

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 PAUL EUGENE MAY, et al.,)
)
 Defendants.)

No. 76-CR-82-C

FILED

JUN 30 1977

ORDER

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

The Court has before it for consideration the motion of the defendant, Paul Elmer Kennedy, Jr., for a reduction of sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. On November 18, 1976 the defendant entered a plea of guilty to an indictment charging him with a violation of Title 21 U.S.C. §§ 841 and 846. He now asks the Court to reduce the sentence imposed by it upon him on December 21, 1976.

In considering defendant's motion for reduction of sentence, the Court has carefully reviewed the entire record and finds that the sentence imposed was appropriate, just and reasonable under the circumstances of this case. Therefore, the motion for reduction of sentence is hereby overruled.

It is so Ordered this 30th day of June, 1977.


H. DALE COOK
United States District Judge

DEFENDANT

NORTHERN DISTRICT OF OKLAHOMA

CHERI DENISE ROBERTS

DOCKET NO. 77-CR-66

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 30 YEAR 77

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Dan Bondreau, Retained (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

FILED NOT GUILTY

FINDING & JUDGMENT

There being a finding ~~in favor~~ of NOT GUILTY. Defendant is discharged. GUILTY.

JUN 30 1977

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

Defendant has been convicted as charged of the offense(s) of having violated 18, U.S.C. §1708, as charged in Count One of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced: Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count One - Two (2) Years

IT IS FURTHER ORDERED that the execution of sentence is suspended and the defendant is placed on probation for a period of Three (3) Years from this date.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge U.S. Magistrate

[Signature]

CERTIFIED AS A TRUE COPY ON

THIS DATE

BY

CLERK

DEPUTY

Date 6-30-77

DEFENDANT

DARYL WAYNE PARKER

DOCKET NO. 77-88-67

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH	DAY	YEAR
6	30	77

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Tom Mason, Court Appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FILED

JUN 30 1977

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

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., §495, as charged in Counts One and Two of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced: Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count One - Three (3) Years

Count Two - Three (3) Years, to run concurrently with the sentence imposed in Count One.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

[Signature]

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-30-77

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America)

vs.)

Marilynn A. Jones)

Criminal No. 77-CR-68 ✓

FILED

in Open Court
JUN 30 1977

hm

ORDER FOR DISMISSAL

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

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~~ Counts 3 & 4 of the Indictment against
(indictment, information, complaint)

Marilynn A. Jones, defendant.

HUBERT A. MARLOW, Acting
United States Attorney

Ben F. Baker

Asst. United States Attorney
BEN F. BAKER

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

Wale Book
United States District Judge

Date: 6-30, 1977

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

UNITED STATES OF AMERICA,)
)
v.) Criminal No. 14406
)
EUGENE ANTHONY NOLAN,) (Civil No. 77-C-86-D)
)
Movant.)

FILED

JUN 30 1977 *mm*

O R D E R

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

Movant is serving sentences imposed by this court following his conviction by a jury of the Use of Facilities in Interstate Commerce to Carry on Unlawful Gambling Business in violation of 18 U.S.C. § 1952 and of Conspiracy to commit that offense in violation of 18 U.S.C. § 371. He claims that he is entitled to have these vacated and set aside pursuant to Section 2255 of Title 28 of the United States Code on the ground:

"The government's use of my federal wagering tax stamp filings at trial violated my Fifth Amendment privilege against self incrimination."

It is admitted that this issue was fully litigated in the direct appeal by movant and determined adversely to him. Nolan v. United States, 423 F.2d 1031 (CA10 1970). Generally an issue disposed of on direct appeal will not be reconsidered on collateral attack by a Motion pursuant to 28 U.S.C. § 2255. Baca v. United States, 383 F.2d 154 (CA10 1967), cert. denied, 390 U.S. 929. See also Slawek v. United States, 413 F.2d 957, 959 (CA8 1969).

Movant seeks to avoid the force of this rule by asserting in reliance upon Davis v. United States, 417 U.S. 333 (1974) there has been an intervening change in the law of this circuit. The Court of Appeals in affirming movant's conviction found that in the circumstances of his case the movant's privilege against self-incrimination had been waived. Movant claims that it is now the law in this circuit that the failure to assert the privilege against self-incrimination, when the privilege had not been recognized at

that time under then-controlling law, does not result in waiver citing Martinez v. United States, 464 F.2d 1289 (CA10 1972).

The Davis case was a Selective Service case. The Ninth Circuit had affirmed his conviction after a consideration of a particular issue concerning acceleration of his induction, in light of the Supreme Court's decision in Gutknecht v. United States, 396 U.S. 295 (1970). United States v. Davis, 447 F.2d 1376 (CA9 1970). While his subsequent Petition for Certiorari was pending in the Supreme Court the Ninth Circuit in United States v. Fox, 454 F.2d 593 (CA9 1971) reached an opposite result in circumstances "virtually identical" to those in Davis' case. 417 U.S. at 339. Thereafter, the Supreme Court denied Davis' Petition for Certiorari. Davis then returned to the sentencing court with a Motion under 28 U.S.C. § 2255 claiming he was entitled to the benefits of the Fox decision. The District Court denied relief and the Ninth Circuit affirmed without considering the merits of his claim for the reason that the decision on his direct appeal was the law of the case and that any intervening change in law resulting from the Fox decision would not be applied to Davis. The Supreme Court then rather summarily held that even though the legal issue raised in the 2255 Motion had been determined on direct appeal Davis was not precluded from securing relief under Section 2255 on the basis of an intervening change in law.

