

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America

vs.

MARY E. TUCKER

Criminal No. 78-CR-93

FILED

AUG 31 1978 *hm*

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 V of the Information against
(indictment, information, complaint)

Mary E. Tucker, defendant.

HUBERT H. BRYANT
United States Attorney

[Signature]
Asst. United States Attorney

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

[Signature]
United States District Judge
magistrate

Date: ~~September~~ August 31, 1978

MARY E. TUCKER

DEFENDANT

DOCKET NO. 78-CR-93-C

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 8 DAY 30 YEAR 78

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 Kenneth L. Stainer, Ct. Apptd. (Name of counsel)

FILED

PLEA

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

AUG 30 1978

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

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 42, U.S.C., Section 1383(a)(2) and Title 42, U.S.C., Section 1383(a)(3), as charged in 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~~ hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count I - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of six (6) Months. Count II - The imposition of sentence is suspended and defendant is hereby placed on probation for a period of six (6) Months, to run consecutively with probation imposed in Count I. Count III - The imposition of sentence is suspended and defendant is hereby placed on probation for a period of six (6) Months, to run consecutively with probation imposed in Count II. Count IV - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of six (6) Months, to run consecutively with probation imposed in Count III.

SPECIAL CONDITIONS OF PROBATION

The special condition of probation is that the defendant make restitution to the U. S. Court Clerk at \$45.75 per month beginning in September, 1978 for 23 months, the 24th and final payment to be the balance due on the total sum, for payment to the U. S. Treasury. The total sum due is \$1,098.27.

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 8-30-78

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK () DEPUTY

RA

AUG 28 1978

IN THE UNITED STATES DISTRICT COURT FOR THE Jack C. Silver, Clerk.
 NORTHERN DISTRICT OF OKLAHOMA U. S. DISTRICT COURT

HARRY ANSON REYNOLDS,)	
)	
v.)	NOS. 78-C-23-B
)	75-CR-129
UNITED STATES OF AMERICA,)	
)	
)	
)	
)	
)	
)	

ORDER

The Court has for consideration the motion pursuant to 28 U.S.C. § 2255 filed by retained counsel on behalf of Movant. The cause has been assigned civil Case No. 78-C-23-B and docketed in his criminal Case No. 75-CR-129.

Movant, along with a co-defendant, in Case No. 75-CR-129, was by indictment charged in Counts One through Four with transportation of illegal aliens in violation of 8 U.S.C. § 1324(a) and in Count Five with harboring and concealing an illegal alien in violation of 8 U.S.C. § 1324(a)(3). He was convicted by jury on all five counts. His motion for judgment of acquittal notwithstanding the verdict was sustained as to Counts One, Two, Three and Four, by Order of the Court dated November 5, 1975, and on November 11, 1975, on Count Five, the lone conviction remaining, the imposition of sentence was suspended and the Movant was placed on unsupervised probation for a period of six months and fined \$250.00. Thereafter, he filed two motions for new trial based on newly discovered evidence which were overruled by Orders of the Court dated May 14, 1976, and February 7, 1977.

Movant in his § 2255 motion demands his release from judgment and conviction and as grounds therefor claims that in his trial and conviction his rights guaranteed by the Constitution of the United States of America were violated. In particular, Movant claims that:

1. He was denied compulsory process to obtain witnesses favorable to the defense in that the defense witnesses were aliens and not subject to subpoena.
2. He was denied effective assistance of counsel in that his retained attorney was experiencing personal problems relating to a grand jury investigation and did not give Movant's trial his undivided attention.
3. He incorporates his motion for new trial based on newly discovered evidence in this present motion.

Having carefully reviewed the motion and being fully advised herein, the Court finds that response and evidentiary hearing are not required.

Movant has fully served his sentence, however, it appears of record that by reason of this conviction he is prevented from voting, holding public office, and acting in his former capacity as a law enforcement officer in that he cannot, under the conviction, carry firearms or operate official police radios. Therefore, although the sentence has been fully served, this Court has jurisdiction to consider the present contentions. See, United States v. Morgan, 346 U. S. 502 (1954); McDonald v. United States, 356 F.2d 980 (10th Cir. 1966) cert. denied 385 U. S. 936 (1966); Blair v. United States, 349 F.2d 405 (10th Cir. 1965). Further, Movant did not file a direct appeal in these proceedings and the time for appeal has passed, however, the Court being fully advised in the premises finds that there was no deliberate bypassing of a known right that would preclude relief herein. Belton v. United States, 429 F.2d 933 (10th Cir. 1970).

