 2nd day of July, 1974 came the attorney for the government and the defendant appeared in person and with Counsel, Lloyd Payton,

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 having violated T. 21, U.S.C., Sec. 846 & 841, in that on or about November 7, 1973, to on or about May 8, 1974, at Tulsa, Oklahoma, in the Northern District of Oklahoma, the Defendant with others, did willfully and knowingly combine, conspire, confederate, and agree together and with other persons whose names are presently unknown, to possess with intent to distribute and to distribute a Schedule II narcotic controlled substance, Cocaine.

It was part of said conspiracy that the defendants arranged for delivery and sale of cocaine to Sid Cokerly, Oklahoma State Bureau of Investigation and Dorsey Shannon, Drug Enforcement Administration, in Tulsa, Oklahoma.

as charged in Ct. 1 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 Ten (10) years.

~~IT IS ADJUDGED THAT~~

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:

Carl E. Denver
United States District Judge.

~~IT IS ORDERED THAT~~
Ben F. Baker
Assistant U. S. Attorney

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.

United States District Court
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 2 1974

United States of America

v.

No. 74-CR-79

Jack C. Silver, Clerk
U.S. DISTRICT COURT

BARBARA MILLIGAN

On this 2nd day of July, 1974 came the attorney for the government and the defendant appeared in person and with Counsel, Larry McSoud,

IT IS ADJUDGED that the defendant upon her plea of guilty, and the Court being satisfied there is a factual basis for the plea, has been convicted of the offense of having violated T. 21, U.S.C., Sec. 846 & 841, in that on or about November 7, 1973, to on or about May 8, 1974, at Tulsa, Oklahoma, in the Northern District of Oklahoma, the defendant with others, did willfully and knowingly combine, conspire, confederate, and agree together and with other persons whose names are presently unknown, to possess with intent to distribute and to distribute a Schedule II narcotic controlled substance, Cocaine.

It was part of said conspiracy that the defendants arranged for delivery and sale of cocaine to Sid Cookerly, Oklahoma State Bureau of Investigation, and Dorsey Shannon, Drug Enforcement Administration, in Tulsa, Oklahoma

as charged in Ct. 1 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 treatment and supervision until discharged by the Youth Correction Act as provided by Title 18, U.S.C., Section 5010(b).

It is further adjudged that the Court be furnished within 90 days a report on the status of the defendant.

~~IT IS ADJUDGED that~~

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:

Cecil E. Barron
United States District Judge.

~~THE COURT recommends commitment to~~

Bruce F. Baker

Assistant U.S. Attorney

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.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

FILED

JUL 2 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

EZEKIEL TAYLOR

No. 74-CR-77

On this 2nd day of July, 1974, came the attorney for the government and the defendant appeared in person, and with Counsel, Eugene Carr, Sr.,

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 having violated T. 18, U.S.C., Sec. 2314, in that on or about February 20, 1974, at Tulsa, Oklahoma, in the Northern District of Oklahoma, the defendant did transport in interstate commerce from Ft. Smith, Arkansas, to Tulsa, Oklahoma, stolen goods, wares and merchandise, having an aggregate value in excess of \$5,000.00; he then knowing same 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 imposition of sentence is hereby suspended and the defendant is placed on probation for a period of eighteen (18) months from this date and the conditions of probation are that the defendant stay enrolled in Alcoholics Anonymous, and avoid criminal association.

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:

Cecilia E. Barrow
United States District Judge.

Nelson H. Boyce
Assistant U.S. Attorney

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

UNITED STATES OF AMERICA

v.

STEVEN NUCKOLLS



No. 74-CR-89

FILED

JUL 2 1974

Jack C. Silver, Clerk
U.S. DISTRICT COURT

On this 2nd day of July, 1974, came the attorney for the government and the defendant appeared in person, and with counsel, Larry McSoud.

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 having violated T. 18, USC, Sec. 2312, in that on or about 5-19-74 Steven Nuckolls wilfully and knowingly transported in interstate commerce a stolen motor vehicle from Las Vegas, Nevada, to Carthage, Missouri, in the Western District of Missouri, and he then knew said 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 imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Two (2) Years.

IT IS FURTHER ADJUDGED that the probation imposed shall commence at the expiration of and run consecutive to the sentence imposed in Case No. 74-CR-83.

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:

Ber F. Baker

Asst. U. S. Attorney

Alan E. Barrow

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

FILE

JUL 2 1974

United States of America

v.

No.