The facts in the Martinez case and movant's are not "virtually identical". In Martinez the issue was the validity of his convictions after trial for violation of 26 U.S.C. § 4744(a) a subsection of the Marihuana Tax Act, which occurred in 1956 and 1966 prior to the decision of the Supreme Court in Leary v. United States, 395 U.S. 6 (1969). Under that decision an assertion of the privilege against self-incrimination would have provided Martinez a complete defense to the challenged prosecutions. The Tenth Circuit in the Martinez decision recognized the full retroactivity of Leary and found Martinez was entitled to relief even though he had not asserted the privilege at trial. Rather clearly this decision represented

a change in law in this circuit with respect to Leary type convictions. See e.g. Grisham v. United States, 427 F.2d 157 (CA10 1970), cert. denied, 400 U.S. 953; Sepulveda v. United States, 415 F.2d 321 (CA10 1969); Eby v. United States, 415 F.2d 319 (CA10 1969).

Movant's case involves not the Marihuana Tax Act but the Federal Wagering Tax Statutes. Where Martinez was charged with the violation of the condemned law, movant was not. Where a timely assertion of the privilege would have provided a complete defense to the prosecution against him for Martinez, for movant it would not have provided a complete defense to the Section 1952 and conspiracy charges against him. At best the privilege would have rendered inadmissible against movant certain testimonial references to movant's wagering tax stamp. Martinez's first conviction occurred 10 years before and his second only two months after Dr. Leary's trial. Movant's trial, however, was conducted while there was pending before the Supreme Court the cases of Marchetti v. United States, 390 U.S. 339 (1968) and Grosso v. United States, 390 U.S. 62 (1968) which recognized the privilege in the wagering tax context. The "focal point" in the Martinez proceeding was the retroactivity of Leary v. United States, supra. 464 F.2d at 1290. The primary inquiry in movant's appeal was whether the court could excuse movant's failure to raise his privilege at trial under the circumstances there presented.

In Martinez apparently there was no evidence of waiver other than the failure to assert the privilege at trial. In movant's case, the court recognized that this was not a sufficient basis to find an effective waiver of the constitutional privilege and that if no more was present than that, under Grosso v. United States, supra, the failure to assert the privilege at trial should be excused. The Court found, however, that movant's case did significantly differ from Grosso and such differences were sufficient to deem the privilege waived. Martinez for purposes of waiver analysis was factually indistinguishable from Grosso.

The facts which the Court found distinguished Nolan from Grosso, and consequently from Martinez, were the facts demonstrating

defense counsel's knowledge of the likelihood of the availability of the privilege. Grosso and Marchetti were pending before the Supreme Court. Defense counsel objected to the introduction in evidence of the wagering tax stamp and tax filings of movant's co-conspirator, Dale Hines, because of the two cases. The Court analyzed defense counsel's closing argument and found some indication of a deliberate trial strategy with regard to the privilege issue. Movant may quarrel with the Appellate Court's conclusion from the record in the case but he cannot deny the fact of the Court's analysis and reasoning and that Martinez presented no such record or analysis. In the absence of such a showing movant has failed to demonstrate an intervening change in the law in this circuit so as to bring himself within the principles of United States v. Davis, supra, and this court is not compelled to re-examine movant's contention which was precisely and plainly decided adversely to him on his direct appeal.

Movant's argument that his attorneys could not reasonably have anticipated the results in Marchetti and Grosso and that because the prevailing rule at trial was to the contrary they should not have been expected to assert the privilege, loses its force when it is observed that they did recognize the implication of the pending cases with respect to Hines' wagering tax stamp and that movant's attorneys did assert the privilege in movant's trial on similar charges in the Fifth Circuit and were vindicated on appeal. See Nolan v. United States, 395 F.2d 283 (CA5 1968).

Moreover, if the court were inclined to take a fresh look at movant's conviction, it would appear that the decision of the Supreme Court in Mackey v. United States, 404 U.S. 667 (1971), rendered subsequent to the original decision in movant's case would be controlling. In that 2255 proceeding Mackey challenged the introduction of wagering tax returns against him in a criminal prosecution for income tax evasion. Although a majority of the court considered the disclosure on the returns to have been compelled incriminations, 401 U.S. at 672 (plurality opinion); id., at 704-705 (Brennan, J. concurring in judgment); id., at 713 (Douglas, J. dissenting), Mackey

was not immunized against their use because Marchetti and Grosso were held non-retroactive, since no threat to the reliability of the fact-finding process was involved in the use of the forms at his trial. 401 U.S. at 674-675 (plurality opinion); *id.*, at 700-701 (Harlan, J. concurring in judgment).

Subsequent to its decision therein the Supreme Court in United States v. Zizzo, 402 U.S. 938 (1971) granted certiorari, vacated the judgment of the Seventh Circuit in Zizzo v. United States, 431 F.2d 913 (CA7 1970) and remanded the case for reconsideration in light of Mackey. Zizzo, like movant, had been convicted of 18 U.S.C. § 1952. At his trial federal wagering tax forms signed and filed by him were introduced in evidence over his objection. The Seventh Circuit in its decision had ruled that because Zizzo had been convicted of a gambling related offense that Marchetti and Grosso should be applied retroactively. On remand, Zizzo v. United States, 447 F.2d 857 (CA7 1971) the Seventh Circuit noting Zizzo's conviction had become final prior to the Marchetti and Grosso decisions, a point of significance in the concurring opinion of Justice Harlan, denied retroactive application to Zizzo and affirmed the decision of the District Court denying the motion to vacate the judgment of conviction.