The new evidence presented by the motion overruled May 14, 1976, was in the affidavit of the Manager of the Holiday Inn West in Tulsa, Oklahoma, that the check-out card for the Defendant indicates that the "check out" was accomplished by a cleaning lady employed by the motel who had found the room vacant while making her rounds to clean, supporting Defendant's trial testimony of his time of departure from the motel room. The affidavit of one Jimmy Benton states that while Mr. Benton was incarcerated in the Creek County Jail on or near August 15, 1975, that in a conversation with the prisoner, Police Officer Joe Collins stated, "I am out to get Pat Reynolds." which supports Defendant's contention that these charges were politically motivated.

The new evidence presented with the motion overruled by Order of February 7, 1977, was payroll tax records demonstrating that the alien in question earned taxable FICA wages during the years 1974 and 1976, and that he possessed and presented what appeared to be a valid Social Security Card bearing No. 460-23-9786. This Social Security Card is dissimilar from the one introduced at trial in that the newly discovered card is typewritten and appears in all respects to be valid. The affidavit of Robert L. Goldberg, manager of the American Iron and Metals Company of Dallas, Texas, is that the alien who Defendant was charged with harboring had been employed by that company from November 29, 1973, to August 16, 1974, and that the alien had presented to that company

during his tenure a social security card with the same numbers as relied upon by Defendant for the aliens employment at Reynolds Supply Company, Inc. of Sapulpa, Oklahoma. Defendant presents evidence that under this same social security number Federal Tax Forms were filed, taxes and social security payments were withheld and paid to the United States Treasury, and that Defendant maintained payroll records on the alien. Proof is also presented that the testimony of the alien that he paid the bill incurred at the Holiday Inn on July 15, 1975, was false.

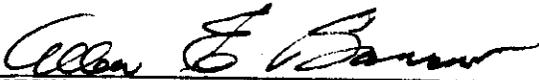
Presented as new evidence in support of the present motion are affidavits of Bryce Coleman, Sheriff of Creek County, and I. E. Hardee, an employee of the Sapulpa Police Department, stating that the Defendant brought the aliens in his employe, of which the alien Juan Olivares Padilla in question was a member, collectively to them advising the officers that the aliens had what appeared to be valid social security numbers and asking if there were any rules or regulations that must be complied with to employ them. He was told by the Officers that nothing further need be done. An affidavit of the trial attorney for the Movant states that because of personal matters, he was prevented from marshalling evidence, interviewing witnesses and giving Movant's case the full and undivided attention the defense required to insure a fair and impartial trial.

The Court finds in considering the newly discovered evidence presented, recalling the trial, and upon again reviewing the file, that although the newly discovered evidence presented was discoverable with reasonable diligence prior to trial, the trial attorney takes unto himself the blame for this failure and the Defendant should not, under the circumstances before the Court, be held accountable for the late discovery of the evidence. The sum total of the evidence presented since the verdict is more than merely impeaching or cumulative, it is material to the issues, and it is such as would probably have produced an acquittal. Therefore, the Court finds that to achieve justice under the compelling circumstances herein the conviction on Count Five of the indictment in Case No. 75-CR-129 should be set aside and held for naught.

IT IS, THEREFORE, ORDERED that the conviction and sentence of Harry Anson Reynolds on Count Five of the indictment in Case No. 75-CR-129 be

and it is hereby set aside and held for naught. Said Defendant having been previously acquitted notwithstanding the verdict on Counts One, Two, Three and Four of the indictment, the case is dismissed.

Dated this 28th day of August, 1978, at Tulsa, Oklahoma.



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

FILED

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

AUG 23 1978 *mm*

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

United States of America)
vs.)
BRENDA SUE CHILDERS)

Criminal No. 78-CR-74-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 ~~xxx~~ Count II of the Indictment against (indictment, information, complaint) Brenda Sue Childers defendant.

Kenneth P. Strobe
Asst. United States Attorney

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

W. Salebook
United States District Judge

Date: *August 23, 1978*

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

RUSSELL DEAN BARNES

DOCKET NO. 78-CR-69

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
8	22	78

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 Joel Wohlgemuth, 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

FINDING & JUDGMENT

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

AUG 22 1978

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

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

It is the finding of the Court that the defendant was 20 years old at the date of conviction, but that he does not now need to be committed for treatment.

