

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

M-1604

United States of America

Criminal No. 80-8M

vs.

Leigh Roy McKenrick, Sr.

FILED

APR 30 1980

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal

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

Procedure and by leave of court endorsed hereon the United States

Attorney for the Northern District of Oklahoma

hereby dismisses the Complaint against
(indictment, information, complaint)

Leigh Roy McKenrick, Sr., defendant.

Asst. United States Attorney

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

14 H. Dale Cook
United States District Judge

Date: April 30, 1980

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America

Criminal No. 80-CR-26-C

vs.

Paula Ann Sayles

FILED
IN OPEN COURT

APR 24 1980 *rm*

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~~ Count 2 only against
(indictment, information, complaint)

Paula Ann Sayles defendant.

Kenneth P. Swales
Asst. United States Attorney

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

[Signature]
United States District Judge

Date: *April 24, 1980*

40

DEFENDANT

PAULA ANN SAYLES

DOCKET NO.

80-CR-26-C

JUDGMENT AND PROBATION/ COMMITMENT ORDER

AO-245 (5/75)

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

MONTH 04 DAY 24 YEAR 1980

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

David L. Peterson, 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., Sections 2314 and 2, as charged in Counts 1, 3 and 4 of the Indictment.

APR 24 1980

Jack C. Miller, 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 imposition of sentence is hereby suspended and the defendant is placed on probation for a period of Five (5) Years from this date, under the Federal Youth Correction Act, pursuant to Title 18, U.S.C., Section 5010(a).

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that in addition to the usual conditions of probation, the defendant shall make restitution in the amount of \$3,917.03, in such regular amounts as the Probation Office requires, based on the circumstances of the defendant.

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.

CERTIFIED AS A TRUE COPY 1980

THIS DATE April 24, 1980

SIGNED BY

U.S. District Judge

H. Dale Cook

BY

CLERK

U.S. Magistrate

Date April 24, 1980

DEPUTY

UNITED STATES DISTRICT COURT

NORTHERN District of OKLAHOMA

United States of America

Criminal No. 80-CR-24-C

vs.

JOHN D. LOGSDON

FILED

APR 21 1980

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

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

Attorney for the Northern District of Oklahoma

hereby dismisses the Indictment against
(indictment, information, complaint)

John D. Logsdon defendant.

Philip L. Rounds, Jr.
United States Attorney
Asst.

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

W. Dale Cook
United States District Judge

Date: April 21, 1980

DEFENDANT

MAURICE GENE ROBISON

DOCKET NO.

80-CR-25-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

COUNSEL

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

MONTH	DAY	YEAR
4	18	80

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, Retained

(Name of counsel)

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

APR 18 1980

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 656 and 1014, as charged in Counts 1, 2, 3, 4, 5, 6, 7 and 8 of the Indictment.

Jack C. ... 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 - Four (4) Years

Counts 2 through 8 - The imposition of sentence as to each Count is suspended and the defendant is placed on probation for a period of Five (5) Years.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, the defendant is to make restitution during the period of probation in such amounts as is reasonable and proper and as directed by 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.

CERTIFIED AS A TRUE COPY ON

SIGNED BY

U.S. District Judge

H. DALE COOK

U.S. Magistrate

Date

4-18-80

THIS DATE

By

() CLERK

() DEPUTY

ho

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

UNITED STATES OF AMERICA,)
)
) Plaintiff,)
)
 vs.)
)
 LEROY DALE HINES,)
 CARLA FLORENTINE,)
 ROBERT E. WOOLVERTON,)
 ANTHONY A. CASSEL,)
 ANNA MAE HINES,)
)
 Defendants.)

No. 79-CR-123-C ✓

FILED

APR 16 1980 *mm*

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

O R D E R

Now before the Court for its consideration are the Motion for New Trial of the defendants Anna Mae Hines and Leroy Dale Hines, and the Motion for New Trial and Motion for Judgment of Acquittal of the defendant Anthony A. Cassel.

On February 19, 1980 to February 23, 1980 and continuing on February 25 through February 28, the defendants were tried by a jury on a charge of conspiracy to commit and aid and abet the commission of the crime of interstate travel or use of interstate facilities in aid of racketeering. 18 U.S.C. §371 and §§2, 1952. The jury found the defendants guilty as charged.