Although not referring to Zizzo, movant has presented a similar analysis of the opinions in Mackey, to urge that because movant's conviction was pending on appeal when Marchetti and Grosso were decided that he is entitled to the retroactive benefits of those decisions. However, Justice Harlan was the only justice who made a distinction between cases on direct appeal and post conviction proceedings. It can hardly be said, as movant does, that this was the view of retroactivity which prevailed in Mackey. It was not a part of the rationale of the plurality opinion. Such a distinction was rejected by the majority in Williams v. United States, 401 U.S. 646 (1971), decided the same day as Mackey. Justice White in Williams commented that the court had "not accepted as a dividing line the suggested distinction between cases on direct review and

those arising on collateral attack". 401 U.S. at 651, 652. In treating a hypothetical situation very similar to movant's Justice White declared in dissent joined by the Chief Justice and Justices Stewart and Blackmun in United States v. U.S. Coin & Currency, 401 U.S. 715, 733 (1971) also decided the same day:

"Had Angelini registered and paid the federal tax and then been tried prior to Marchetti-Grosso for violating federal interstate gambling laws or state laws making gambling a crime, the admissions contained in his registration and gambling tax returns would have been relevant and presumptively reliable evidence of guilt, properly admissible under Kahriger and Lewis. And if after Marchetti-Grosso, Angelini had complained about the use of this evidence, Tehan v. Shott, 382 U.S. 406 (1966), and Johnson v. New Jersey, 384 U.S. 719, 732 (1966), would surely dictate denial of relief whether Angelini came here on direct review of his conviction or from denial of collateral relief."

In Nussbaum v. United States, 441 F.2d 273 (CA9 1971) the Court treated Mackey as holding that Marchetti and Grosso apply only to prosecutions commenced after the date those decisions were announced and this same construction and classification is made in the impressive catalog and digest of retroactivity cases in United States ex rel Cannon v. Johnson, 396 F.Supp. 1362, 1372, n. 24 and app. at 1375 (E.D. Pa. 1975). In United States v. Black, 480 F.2d 504 (CA6 1973) the Court reviewed the Supreme Court line of retroactivity decisions and declared that the distinction between cases on direct appeal and post conviction cases is no longer valid in light of the more recent Supreme Court decisions.

Movant further asserts that United States v. U.S. Coin & Currency, supra, is the applicable retroactivity decision rather than Mackey. That case involved a civil forfeiture proceeding initiated by the government prior to Marchetti and Grosso to seize money being used in bookmaking operation in violation of the Wagering Tax Laws. The Court in a five to four decision delivered by Justice Harlan held that Marchetti and Grosso were to be given retroactive effect in a forfeiture proceeding instituted pursuant to 26 U.S.C. § 7302 because the forfeiture would impose a penalty for conduct which would not be punishable in the first place. In Romanelli v. C.I.R., 466 F. 2d 872, 877 (CA7 1972) the Court explained the difference between

.the holdings of United States v. U.S. Coin & Currency, supra, and Mackey v. United States, supra:

"In United States Coin & Currency, supra, the conduct penalized (by forfeiture) was the refusal to incriminate oneself by registering. Since the Court had held in Marchetti and Grosso that that conduct could not be validly punished, the retroactivity of those decisions was not limited. In Mackey v. United States, supra, the conduct actually punished was evasion of taxes, and the use of the information which Mackey had supplied did not undermine the accuracy of the fact-finding process."

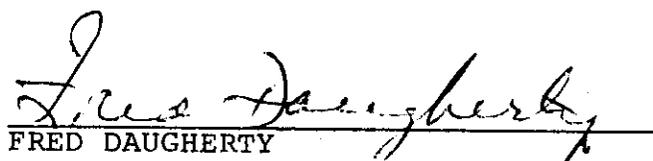
Movant's case, unlike U.S. Coin & Currency and like Mackey, does not involve punishment for conduct which cannot validly be punished. Movant's criminal liability is not founded upon the Federal Wagering Excise Tax Statutes. He is not being punished for violation of the Wagering Tax Statutes but for violating 18 U. S.C. § 1952 and conspiring to do so in violation of 18 U.S.C. § 371. If the privilege had been asserted by him at trial it would not have provided a complete defense to the charges against him but only to exclude, perhaps, certain evidence. The Supreme Court disposition in United States v. Zizzo, supra, makes clear that in the movant's situation it is Mackey that governs and not U. S. Coin & Currency. See also United States v. Scaglione, 446 F.2d 182.

As evidenced by the foregoing analysis there are no material issues of fact which require an evidentiary hearing in this court and the application together with the files and records examined by the court conclusively show that the movant is entitled to no relief.

Accordingly the Motion, pursuant to Section 2255 of Title 28, United States Code to vacate the judgment and sentence herein will be denied.

IT IS SO ORDERED.

Dated this 30 day of June, 1977.


FRED DAUGHERTY
UNITED STATES DISTRICT JUDGE

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

MAE LILLIAN (a/k/a CHI CHI) BROWN

DOCKET NO. 77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

Table with columns: MONTH (6), DAY (24), YEAR (77)

COUNSEL

WITHOUT COUNSEL... WITH COUNSEL Joel Wohlgemuth, Court Appointed

PLEA

GUILTY... NOLO CONTENDERE... NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of GUILTY. Defendant has been convicted as charged of the offense(s) of having violated Title 6, Section 846 and 843(b), as charged in Counts 1 and 15 of the Indictment. It is the finding of the Court that the defendant is the age of 23 years, subject to the Youth Correction Act...

JUN 24 1977

Jack C. Silver, Clerk

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown... Count 1 - Four (4) Years, with a special parole term of Five (5) Years... Count 15 - Three (3) Years, to run concurrently with the sentence imposed in Count 1.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge (checked) U.S. Magistrate

Handwritten signature of U.S. District Judge

CERTIFIED AS A TRUE COPY ON

THIS DATE

By () CLERK () DEPUTY

Date 6-24-77

DEFENDANT

TONY LEE MAXWELL

DOCKET NO. 77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 24 YEAR 77

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Mark E. Finnerty, Retained

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FILED

JUN 24 1977

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

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C., Section 846 and 843(b), as charged in Counts 1 and 9 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Ten (10) Years, with a special parole term of Five (5) Years, to commence at the expiration of the sentence imposed herein.