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 imposition of sentence as to Count Two is hereby suspended and the defendant is placed on probation for a period of Three (3) Years from this date.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, the defendant is to diligently seek employment and remain employed, and is to work with the probation department in improving his job skills.

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 8-22-78

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK () DEPUTY

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

UNITED STATES OF AMERICA,)
)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL STEPHEN WEDEL,)
)
)
 Defendant.)

No. 76-CR-98-C

FILED

AUG 22 1978

O R D E R

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

The Court has before it for consideration the motion of the defendant, Michael Stephen Wedel, for a reduction of sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. The defendant was found guilty by a jury of violating 21 USC §§ 841(a)(1) and 846. He was sentenced on November 3, 1976 to consecutive terms of imprisonment of four and one-half (4-1/2) and three (3) years and to two (2) concurrent special parole terms of six (6) years each. The mandate issued by the Tenth Circuit Court of Appeals affirming this Court's judgment and sentence was received on April 5, 1978.

After careful consideration of the defendant's motion and the matters presented in connection therewith, the Court has determined that the defendant's motion should be sustained, and his sentence reduced to the following extent: It is hereby Ordered that the three (3) year term of imprisonment imposed as to Count 2 of the indictment shall run concurrent with the four and one-half (4-1/2) year term of imprisonment imposed as to Count 1 of the indictment. The special parole terms shall remain as heretofore imposed on November 3, 1976.

The Court also notes that the defendant contends that his sentence was improper because the Court failed to find "no benefit" under the Youth Corrections Act. This contention

is without merit. The defendant was twenty-two (22) years of age at the time of his conviction. Therefore, the statute applicable to him was 18 USC § 4216, which does not require an explicit finding that the offender will not benefit from the provisions of the Youth Corrections Act. See United States v. O'Neill, 573 F.2d 1186 (10th Cir. 1978).

It is so Ordered this 22nd day of August, 1978.


H. DALE COOK
United States District Judge

DEFENDANT

BRENDA SUE CHILDERS

DOCKET NO.

78-CR-74

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 8 21 78

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 P. Malloy, 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

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 1708, as charged in Count One of the Indictment. FILED

AUG 21 1978

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

The imposition of sentence in Count One is hereby suspended and the defendant is placed on probation for a period of Two (2) Years from this date.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, the defendant is ordered to make restitution in the amount of \$143.00, and shall engage in any rehabilitative program that would be helpful to her, under direction of the probation department.

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 8-21-78

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

DEFENDANT

BILLY DON STARR

DOCKET NO.

78-CR-69

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
8	18	78

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

Ed Parks, 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

AUG 18 1978

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

FINDING & JUDGMENT

There being a finding ~~in favor of~~ 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 841(a)(1), as charged in Count 3 of the Indictment.**

It is the finding of the Court that the defendant is the age of 22 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.

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 Three - Three (3) Years, with a special parole term of Three (3) 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

H. DALE COOK

Date 8-18-78

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

AUG 18 1978

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

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

UNITED STATES OF AMERICA,)	
)	
v. Plaintiff-Respondent,)	NOS. 78-C-246-B
)	75-CR-175
JO ANN ALEXANDER,)	
)	
Defendant-Movant.)	

O R D E R

The Court has for consideration the motion pursuant to 28 U.S.C. § 2255 filed pro se, in forma pauperis, by Jo Ann Alexander. The cause has been assigned civil Case No. 78-C-246-B and docketed in her criminal Case No. 75-CR-175-B.

Defendant, Movant herein, is a prisoner at the Federal Correctional Institution, Ft. Worth, Texas, pursuant to conviction upon her plea of guilty to a two-count indictment charging in Count One, bank robbery in violation of 18 U.S.C. § 2113(a); and on Count Two, aggravated bank robbery, in violation of 18 U.S.C. § 2113(d). She was sentenced June 1, 1976, on Count Two as a young adult offender for an indeterminate period pursuant to the Youth Corrections Act, 18 U.S.C. §§ 4216:5010(b). Said sentence to run concurrently with the sentence imposed in Case No. 75-CR-173. A Rule 35, Federal Rules of Criminal Procedure, motion for discretionary modification of sentence was overruled by Order of this Court dated September 14, 1976, and the jurisdictional period for such Rule 35 motion has long ago expired.