The defendants Anna Mae Hines, Leroy Dale Hines, and Anthony A. Cassel raise the following grounds in common in support of their motions for new trial:

1. The Court erred in refusing to allow the testimony of Bobby Baldwin.
2. The Court erred in the giving and refusing of various instructions including the instruction on the essential elements of the offense charged.
3. The Court erred in allowing the jury to hear certain of the tape recordings after their deliberations had begun and this emphasis on only a portion of the Government evidence deprived the defendants of a fair trial.

4. The Court erred in allowing testimony by Rod Baker, a probation officer for Leroy Dale Hines.

5. The Court erred in failing to grant severance to the defendants Anna Mae Hines and Anthony A. Cassel.

In addition, the defendants Anna Mae Hines and Leroy Dale Hines allege that

1. The Court erred in making various rulings of law at the trial which were excepted to by the defendants.

2. The Court erred by failing to recuse itself.

3. The Court erred by overruling defendants' Motion to Suppress.

Anthony A. Cassel also alleges that the Court erred in overruling defendants' objections and in sustaining the Government's objections.

With regard to the defendants' very general claims that the Court erred in its decisions on the law and the evidence and in the giving and refusing of certain unspecified instructions, the Court will not here recount and review the numerous arguments and rulings made during the course of the trial on these matters. The Court has made a mental review of those rulings and finds them to be correct.

The Court also stands on its previous rulings with regard to recusal and the suppression of evidence. The Court refers the defendants to its written orders of February 8, 1980 and January 21, 1980, respectively.

With regard to severance, requests therefor were made several times prior to and during the trial. All such requests were denied by the Court without prejudice. The Court remained alert to the possibility of prejudice, but none developed. In urging a motion for severance, a defendant must establish that "real prejudice" will result in the event of a joint trial of multiple defendants. United States v. Rivera, No. 78-2044 (10th Cir., Feb. 13, 1980); United States v. Ready, 574 F.2d 1009 (10th Cir. 1978). See also

United States v. Strand, No. 79-1155 (10th Cir., Mar. 19, 1980); United States v. Bridwell, 583 F.2d 1135 (10th Cir. 1978); United States v. Herring, 582 F.2d 535 (10th Cir. 1978); United States v. Heath, 580 F.2d 1011 (10th Cir. 1978). The fact that severance would improve the chances for acquittal is not sufficient. United States v. Strand, *supra*; United States v. Heath, *supra*. The Court did not err in failing to grant severance to the defendants Anna Mae Hines and Anthony A. Cassel.

The Court did not err in refusing to allow Bobby Baldwin to testify as an expert witness under Rule 702 of the Federal Rules of Evidence, or in refusing to allow him to give opinion testimony as a lay witness under Rule 701. Mr. Baldwin was offered to give his opinion on the analysis and study of the overall operation of the bookmaking business and the particular relation of certain activities and records to such business. While Mr. Baldwin is undeniably an expert gambler and has associated with bookmakers and observed their activities, the Court was impressed by the fact that he had not been a bookmaker and had not studied or analyzed the activities of bookmakers, where he would correlate such activities to the records of the business.

Both Rules 701 and 702 require first-hand knowledge and observation. See Rules 701, 702, F.R.E. and Advisory Committee Notes. See also United States v. Brown, 540 F.2d 1048 (10th Cir. 1976). Mr. Baldwin had no first-hand knowledge of the matters upon which he was going to testify. Assuming that the Court did err in not allowing the testimony of Mr. Baldwin, this error was cured when the Court allowed Joey Boston, an experienced bookmaker, to testify for the defendants on the same matters. See Warden v. United States, 391 F.2d 747 (10th Cir. 1968).

The Court did not err in allowing the testimony of Rod Baker. Mr. Baker has served as a probation officer for

Leroy Dale Hines. He testified essentially that he had met with Mr. Hines in November of 1978 and that Mr. Hines had told him that he was a gambler and that he would continue to be a gambler. At the request of the defendants, Mr. Baker's occupation and his relationship to Mr. Hines were not revealed to the jury. Anna Mae Hines and Leroy Dale Hines argue that they were precluded from effective cross-examination of Mr. Baker because cross-examination may have revealed Mr. Baker's relationship to Mr. Hines to the jury, thereby prejudicing all defendants.