74-CR-76

Jack C. Silver, Clerk
U.S. DISTRICT COURT

LEONARD ADAMS

On this 2nd day of July, 1974 came the attorney for the government and the defendant appeared in person and with Counsel, Eric Anderson.

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 having violated T. 18 U.S.C., Sec. 495 & 1708, in that on or about December 1, 1973, at Tulsa, Oklahoma, in the Northern District of Oklahoma, the defendant, with intent to defraud the United States, did utter and publish as true to Fretifca, Inc., grocery store, a paper writing in the form of a check drawn upon the Treasurer of the United States, payable to James M. Reagor, in the amount of \$176.00, with a falsely made and forged endorsement of James M. Reagor on the back thereof, and Leonard Adams then knew the said endorsement to have been falsely made and forged; and did have in his possession said check, which had been stolen from the mail, well knowing that said check had been stolen,

as charged³ in Cts. 1 & 2 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 of⁴

Count 1 - Three (3) years.

Count 2 - Imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Three (3) years to commence at the expiration of and run consecutive to the sentence imposed in Count 1.

~~It is ADJUDGED that~~

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

APPROVED AS TO FORM:

Allen E. Bauer

United States District Judge.

~~The Court recommends commitment to~~

William H. Soyars

Asst. U.S. Attorney

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.

United States District Court

FOR THE

NORTHERN DISTRICT OF OKLAHOMA

United States of America

v.

PAUL LAVERNE JOHNSON

No. 74-CR-66

FILED

JUL 2 1974

Jack C. Silver, Clerk
U. S. DISTRICT COURT

On this 2nd day of July, 1974 came the attorney for the government and the defendant appeared in person and with Counsel, Bert C. McElroy.

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 having violated T. 18, U.S.C. Sec. 922(a)(6), in that on or about January 10, 1974, at Tulsa, Oklahoma, in the Northern District of Oklahoma, the defendant, in connection with his acquisition of a firearm, from the Burgess Hardware Store, a licensed dealer of firearms, knowingly did make a false and fictitious written statement to said Burgess Hardware Store, with respect to a fact material to the lawfulness of the said sale of said firearm to Paul Laverne Johnson.

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 eighteen (18) months, and further ordered that the defendant may become eligible for parole at such time as the board of parole may determine as provided in T. 18, U.S.C.A., Section 4208(a)(2).

IT IS RECOMMENDED by the Court that the Defendant be incarcerated at Springfield, Missouri, in the U.S. Medical Center for Federal Prisoners. IT IS ADJUDGED THAT

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:

Cleen E. Barrow
United States District Judge.

The Court recommends commitment to

Bert F. Baker
Asst. U.S. Attorney

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.

United States Court of Appeals for the Tenth Circuit found the Indictment was "fatally faulty" even though the Complaint was raised for the first time at the appellate level. United States versus: Ray Del Wilson, No. 73-1126; Ronald James Gilbert, No. 73-1127; Marque Trusler, No. 73-1128; Joseph Francis Marion O'Neal, No. 73-1129; Janice Sue Langston, No. 73-1130 citing Nelson v. United States, 406 F. 2d 1136 (Tenth Cir. 1969).

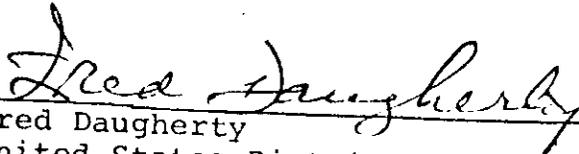
A judgment and sentence based on a plea of guilty may be collaterally attacked under 28 U.S.C. §2255 if the Indictment shows on its face that no federal offense has been committed. Marteney v. United States, 216 F. 2d 760 (Tenth Cir. 1954). In light of the adjudication of the Court of Appeals for this Circuit that the Indictment herein is "fatally faulty," Petitioner's Motion for Writ of Habeas Corpus is granted as set out hereafter.

Petitioner's request that the Indictment be dismissed without leave to reinstate same is denied. 18 U.S.C. §§3288 and 3289 provide for the return of new indictments after an indictment is dismissed due to defects in same.

The Judgment and Sentence of this Court entered January 30, 1973 as to Petitioner Charles Allen Robinson is vacated. The Indictment herein filed October 26, 1972 is dismissed as to Petitioner Charles Allen Robinson.

The Clerk of this Court is directed to serve a certified copy of this Order vacating the Judgment and Sentence of this Court on the Attorney General of the United States or his representative and Petitioner is Ordered released from the custody of the Attorney General.

It is so ordered this 2^d day of July, 1974.


Fred Daugherty
United States District Judge