In her § 2255 motion, Movant demands her release from custody and as grounds therefor claims that she is being deprived of her liberty in violation of her rights guaranteed by the Constitution of the United States. In particular, Movant claims that the United States Parole Commission's denial of conditional release based solely on the severity of the offense is illegal, not supported by the regulations governing parole, that no interests supporting the regulations are served by denying parole, and further incarceration might be detrimental as stated by the professional staff at the institution of incarceration.

In the present motion, Movant does not in any way challenge the validity of her plea, conviction or sentence in this Court. Rather, she challenges the Parole Commission's application of its guidelines to her case. Her appropriate remedy is to file a habeas corpus petition

pursuant to 28 U.S.C. § 2241 in the United States District Court having jurisdiction over her place of confinement, and that only after available administrative remedies have first been exhausted. See, Rogers v. United States, No. 76-1122 unreported (10th Cir. filed Nov. 2, 1976); Weiser v. United States, No. 76-1589 unreported (10th Cir. filed Feb. 10, 1977), which cases are applicable to establish the appropriate procedure in regard to the issue raised to this Court herein although they deal with a different factual claim than here presented.

Having carefully reviewed the motion and criminal file, and being fully advised in the premises, the Court finds that there is no need for a response or an evidentiary hearing, and that the motion should be overruled and dismissed.

IT IS, THEREFORE, ORDERED that the motion pursuant to 28 U.S.C. § 2255 of Jo Ann Alexander be and it is hereby overruled and dismissed without prejudice to her filing a habeas corpus petition in the proper jurisdiction in Texas, if necessary, after administrative remedies have been exhausted.

Dated this 18th day of August, 1978, at Tulsa, Oklahoma.


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

AUG 18 1978

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

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff-Respondent,)	
v.)	NOS. 78-C-245-B
)	75-CR-173
JO ANN ALEXANDER,)	
)	
Defendant-Movant.)	

O R D E R

The Court has for consideration the motion pursuant to 28 U.S.C. § 2255 filed pro se, in forma pauperis, by Jo Ann Alexander. The cause has been assigned civil Case No. 78-C-245-B and docketed in her criminal Case No. 75-CR-173-B.

Defendant, Movant herein, is a prisoner at the Federal Correctional Institution, Ft. Worth, Texas, pursuant to sentence upon her conviction on plea of guilty to bank robbery in violation of 18 U.S.C. § 2113(a). She was sentenced June 1, 1976, as a young adult offender for an indeterminate period pursuant to the Youth Corrections Act, 18 U.S.C. §§ 4216:5010(b). A Rule 35, Federal Rules of Criminal Procedure, motion for discretionary modification of sentence was overruled by Order of this Court dated September 14, 1976, and the jurisdictional period for such Rule 35 motion has expired.

In her § 2255 motion, Movant demands her release from custody and as grounds therefor claims that she is being deprived of her liberty in violation of her rights guaranteed by the Constitution of the United States. In particular, Movant claims that the United States Parole Commission's denial of conditional release based solely on the severity of the offense is illegal, not supported by the regulations governing parole, that no interests supporting the regulations are served by denying parole, and further incarceration might be detrimental as stated by the professional staff at the institution of incarceration.

In the present motion, Movant does not in any way challenge the validity of her plea, conviction or sentence in this Court. Rather, she challenges the Parole Commission's application of its guidelines to her case. Her appropriate remedy is to file a habeas corpus petition pursuant to 28 U.S.C. § 2241 in the United States District Court having jurisdiction over her place of confinement, and that only after available administrative remedies have first been exhausted. See, Rogers v. United

States, No. 76-1122 unreported (10th Cir. filed Nov. 2, 1976); Weiser v. United States, No. 76-1589 unreported (10th Cir. filed Feb. 10, 1977), which cases are applicable to establish the appropriate procedure in regard to the issue raised to this Court herein although they deal with a different factual claim than here presented.

Having carefully reviewed the motion and criminal file, and being fully advised in the premises, the Court finds that there is no need for a response or an evidentiary hearing, and that the motion should be overruled and dismissed.

IT IS, THEREFORE, ORDERED that the motion pursuant to 28 U.S.C. § 2255 of JoAnn Alexander be and it is hereby overruled and dismissed without prejudice to her filing a habeas corpus petition in the proper jurisdiction in Texas, if necessary, after administrative remedies have been exhausted.

Dated this 18th day of August, 1978, at Tulsa, Oklahoma.


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

DEFENDANT

KATHLEEN E. LOVE

DOCKET NO.