The defendants were certainly given an opportunity to cross-examine Mr. Baker. Any limitations on their cross-examination were at their own request. With carefully framed questions, it would have been possible to test the reliability of Mr. Baker's testimony without revealing his occupation and relationship to Mr. Hines. In any event, the substance of Mr. Baker's testimony was never contested by Mr. Hines or any other defendant. The very gist of the defense was that Mr. Hines was a gambler, but that he was not a bookmaker.

As the Court has previously noted, there was no error in the Court's instructions to the jury. The defendants have singled out the Court's instruction on the essential elements of conspiracy as being incorrect. The Court properly instructed the jury on the essential elements and other aspects of a criminal conspiracy. See generally United States v. Andrews, 585 F.2d 961 (10th Cir. 1978); United States v. Thomas, 468 F.2d 422 (10th Cir. 1972). The Court did not instruct in accordance with the defendants' requested instructions on the essential elements. But the Court is not bound to follow the requested instructions of either party. See United States v. Westbo, 576 F.2d 285 (10th Cir. 1978); United States v. Hall, 536 F.2d 313 (10th Cir. 1976);

United States v. Newson, 531 F.2d 979 (10th Cir. 1976); Elbel v. United States, 364 F.2d 127 (10th Cir. 1966). The judge must "fairly and impartially state the issues and applicable law in logical sequence and in the common speech of man" Elbel v. United States, supra, at p.134, and in any event, the sufficiency of jury instructions is not determined by the giving or failing to give of any one particular instruction, but rather all of the instructions must be viewed as a whole. See Devine v. United States, 403 F.2d 93 (10th Cir. 1968); Beck v. United States, 305 F.2d 595 (10th Cir. 1962).

Finally, in regard to the tape recordings re-played to the jury, the defendants do not specify and the Court has been unable to determine how this "over-emphasis" of those tapes deprived the defendants of a fair trial. The particular tapes selected by the jury were no more damaging to the defendants than any of the other tapes. The Court will not attempt to second-guess the thought processes of the jury to determine what they hoped to discover and did discover as the result of listening to those tapes a second time.

In support of his Motion for Judgment of Acquittal, the defendant Anthony A. Cassel states that all the essential elements of the offense were not proven as to him. He refers to the dangers of "collective culpability" in conspiracy cases and argues that he was found guilty by association.

The Court would first note that while any multiple-defendant or multiple-count conspiracy case carries some danger of transference of guilt, the instant case is not on the same level as the mass trial cases cited by defendant. See Kotteakos v. United States, 328 U.S. 750, 66 S.Ct. 1239, 90 L.Ed.2d 1557 (1946); United States v. Butler, 494 F.2d 1246 (10th Cir. 1974). Nevertheless, as the Court previously stated in regard to severance, it was particularly alert during the trial to the possibility of such prejudice

but no actual or probable prejudice arose.

In passing on a motion for judgment of acquittal, the Court must view all the evidence in the light most favorable to the Government, together with all reasonable inferences that may be drawn therefrom. See United States v. Downen, 496 F.2d 314 (10th Cir. 1974); Goff v. United States, 446 F.2d 623 (10th Cir. 1971). The question then becomes whether the evidence, when so viewed, is sufficient to justify a jury verdict of guilt beyond a reasonable doubt. See Goff, supra. The evidence is not sufficient under such a standard if it generates only a suspicion of guilt or if such evidence is equally consistent with both guilt and innocence. See United States v. Butler, supra; Lewis v. United States, 420 F.2d 1089 (10th Cir. 1970). However, the circumstantial evidence required to support a verdict need not conclusively exclude every other reasonable hypothesis and it need not negative all possibilities except guilt. See United States v. Parnell, 581 F.2d 1374 (10th Cir. 1978). Judged by this standard, the evidence was sufficient to establish the essential elements of conspiracy as to the defendant Anthony A. Cassel. See United States v. Parnell, supra; United States v. Lopez, 576 F.2d 840 (10th Cir. 1978).