Count 9 - Four (4) Years, to run concurrently with the sentence imposed in Count 1.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

[Signature]

Date 6-24-77

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK () DEPUTY

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

EARL WATSON

DOCKET NO. 77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH	DAY	YEAR
6	24	77

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

X WITH COUNSEL

Chris Grant, Retained

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

F I L L E D NOT GUILTY

There being a finding/verdict of

- NOT GUILTY. Defendant is discharged
- X GUILTY.

JUN 24 1977

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C., Section 846, and 843(b), as charged in Counts 1 and 10 of the Indictment.

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

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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, with a special parole term of Five (5) Years, to commence at the expiration of the sentence imposed herein.

Count 10 - Four (4) Years, to run concurrently with the sentence imposed in Count 1.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

X U.S. District Judge

U.S. Magistrate

[Signature]

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-24-77

DEFENDANT

GEORGE WILLIAM THOMPSON

DOCKET NO.

77-CR-20-B

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 23 YEAR 77

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

John W. Hampton, Aspt.

(Name of counsel)

FILED

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

JUN 23 1977

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

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 495, as charged in Counts 1 & 2 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - One (1) year.

Count 2 - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of two (2) years, to commence upon release from institution.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ADJUDGED that the execution of this sentence is deferred until June 27, 1977, at 10:00 A.M., at which time defendant is to present himself to the U. S. Marshal.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

Halfway House, Oklahoma City, Oklahoma.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-23-77

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

UNITED STATES OF AMERICA,
v.
SAMMIE LEON DAVIS, #35739-136,
Movant.

No. 77-C-158
~~75~~-CR-43
75

FILED

JUN 23 1977

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

ORDER

The above named Movant (defendant), a prisoner in the United States Penitentiary at McNeil Island, Washington, has filed herein a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. 2255. Defendant's motion seeks relief for alleged "Improper Imposition of Sentence," claiming that the Trial Court erred in imposing multiple sentences for a single offense. In support of his motion defendant relies on the opinion of United States Court of Appeals for the Tenth Circuit reversing this Court on an appeal by the defendant's brother and co-defendant in this case. United States v. Davis, No. 75-1805 (Nov. 4, 1976)

The defendant and two others, including defendant's brother, Floyd August Davis, were jointly charged in this Court with the robbery of a national bank. The defendants were charged in Count I with conspiracy to rob in violation of 18 U.S.C. § 371; in Count II with bank robbery in violation of 18 U.S.C. § 2113(a) and Count III with bank robbery involving the use of dangerous weapons in violation of 18 U.S.C. § 2113(d). The sentences imposed against the defendant, Sammie Leon Davis were: Count I, 5 years; Count II, 3 years; Count III, 8 years. The sentence on Count II was to run consecutively to that under Count I. The sentence on Count III was to run concurrently with the sentence imposed on Counts I and II.

Section 2113(a) authorizes a maximum of 20 years and § 2113(d) a maximum of 25 years. Concurrent sentences under § 2113(a) and § 2113(d) are improper. United States v. Von Roeder, 435 F.2d 1004, (10 Cir. 1971), Cert. den. 403 U.S. 934 (1971).

In Davis the Circuit Court held that because the sentence imposed against the defendant's brother, Floyd August Davis, on Count I was

to run consecutively to that under Count II, which the Court vacated, the Court was compelled to remand for resentencing on Count I, conspiracy and Count III, violation of § 2113(d).

The Court is not confronted here with the same problem presented by the sentence imposed against Floyd August Davis. In imposing sentence against Floyd August Davis, the Court caused the sentence on the conspiracy Count I to run consecutively to that on the lesser offense Count II, which the Appellate Court held had been merged with the greater offense Count III. Therefore the Court reasoned in Davis, that there would be no beginning time for the conspiracy sentence because the Count II sentence was vacated.

However, this Court's sentences of Sammie Leon Davis provided that the lesser offense Count II was to begin at the expiration of the sentence on the conspiracy Count I. Therefore, if this Court vacates the Count II sentence, which it must do in following the decision of the Appellate Court in Davis, the sentences on Count I and Count III will be left standing unaffected by the action of the Court in vacating the sentence on Count II. This is consistent with the decision of the United States Supreme Court in the case of United States v. Gaddis, 424 U.S. 544, 96 S.Ct. 1023 (1975).

In Gaddis, the defendants were found guilty in a jury trial of violation of §§ 2113(a), 2113(d), and also of 2113(c), possession of funds stolen in the robbery. The Court held that the conviction under § 2113(c) failed for lack of proof. *Ibid.* at 548. The Court said that there was "a 'merger' of the convictions under §§ 2113(a) and (d)" citing Prince v. United States, 352 U.S. 322; 1 L.Ed.2d 370, 77 S.Ct. 403 (1956). The Court left standing "single 25-year prison sentences for violating 18 U.S.C. § 2113(d)." *Ibid.* at 548.

In sentencing the defendant, Sammie Leon Davis, it was the intention of the Court to impose a maximum sentence of Eight (8) years, which was accomplished by the imposition of the Eight (8) year sentence on Count III. The vacation of the Count II sentence does not change that result. Counts I and III still run concurrently as provided in the sentencing Judgment of the Court of May 27, 1975

Therefore, the defendant's Motion is sustained. The Count II sentence is hereby vacated.

It is so Ordered this 23rd day of June, 1977.



H. DALE COOK
UNITED STATES DISTRICT JUDGE

FILED

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

JUN 23 1977

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

UNITED STATES OF AMERICA,)
)
v. Plaintiff,)
)
JAMES H. CUNNINGHAM, ET AL.,)
)
)
Defendants.)

NO. 76-CR-148-B

ORDER

The Court since its Order of June 1, 1977, has continued to reflect on the sentence of James H. Cunningham herein, and has again reviewed the file, transcripts of the plea and sentences, the 18 U.S.C. § 4205(c) study and pre-sentence reports. Also, the Court has re-read the letters from Mr. Cunningham's family, the petitions of his counsel, Thomas W. Woody, and the letters and petitions from friends of the family, and all have expressed faith in this man and seek leniency for him.