78-CR-70

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 8 DAY 17 YEAR 78

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

Jo Stanley Glenn, 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

FINDING & JUDGMENT

There being a finding of

NOT GUILTY. Defendant is discharged

AUG 17 1978

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 657, as charged in Counts 1, 2 and 3 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 One - The defendant is ordered to pay a fine unto the United States of America in the amount of \$500.00. It is further ordered that the defendant shall stand committed until the fine is paid or she is otherwise discharged by due process of law. The order that the defendant stand committed shall be stayed until September 22, 1978, at 9:00 a.m. The imposition of sentence as to imprisonment only is suspended, and the defendant is placed on probation for a period of Two (2) Years. In addition to the usual conditions of probation, the defendant is to continue treatment as recommended by the Tulsa Psychiatric Center.

SPECIAL CONDITIONS OF PROBATION

Count Two - The imposition of sentence is suspended and the defendant is placed on probation for a period of Two (2) Years under the same terms and conditions as set out in Count One, and to run concurrently with the probation imposed in Count One.

Count Three - The imposition of sentence is suspended and the defendant is placed on probation for a period of Two (2) Years under the same terms and conditions as set out in Count One, and to run concurrently with the probation imposed in Counts One and Two.

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 8-17-78

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

DEFENDANT

JOSEPH ANDREW MARCEAN

DOCKET NO.

77-CR-137-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 8 DAY 15 YEAR 78

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

Timothy J. Sullivan, Retained

(Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

AUG 15 1978

There being a finding 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., Section 881(a)(1), 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

Count 2 - Observation and study at an appropriate classification center or agency, the results of such study to be furnished the Court within 60 days, pursuant to the Federal Adult Youth Correction Act, as provided in T. 18, U.S.C., Section 4216:5010(e).

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ADJUDGED that the execution of sentence is deferred until the conclusion of trial now in process in which defendant is witness. The Government is to advise the Court on the date trial is completed.

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, if possible the defendant be allowed to continue school while having study made.

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

Allen E. Brown

Date 8-15-78

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK

() DEPUTY

RA

DEFENDANT

JOE EDWARD HANDEL

DOCKET NO.

77-CR-135-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 8 15 78

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

James Franzoin, Appt.

(Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

AUG 15 1978

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 495, as charged in 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

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, placement in an institution where defendant may study to be a mortician.

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

U.S. Magistrate

By

() CLERK

Date 8-15-78

() DEPUTY

DEFENDANT

PAUL A. MILLER

DOCKET NO.

77-CR-107-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 8 DAY 15 YEAR 78

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 P. Stainer, Asst.

(Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

AUG 15 1978

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 841(a)(1), as charged in 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

Observation and study at an appropriate classification center or agency, the results of such study to be furnished the Court within 60 days, pursuant to the Federal Youth Correction Act, as provided in T. 18, U.S.C., Sec. 5010(a).

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 8-15-78

AUG 15 1978

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMAJack C. Silver, Clerk
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

NOS. 78-C-354-B
76-CR-64

MICHAEL MC LEMORE,

Movant and Defendant.

O R D E R

The Court has for consideration the motion pursuant to 28 U.S.C. § 2255 filed on behalf of the Defendant and Movant, Michael McLemore. The cause has been assigned civil Case No. 78-C-354-B and docketed in his criminal Case No. 76-CR-64. Movant also has pending in his criminal case a motion for reduction of sentence pursuant to Rule 35, Federal Rules of Criminal Procedure, timely filed by counsel on behalf of the Defendant, Michael McLemore, following receipt April 13, 1978, of the mandate issued upon affirmance on appeal of the Judgment of conviction.

Movant is a prisoner in the Federal Correctional Institution, El Reno, Oklahoma, pursuant to conviction by the Court on stipulation to Count One of the indictment charging possession of marihuana with intent to distribute in violation of 21 U.S.C. § 841(a)(1). He was sentenced October 5, 1976, to the maximum period for observation and study pursuant to 18 U.S.C. §§ 4216:5010(e). On December 16, 1976, definitive sentence was imposed to an indeterminate period pursuant to the Youth Corrections Act, 18 U.S.C. §§ 4216:5010(b). He was released on appeal bond, said bond was revoked, and Defendant started service of his sentence on April 11, 1978.