For the foregoing reasons, it is therefore ordered that the Motion for New Trial of the defendants Anna Mae Hines and Leroy Dale Hines, and the Motion for New Trial and Motion for Judgment of Acquittal of the defendant Anthony A. Cassel are hereby overruled.

It is so Ordered this 16th day of April, 1980.


H. DALE COOK
Chief Judge

DEFENDANT

ANNA MAE HINES

DOCKET NO.

79-CR-123-06-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (5/75)

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

MONTH	DAY	YEAR
4	16	80

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

Larry Gullekson, 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

APR 16 1980

Jack C. Silver, Clerk

FINDING & JUDGMENT

There being a finding of verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 21, Sections 371, 2 and 1952, as charged in 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

Two (2) Years

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.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

By

CLERK

DEPUTY

U.S. Magistrate

Date 4-16-80

ho

DEFENDANT

ANTHONY A. CASSEL

DOCKET NO.

79-CR-123-05-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

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

MONTH DAY YEAR 4 16 80

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 Smith and Eric Anderson, Retained

(Name of counsel)

PLEA

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

NOLO CONTENDERE,

X NOT GUILTY

APR 16 1980

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

FINDING & JUDGMENT

There being a finding of verdict of

NOT GUILTY. Defendant is discharged

X GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Sections 371, 2 and 1952, 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

Eighteen (18) Months

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.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

X U.S. District Judge

H. Dale Cook

H. DALE COOK

Date

4-16-80

By

() CLERK () DEPUTY

U.S. Magistrate

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) No. 79-CR-123-C
)
 JESS R. BRIDWELL,)
)
 Defendant.)

F I I - 0
APR 16 1980

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

O R D E R

Upon motion of the Government, the defendant
Jess R. Bridwell having been sentenced on April 16, 1980
to the one count information charging him with a violation
of 18 United States Code Section 1084 to which his guilty
plea was accepted on February 8, 1980,

IT IS HEREBY ORDERED that, the one count Federal
Grand Jury indictment returned on October 2, 1979 charging
the defendant Jess R. Bridwell with a conspiracy to violate
18 United States Code Section 1952 in violation of 18 United
States Code Section 371 is hereby dismissed.

April 16, 1980
Date

H. Dale Cook
H. DALE COOK
Chief United States District Judge
Northern District of Oklahoma

DEFENDANT

JESS R. BRIDWELL

DOCKET NO.

79-CR-123-04-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

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

MONTH DAY YEAR 4 16 80

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

Dennis Blewitt, Retained

(Name of counsel)

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

APR 16 1980

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Jack C. Sibley, U.S. DISTRICT CLERK

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 1684, as charged in the Information.

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

IT IS FURTHER ORDERED that the execution of sentence is stayed until April 28, 1980, at 9:00 a.m., at which time the defendant shall either surrender to the United States Marshal, Tulsa, Oklahoma, or to the institution designated by the Attorney General.

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.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

By

() CLERK

U.S. Magistrate

Date

4-16-80

() DEPUTY

DEFENDANT

ROBERT E. WOOLVERTON

DOCKET NO. 79-CR-123-03-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

COUNSEL

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

MONTH 4 DAY 16 YEAR 80

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

Thomas Hanlon, 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

APR 16 1980

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 371, 2 and 1952, 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

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,

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

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

By

() CLERK

U.S. Magistrate

Date 4-16-80

() DEPUTY

45

DEFENDANT

CARLA FLORENTINE HINES

DOCKET NO.

79-CR-123-02-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

COUNSEL

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

MONTH DAY YEAR 4 16 80

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

Carl D. Hughes, 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

APR 16 1980

Jack C. Silver, Clerk

FINDING & JUDGMENT

There being a verdict of

NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 22, Sections 371, 2 and 1952, 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,

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

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY U.S. District Judge

H. DALE COOK

By

U.S. Magistrate

Date 4-16-80

CLERK DEPUTY

ho

DEFENDANT

LEROY DALE HINES

DOCKET NO. 79-CR-123-01-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

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

MONTH	DAY	YEAR
4	16	80

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

Philip F. Cardarella and Joe D. Dillsaver, Retained (Name of counsel)

PLEA

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

NOLO CONTENDERE,

FILED APR 16 1980

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

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 371, 2 and 1952, as charged in 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

Five (5) Years

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.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

By

U.S. Magistrate

Date 4-16-80

CLERK

DEPUTY

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 VS)
)
 LEROY DALE HINES,)
)
 Defendant.)