Following this additional review, study and reflection, and being fully advised in the premises, the Court finds that in the interest of justice James H. Cunningham, with the support he receives in the community, should be granted a further reduction of sentence, and the sentence imposed February 24, 1977, should be reduced to eight months imprisonment with full credit for time served to date, which is the equivalent of one-third of his two year sentence.

IT IS, THEREFORE, ORDERED that the Judgment and Sentence entered herein on February 24, 1977, and modified June 1, 1977, be and it is hereby modified to the following:

The Defendant, James H. Cunningham, is hereby committed to the custody of the Attorney General or his authorized representative for a period of eight (8) months, with credit for time served.

It is the intent of this Order that James H. Cunningham be released from custody no later than July 30, 1977.

Dated this 23rd day of June, 1977, at Tulsa, Oklahoma.

Allen E. Bennett
CHIEF JUDGE, UNITED STATES DISTRICT
COURT FOR THE NORTHERN DISTRICT OF
OKLAHOMA

FILED

JUN 22 1977

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

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

United States of America,)
)
vs)
)
Tony Lee Maxwell, a/k/a)
Tony Speed)

76-CR-137-B

REVOCATION OF PROBATION

On November 3, 1976, came the attorney for the government and the defendant appeared in person and by counsel, Robert B. Copeland.

IT WAS ADJUDGED that the defendant, upon his plea of guilty had been convicted of having violated Title 18, U.S.C., Sections 371 and 472, as charged in the indictment.

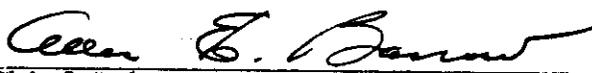
IT WAS ADJUDGED that the defendant was guilty as charged and he was convicted.

IT WAS ADJUDGED that the imposition of sentence is hereby suspended and the defendant is placed on probation for a period of three (3) years pursuant to Title 18, U.S.C., Section 4216:5010(a), un the provisions of the Young Adult Youth Correction Act. The conditions of probation were that the defendant make payment of \$50.00 at the rate of \$5.00 a month to Consumer Oil until restitution was made in full, and thereafter payment to the U. S. Court Clerk in the amount of \$50.00 in monthly payments of \$5.00 until paid in full, for payment to the U. S. Treasury.

Now, on this 22nd day of June, 1977, came the attorney for the government and the defendant appeared with counsel, Robert B. Copeland. It being shown to the Court that the defendant has violated the terms and conditions of said probation,

IT IS ADJUDGED that the Order of Probation entered on November 3, 1976, be , revoked and set aside and the defendant is committed to the custody of the Attorney General for Three (3) years.

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.



Chief Judge, United States District Court
for the Northern District of Oklahoma

DEFENDANT

WILLIAM DEAN HEDSON

DOCKET NO.

77-CR-19-B

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

COUNSEL

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
6	22	77

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Gordon D. McAllister, Jr., Retained
(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY **E D**

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged
 GUILTY.

JUN 22 1977

Defendant has been convicted as charged of the offense(s) of **having violated Title 18, U.S. DISTRICT COURT Section 2113(a), as charged in the indictment.**

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

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for ~~30 months~~

Treatment and supervision until discharged by the Federal Youth Correction Act as provided by Title 18, U.S.C., Section 5010(b).

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

Federal Correction Institution, Pleasanton, California.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By _____
() CLERK
() DEPUTY

Date 6-22-77

DEFENDANT

TERRY LEE GARRETT

DOCKET NO.

77-CR-57-B

JUDGMENT

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 22 YEAR 77

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Glenn R. Bausting, Retained

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

There being a finding/verdict of NOT GUILTY. Defendant is discharged, his bond is exonerated, and the indictment is dismissed.

Defendant has been committed to the custody of the Attorney General

FILED

JUN 22 1977

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

SENTENCE OR PROBATION ORDER

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-22-77

DEFENDANT

RONALD GENE MARTIN

DOCKET NO.

77-CR-62-B

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 22 YEAR 77

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

W. Crookmore Wallace, III, Appt.

(Name of counsel)

FILED

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY JUN 22 1977

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

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

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 922(1), as charged in Count 1 of the Indictment.

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown; or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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.

SENTENCE OR PROBATION ORDER

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-22-77

DEFENDANT

WILLIE PAUL SMITH

DOCKET NO. ➔

77-CR-62-B

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH	DAY	YEAR
6	22	77

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

W. Creechmore Wallace, III, Appt.

(Name of counsel)

FILED

PLEA

GUILTY, and the court being satisfied that
there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

JUN 22 1977

There being a finding ~~of fact~~ of

NOT GUILTY. Defendant is discharged

GUILTY.

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

FINDING &
JUDGMENT

Defendant has been convicted as charged of the offense(s) of **having violated Title 18, U.S.C.,
Section 922(1), as charged in Count 1 of the Indictment.**

SENTENCE
OR
PROBATION
ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for ~~XXXXXX~~

Observation and study at an appropriate classification center or agency, the results of such study to be furnished the Court within sixty (60) days, pursuant to the Federal Adult Youth Correction Act, as provided in Title 18, U.S.C., Section 4216:5010(e).

SPECIAL
CONDITIONS
OF
PROBATION

ADDITIONAL
CONDITIONS
OF
PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT
RECOMMEN-
DATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-22-77

DEFENDANT

DARLA C. LAMPE,
a/k/a Darla C. White

77-CR-65-B

DOCKET NO.

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government
the defendant appeared in person on this date

MONTH DAY YEAR
6 22 1977

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Randolph Stainer, Appt.

(Name of counsel)

FILED

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY 1977

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

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged
 GUILTY.