It is contended as grounds for the Rule 35 motion that the sentence should be reduced in that (1) on reflection and second look the Court might find the original sentence is too harsh; (2) two responsible and respected persons have offered to supervise the Defendant if released; (3) the severity of the offense will probably require that Defendant serve 12 to 27 months before being considered for release; and (4) the shock value of incarceration has already had its benefit.

The ground asserted for the § 2255 motion is that the sentence imposed will cause the Movant to be confined for a longer period than the Court could have or did anticipate because of the Parole Guidelines that will be used in determining his period of confined treatment prior to supervised release.

The Court has a clear recollection of these proceedings and has refreshed its memory by a careful review of the file, transcripts, pleadings, attachments, supplements, and letters. The Court is fully advised in the premises and finds that a hearing is not required and that the § 2255 motion should be overruled and dismissed.

The Court at definitive sentence was fully aware that the indeterminate sentence pursuant to 18 U.S.C. § 5010(b) could require a full four years in confined treatment followed by two years conditional release under supervision. Also, the Court knew that under the sentence imposed the period of confinement and supervised release were matters left to the discretion of the Youth Division of the Parole Commission. Under these circumstances, Movant's challenge of the Parole Commission's application of its guidelines to his case is an administrative responsibility unrelated to the sentencing process. That should be presented by way of habeas corpus, or possibly mandamus, to the United States District Court having jurisdiction over his place of incarceration, after his administrative remedies have been fully exhausted.

However, from the information before the Court, the Court finds that the aims of a Youth Correction Act sentence have been thwarted by a subsequent conviction in the State of New Mexico and that the Defendant, Michael McLemore, would not benefit from the provisions of the Youth Corrections Act. Further, the Court finds that the Defendant has done extremely well under supervision and continued confinement might be detrimental, therefore, his sentence imposed December 16, 1976, and commenced April 11, 1978, should be reduced.

IT IS, THEREFORE, ORDERED that the motion pursuant to 28 U.S.C. § 2255 of Michael McLemore be and it is hereby overruled and dismissed.

IT IS FURTHER ORDERED that the sentence of Michael McLemore imposed December 16, 1976, and commenced April 11, 1978, be and it is hereby modified to the following:

The Defendant, Michael McLemore, is hereby committed to the custody of the Attorney General or his authorized representative for a period of three years pursuant to 21 U.S.C. § 841 (b) (1) (B), six months to be served in a jail-type institution and the remainder to be served on probation as provided by 18 U.S.C. § 3651. The term of imprisonment shall be followed by a special parole term of two (2) years in addition to the term of imprisonment and probation.

Dated this 15th day of August, 1978, at Tulsa, Oklahoma.


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

UNITED STATES DISTRICT COURT

NORTHERN District of OKLAHOMA

United States of America
vs.
MERION EARL SHAW

Criminal No. 78-CR-68-C

FILED

AUG 14 1978

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 ~~xxx~~ Counts I & III of the Indictment against
(indictment, information, complaint)
Merion Earl Shaw, defendant.

HUBERT H. BRYANT
United States Attorney

/s/ George Casasquillo
Asst. United States Attorney

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

/s/ Dale Cook
United States District Judge

Date: August ¹⁴ ~~3~~, 1978

DEFENDANT

MERION KARL SHAW

DOCKET NO.

78-CR-68

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 8 14 78

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 Robert S. Lowery, Court Appointed (Name of counsel)

PLEA

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

NOLO CONTENDERE,

FILED NOT GUILTY

AUG 14 1978

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 Count 2 of the Indictment.

It is the finding of the Court that the defendant is the age of 19 years, subject to the Youth Correction Act, and it is the further finding of the Court that the deft. would not derive appropriate benefit from the Youth Correction Act, and is therefore sentenced under the applicable statute.

SENTENCE OR PROBATION ORDER

Count Two - Two (2) Years

IT IS FURTHER ADJUDGED that the defendant may become eligible for parole at such time as the U. S. Parole Commission may determine as provided in T. 18, U.S.C.A., Section 4205(b) (2).

Upon the motion of the Assistant United States Attorney, Counts One and Three are 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

[Signature]

H. DALE COOK

Date 8-14-78

CERTIFIED AS A TRUE COPY ON

THIS DATE

By () CLERK

() DEPUTY

AUG - 9 1978

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

Jack C. S'lvor, Clerk,
U. S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Respondent,)
 v.)
)
 ROBERT JERRY LEE, Reg. No. 93690,)
)
 Movant.)