Defendant has been convicted as charged of the offense(s) of **having violated Title 42, U.S.C., Section 406(d), as charged in Counts 1 & 2 of the Information.**

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: ~~the defendant be committed to the custody of the Attorney General and recommended for probation.~~

Counts 1 & 2 - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of Forty (40) months pursuant to Title 18, U.S.C., Section 4216:5010(a), under provisions of the Federal Adult Youth Correction Act, as to each count. The probation imposed in Count 2 is to run concurrently with probation imposed in Count 1.

SPECIAL CONDITIONS OF PROBATION

The special condition of probation in Count 1 is that the defendant make restitution to the Court Clerk in the amount of \$1,227.96, at payments of \$34.00 a month beginning in July, 1977, until paid, for payment to the Social Security Administration.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE _____

By _____

() CLERK

() DEPUTY

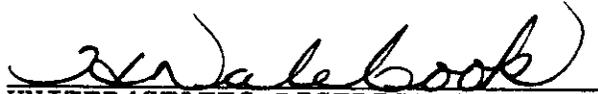
Date 6-22-77

a period of Three and one-half (3 1/2) Years.

IT IS THE FINDING OF THE COURT that the defendant is the age of 23 years, subject to the Youth Correction Act, and it is the further finding of the Court that the defendant would not derive appropriate benefit from the Youth Correction Act, and is therefore sentenced under the applicable statute.

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.

Dated this 21st day of June, 1977.


UNITED STATES DISTRICT JUDGE

DEFENDANT

CARLETT FRENCHELL JONES

DOCKET NO.

77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH	DAY	YEAR
6	21	77

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Ray "Bud" Myers, Retained

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FILED

JUN 21 1977

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

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of **having violated Title 18, U.S.C., Section 846, as charged in Count 1 of the Indictment.**

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Six (6) Years, with a special parole term of Six (6) Years, to commence at the expiration of the sentence imposed herein.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE _____

By _____

() CLERK

() DEPUTY

Date 6-21-77

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN PAUL LONG,)
)
 Defendant.)

No. 76-CR-78-C ✓

FILED

JUN 17 1977 *[Signature]*

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

O R D E R

The Court has before it for consideration a Motion to Reduce Sentence filed by the defendant, John Paul Long. On July 21, 1976 said defendant was found guilty by jury trial of violating 18 U.S.C. § 371. On August 20, 1976, defendant Long was sentenced to three (3) years in the custody of the United States Attorney General. It was further ordered that the defendant could become eligible for parole at such time as the United States Parole Commission may determine as provided in 18 U.S.C. § 4205(b)(2). Defendant filed a Motion for New Trial which was overruled on December 21, 1976. Defendant perfected his appeal to the Tenth Circuit Court of Appeals, which resulted in affirmation of the trial court, dated April 21, 1977.

Since November 22, 1976 defendant Long has been incarcerated in Leavenworth, Kansas, having pled guilty to violating 18 U.S.C. § 472. In regard to this offense of possession of counterfeit notes, defendant Long was sentenced to serve two (2) years, said sentence "to be served concurrently with any previous sentence imposed."

Based upon the factual background presented herein, it is the determination of the Court that the sentence previously imposed should be reduced pursuant to Rule 35, Federal Rules of Criminal Procedure. Said sentence is hereby reduced to two and one-half (2-1/2) years imprisonment, and the

Court again further orders that defendant may become eligible for parole at such time as the United States Parole Commission may determine, pursuant to 18 U.S.C. § 4205(b)(2).

It is so Ordered this 17th day of June, 1977.


H. DALE COOK
United States District Judge

FILED

JUN 17 1977

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

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America

vs.

JOHN HUBERT THOMPSON, ET AL.

Criminal No. 77-CR-64

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 Information against John Hubert Thompson defendant.
(indictment, information, complaint)

Kenneth P. Grobe
Asst. United States Attorney

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

W. Dale Cook
United States District Judge

Date: June 17, 1977

DEFENDANT

GARY DONAYNE PAGE

DOCKET NO.

77-CR-24

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR 6 10 77

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Curtis A. Parks, Retained

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FILED

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C. Section 846, as charged in Count 1 of the Indictment.

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

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Three (3) Years

IT IS FURTHER ORDERED that the defendant is sentenced to a special parole term of Four (4) Years, to commence at the expiration of the sentence imposed herein.

IT IS FURTHER ORDERED that upon the Government's Motion, Count 2 of the Indictment is hereby dismissed.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

H. DALE COOK

Date

6-10-77

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America)

vs.)

Gary DeWayne Page)

Criminal No. 77-CR-24

FILED
IN OPEN COURT

JUN 10 1977

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~~ Count II of the Indictment against (indictment, information, complaint) Gary DeWayne Page, defendant.

HUBERT A. MARLOW, Acting
United States Attorney

Ben F. Baker

Asst. United States Attorney
BEN F. BAKER

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

W. J. [Signature]
United States District Judge

Date: June 10, 1977

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America

vs.

JOHN HUBERT THOMPSON, ET AL.

Criminal No. 77-CR-37-C ✓

**FILED
IN OPEN COURT**

JUN 10 1977 *[Signature]*

ORDER FOR DISMISSAL

JACK C. SILVER, CLERK
U. S. DISTRICT COURT

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 ~~xxx~~ Counts 3, 4, & 6 of Indictment against
(indictment, information, complaint)

John Hubert Thompson defendant.

Kenneth F. Suroke
Asst United States Attorney

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

Ken Salebook
United States District Judge

Date:

DEFENDANT

JOHN HUBERT THOMPSON

DOCKET NO.

77-CR-37

JUDGMENT AND PROBATION/COMMITMENT ORDER

AU 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR 6 10 77

COUNSEL

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Joe Sharp, Court Appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

There being a finding of

NOT GUILTY. Defendant is discharged

GUILTY.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 21, Sections 846 and 843(b), as charged in Counts 1 and 7 of the Indictment.

FILED JUN 10 1977 Jack C. Silver, Clerk U.S. DISTRICT COURT

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Fifteen (15) Years, with a special parole term of Ten (10) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the defendant pay a fine unto the United States of America in the amount of \$20,000, and the defendant shall be held until the fine is paid or until he is released by due process of law..

SPECIAL CONDITIONS OF PROBATION

Count 7 - Fifteen (15) Years, with a special parole term of Twenty (20) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 7 shall commence at the expiration of and run consecutive to the sentence imposed in Count 1.

IT IS FURTHER ORDERED that upon the motion of the government, Counts 3, 4 and 6 are hereby dismissed.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

[Signature]

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-10-77

DEFENDANT

JOYCE LOUISE MACIAS

DOCKET NO. 77-CR-37

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR 6 10 77

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Charles Whitman, Court Appointed (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

There being a verdict of NOT GUILTY. Defendant is discharged GUILTY.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Sections 846, 843(b) and 841(a)(1); and Title 18, U.S.C., Section 871 as charged in Counts 1, 2, 4 and 6.

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

SENTENCE OR PROBATION ORDER

Count 1 - Twelve (12) Years, with a special parole term of Seven (7) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the defendant pay a fine unto the United States of America in the amount of \$5,000, and the defendant shall be held until the fine is paid or until she is released by due process of law.

Count 2 - Four (4) Years, to run concurrent with the sentence imposed in Count 1.

SPECIAL CONDITIONS OF PROBATION

Count 4 - Twelve (12) Years, with a special parole term of Seven (7) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 4 shall run concurrent with the sentence imposed in Count 1.

Count 6 - Twelve (12) Years, with a special parole term of Seven (7) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 6 shall run concurrent with the sentence imposed in Counts 1, 2 and 4.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

[Signature]

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-10-77

FILED Jack C. Silver, Clerk, DISTRICT COURT

DEFENDANT

DANNY ALEX MACIAS

DOCKET NO.

77-CR-37

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR 6 10 77

COUNSEL

WITHOUT COUNSEL... WITH COUNSEL Don McCorkell, Jr., Court Appointed

PLEA

GUILTY... NOLO CONTENDERE... NOT GUILTY

FINDING & JUDGMENT

There being a verdict of NOT GUILTY... GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 2, as charged in Counts 1, 4 and 6 of the Indictment.

FILED 1977 Jack C. Silver, Clerk, U.S. District Court

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Twenty five (25) Years, with a special parole term of life, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 1 shall commence at the expiration of and run consecutive to the term the defendant is now serving. IT IS FURTHER ORDERED that the defendant pay a fine unto the United States of America in the amount of \$25,000, and the defendant shall be held until the fine is paid or until he is released by due process of law.

SPECIAL CONDITIONS OF PROBATION

Count 4 - Twenty five (25) Years, with a special parole term of life, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 4 shall run concurrent with the sentence imposed in Count 1. Count 6 - Twenty five (25) Years, with a special parole term of life, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 6 shall run concurrent with the sentence imposed in Counts 1 and 4.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-10-77

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

CHARLES ETTA SAULTERS

DOCKET NO. 77-CR-37

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 10 YEAR 77

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Roy W. (Bud) Byars (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE,

NOT GUILTY

There being a verdict of NOT GUILTY. Defendant is discharged GUILTY.

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

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C., Sections 846, 843(b) and 841(a)(1); and Title 18, U.S.C., Section 841(a)(1), as charged in Counts 1, 4, 5, 6 and 7 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Ten (10) Years, with a special parole term of Ten (10) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the defendant pay a fine unto the United States of America in the amount of \$10,000, and the defendant shall be held until the fine is paid or until she is released by due process of law.

Count 4 - Ten (10) Years, with a special parole term of Ten (10) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 4 shall run concurrent with the sentence imposed in Count 1.

Count 5 - Two (2) Years, to run concurrent with the sentence imposed in Counts 1 and 4.

Count 6 - Three (3) Years, with a special parole term of Five (5) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 6 shall run concurrent with the sentence imposed in Counts 1, 4 and 5.

Count 7 - Five (5) Years, with a special parole term of Five (5) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 7 shall run concurrent with the sentence imposed in Counts 1, 4, 5 and 6.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-10-77

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America

vs.

JOHN HUBERT THOMPSON,
ET AL.

Criminal No. 77-CR-42-C

FILED
IN OPEN COURT

JUN 10 1977

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 Counts 3,4,5,6,7,8,9,10,11,12,13,14,15 & 17
of Indictment (indictment, information, complaint)
against John Hubert Thompson defendant.

Kenneth P. Enbe

Asst. United States Attorney

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

W. Dale Cook

United States District Judge

Date:

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

JOHN HUBERT THOMPSON

DOCKET NO. 77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR 6 10 77

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Joe Sharp, Court Appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FILED

30 1977

Jack C. Silver, Clerk

U.S. DISTRICT COURT

FINDING & JUDGMENT

There being a finding of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Sections 846 and 843(b), as charged in Counts 1 and 2 of the indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Fifteen (15) Years, with a special parole term of Ten (10) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed in Count 1 shall run concurrent with the sentence imposed in Count 1 of Case No. 77-CR-37.

Count 2 - Four (4) Years, to commence at the expiration of and run consecutive to the sentence imposed in Count 1.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that upon the motion of the Government, Counts 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 and 17 are hereby dismissed.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

[Signature]

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-10-77

DEFENDANT

GEORGE DUMPHUS

DOCKET NO.

77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH	DAY	YEAR
6	10	77

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Ted Riseling, Court Appointed
(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

FILED
OCT 10 1977

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

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of **having violated Section 843(b) as charged in Count 16 of the Indictment.**

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 16 - Two (2) Years

IT IS HEREBY ORDERED THAT Confinement is stayed until June 27, 1977, at 9:00 a.m. at which time the Defendant is to report to the United States Marshal.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

H. DALE COOK

Date 6-10-77

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

DEFENDANT

RICKY ALLEN WARRIOR

DOCKET NO.