NOS. 78-C-249-B
76-CR-142

O R D E R

The Court has for consideration the pro se, in forma pauperis, motion pursuant to 28 U.S.C. § 2255 filed by Robert Jerry Lee. The cause has been assigned civil Case No. 78-C-249-B and docketed in his criminal Case No. 76-CR-142.

Movant is a prisoner in the Lexington Regional Treatment Center, Lexington, Oklahoma, serving sentences from the State of Oklahoma. Thereafter, he is to serve a sentence imposed by this Court on November 3, 1976, to three years imprisonment, pursuant to his conviction upon his plea of guilty to a one-count indictment charging a Dyer Act in violation of 18 U.S.C. § 2312. Movant has filed three motions pursuant to Rule 35, Federal Rules of Criminal Procedure, for modification of sentence which were overruled by Orders of this Court dated November 22, and December 9, 1976, and April 13, 1977. The latter Order denied his motion filed out of time, after the jurisdictional period for a Rule 35 motion had expired. He has also filed a prior § 2255 motion, Case No. 77-C-450-B, which was denied by Order dated March 1, 1978, and that cause is now pending on appeal before the Tenth Circuit Court of Appeals, Case No. 78-1513.

Movant in this second and successive § 2255 motion presents the new and additional ground for relief that no crime under 18 U.S.C. § 2312 was ever committed by him or anyone else as he had authority to drive the car he is charged with stealing. He asserts that it was assigned to him as part of his work as sales representative for the Illini Motor Company, Springfield, Illinois. He contends there can be no criminal intent to steal something that he had total authority to drive at all times. It is his claim that there was no crime committed since he did not sell the car and his conviction is illegal and in violation of his constitutional rights.

Movant entered a voluntary, free and knowing plea of guilty in conformance with Rule 11, Federal Rules of Criminal Procedure, and constitutional safeguards. The following is an excerpt from pages No. 7-8 of

the transcript of the plea:

"THE COURT: Tell me how you committed the act, Mr. Lee.

"THE DEFENDANT: I was in the employ of Illini Motor Company in Springfield, Illinois. I was a salesman. Approximately the last week of August, we received our first shipment of '77 model cars, they were Cadillacs and Oldsmobiles, they were the distributorships here. And since they could not be sold until September the 25th because we didn't have prices, they elected to give each of the twenty salesmen employed there a '77 model car as their demonstrator. We could drive them but we couldn't sell them.

"And on September the 21st, I believe on Tuesday morning, I just up and left with my demonstrator and I came to Claremore, Oklahoma.

"THE COURT: In other words, you took the car, knowing it was stolen and crossed the state line as charged?

"THE DEFENDANT: I did, Your Honor."

A guilty plea represents a break in the chain of events which has preceded it in the criminal process. When a criminal defendant has solemnly admitted, under oath, in open Court that he is in fact guilty of the offense with which he is charged, his voluntary plea of guilty is a waiver of all non-jurisdictional defects and defenses occurring prior to the plea. Tollett v. Henderson, 411 U. S. 258 (1973); United States v. Levine, 457 F.2d 1186 (10th Cir. 1972); Corn v. State of Oklahoma, 394 F.2d 478 (10th Cir. 1968) cert. denied 393 U. S. 917 (1968); Chaney v. United States, No. 76-1116, unpublished (10th Cir. January 4, 1977); Brown v. Cox, 347 F.2d 936 (10th Cir. 1965); Barker v. United States, ___ F.2d ___ (10th Cir. 1978).

Further, under the circumstances herein, the failure of Movant to assert the ground raised in this present motion in his prior motion is not excusable. An evidentiary hearing is not required and the motion should be denied and dismissed.

IT IS, THEREFORE, ORDERED that this second and successive motion pursuant to 28 U.S.C. § 2255 of Robert Jerry Lee be and it is hereby denied and dismissed.

Dated this 9th day of August, 1978, at Tulsa, Oklahoma.


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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

United States of America
vs.
MARGARET ANN CARDENAS,

Criminal No. 78-CR-67

FILED
AUG 7 1978

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

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal
Procedure and by leave of court endorsed hereon the United States
Attorney for the Northern District of Oklahoma
hereby dismisses the Indictment against
(indictment, information, complaint)
MARGARET ANN CARDENAS defendant.

Kenneth P. Snokes
Asst. United States Attorney

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

(Signed) H. Dale Cook
United States District Judge

Date: *August 7, 1978*