77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH	DAY	YEAR
6	10	77

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Patrick J. Malloy, III (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 21, Section 843(b), as charged in Count 13 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 13 - Three (3) Years

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends, that the defendant be placed in an institution where he can receive treatment for his drug problem.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date

6-10-77

FILED JUN 10 1977 Jack C. Silver, Clerk U.S. DISTRICT COURT

DEFENDANT

ROY MILTON BIRMINGHAM

DOCKET NO.

77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH DAY YEAR
6 10 77

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Marion M. Dyer, Retained

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE

NOT GUILTY

FILED

JUN 10 1977

FINDING & JUDGMENT

There being a finding of

NOT GUILTY. Defendant is discharged

GUILTY.

Jack C. Silver, Clerk

Defendant has been convicted as charged of the offense(s) of **having violated U.S. DISTRICT COURT S.C. Section 843(b) as charged in Count 12 of the Indictment.**

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 12 - Three (3) Years

IT IS HEREBY ORDERED that Judgment is stayed until June 27, 1977 at 9:00 a.m. at which time the defendant shall report to the United States Marshal.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

H. Dale Cook

H. DALE COOK

Date

6-10-77

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

DEFENDANT

ELIZABETH ANN FRANCIS a/k/a MISSY

DOCKET NO.

77-CR-42

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 10 YEAR 77

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Marion M. Dyer, Retained

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FILED

1977

Jack C. Silver, Clerk

U.S. DISTRICT COURT U.S.C.

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of

having violated Section 843(b) as charged in Count 4 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 4 - Four (4) Years

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

H. DALE COOK

Date 6-10-77

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

FILED
IN OPEN COURT

JUN 10 1977

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

Criminal No. 77-CR-42-C

United States of America
vs.
JOHN HUBERT THOMPSON, ET AL.

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 ~~xxx~~ Counts 1 and 7 of Indictment against (indictment, information, complaint) Booker T. Jones a/k/a "B.J." defendant.

Kenneth P. Snoko
Asst. United States Attorney

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

[Signature]
United States District Judge

Date: June 10, 1977

DEFENDANT

RONNIE EUGENE COLE

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 77-CR-48

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 10 YEAR 77

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Terry L. Meltzer, Retained (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

FILED

6-10-77

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

FINDING & JUDGMENT

There being a finding of NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Sections 2314 and 2, as charged in Count 2 of the indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Five (5) Years

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-10-77

DEFENDANT

RONNIE EUGENE COLE

DOCKET NO. 77-CR-49

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 10 YEAR 77

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Terry L. Naltzer, Retained (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

FILED JUN 10 1977

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

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Sections 2314 and 2, as charged in Count 1 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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

IT IS FURTHER ORDERED that the sentence imposed herein shall run concurrent with the sentence imposed in Case No. 77-CR-48.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By () CLERK () DEPUTY

Date 6-10-77

DEFENDANT

NORTHERN DISTRICT OF OKLAHOMA

STEVE LAVADA NICHOLSON, JR.

DOCKET NO.

77-CR-51

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 10 YEAR 77

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Bencie H. Williams, Jr., Retained (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

FILED

10 1977

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

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 2314, as charged in Count 1 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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

IT IS FURTHER ORDERED that sentence imposed herein is not to run concurrent with sentence now being served on State charge.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

H. DALE COOK

Date 6-10-77

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

DEFENDANT

BOOKER T. JONES, JR.

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 77-CR-64

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 10 YEAR 77

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Terry L. Meltzer, Retained (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C., Section 843(b), as charged in the Information.

FILED JUN 10 1977 Jack C. Silver, Clerk U. S. DISTRICT COURT

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Two (2) Years

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends, that the defendant be placed in an institution where he can receive treatment for his drug addiction.

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

Date 6-10-77

DEFENDANT

JOHN HUBERT THOMPSON

DOCKET NO.

77-CR-69

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/74)

COUNSEL

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH 6 DAY 10 YEAR 77

WITHOUT COUNSEL

However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL

Joe Sharp, Court Appointed

(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea,

NOLO CONTENDERE,

NOT GUILTY

FILED

JUN 10 1977

Jack C. Silver, Clerk

U.S. DISTRICT COURT

FINDING & JUDGMENT

There being a finding of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, Section 841(a)(1), as charged in Count 1 of the Indictment.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered 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 - Fifteen (15) Years, with a special parole term of Ten (10) Years, to commence at the expiration of the sentence imposed herein. IT IS FURTHER ORDERED that the sentence imposed herein run concurrent with the sentence imposed in Count 1 of Case No. 77-CR-37. IT IS FURTHER ORDERED that the defendant pay a fine unto the United States of America in the amount of \$20,000, and the defendant shall be held until the fine is paid or until he is released by due process of law.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

[Signature]

Date 6-10-77

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America

vs.

Cheri Denise Roberts

Criminal No. 77-CR-66 ✓

FILED
IN OPEN COURT

JUN 8 1977

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~~ Counts II and III of the Indictment against (indictment, information, complaint) Cheri Denise Roberts, defendant.

HUBERT A. MARLOW, Acting
United States Attorney

Ben F. Baker

Asst. United States Attorney
BEN F. BAKER

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

W. J. Salas
United States District Judge

Date: June 8, 1977

FILED

JUN 2 1977

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

Jack C. Silver Chief
U. S. DISTRICT COURT

United States of America

vs.

JOHN HUBERT THOMPSON, ET AL.

Criminal No. 77-CR-42-C

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 Karen R. Brooks (indictment, information, complaint) defendant.

Kenneth P. Grobe
Asst. United States Attorney

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

W. J. Walbrook
United States District Judge

Date: 6/2/77