79-CR-70-C

F I L E D

APR 16 1980

O R D E R

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

On May 8, 1978, in Case Number LV77-119 RDF, United States of America vs Leroy Dale Hines, District of Nevada, came the attorney for the Government, and the defendant appeared in person and by counsel, in Los Angeles, California, before United States District Judge David W. Williams.

IT WAS ADJUDGED by Judge Williams that the defendant was committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Five (5) Years as to Count two of the Indictment. All but Six (6) months of said period was suspended and the defendant was directed to serve Six (6) months in a jail-type institution with no benefit of a Community Treatment Center. He was then directed to serve a period of Three (3) years probation on these terms and conditions: 1) that he make known unto the Probation Office for their approval his place of residence and employment; 2) that he comply with all rules and regulations of the Probation Office; 3) that he commit no further violations of the law. It was ordered that the remaining counts were dismissed in the interest of justice.

Thereafter, on May 11, 1979, the jurisdiction of the probation of the defendant was transferred to the Northern District of Oklahoma.

Thereafter, on March 21, 1980, there having been filed an application by the Probation Officer that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval of the Court, Summons was issued to the defendant.

Thereafter, on April 16, 1980, pursuant to said Summons, the defendant appeared before the Court with his attorney and counsel, Philip F. Cardarella. The Government was present and represented by its

attorney William E. Zleit. The Court directed the Probation Officer, Rod Baker, to recite and advise the Court and defendant the grounds of revocation, and after statements confirming probation violation by the probationer and his counsel, and after the probationer and his counsel waived a formal hearing, the Court found that an evidentiary hearing was not necessary, that the defendant had violated the terms of his probation and that the probation should be revoked.

IT IS THEREFORE ORDERED that the defendant's probation is revoked and that the sentence as given by Judge David W. Williams on May 8, 1978, be and is hereby invoked.

IT IS FURTHER ORDERED that the execution of sentence is stayed for a reasonable length of time pending the ruling on the appeal lodged in the Ninth Circuit Court of Appeals.

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 16th day of April, 1980.


H. DALE COOK
CHIEF JUDGE, U. S. DISTRICT COURT

DEFENDANT

JEFFERY JOE WAILS

DOCKET NO. 80-CR-15-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

COUNSEL

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

MONTH	DAY	YEAR
4	15	80

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 Art Fleak, 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 L. E.

APR 15 1980

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., Section 472, 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,

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

H. DALE COOK

U.S. Magistrate

Date 4-15-80

FILED

APR 10 1980

UNITED STATES DISTRICT COURT

NORTHERN District of OKLAHOMA

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

United States of America

Criminal No. 79-CR-153-C

vs.

JACK STERLING BURDEN

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 V THROUGH XII OF THE INFORMATION against (indictment, information, complaint) JACK STERLING BURDEN defendant.

Richard L. Round
Asst. United States Attorney

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

Thomas J. [Signature]
United States District Judge

Date: 4-10-8

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America)
vs.)
CHARLIE PEARSON O'NEAL)

Criminal No. 80-CR-13-C

APR 3 1980

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 IV of the Indictment against (indictment, information, complaint) Charlie Pearson O'Neal, defendant.

HUBERT H. BRYANT
United States Attorney

Richard L. Lounds
ASST. United States Attorney

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

W. J. [Signature]
United States District Judge

Date: April 3, 1980

DEFENDANT

CHARLIE PEARSON O'NEAL

DOCKET NO.

80-CR-13-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

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

MONTH 4 DAY 3 YEAR 80

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

John Tanner, 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

GUILTY.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Sections 471 and 473, as charged in Counts 1, 2 and 3 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 - Four (4) Years
Count 2 - Four (4) Years
Count 3 - Four (4) Years

It is further adjudged that the sentence imposed in Counts 2 and 3 shall run concurrently with the sentence imposed in Count 1.

On the motion of the Assistant U. S. Attorney, Count 4 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.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

U.S. Magistrate

By

CLERK

DEPUTY

Date 4-3-80

DEFENDANT

BILLY GENE TRAMMELL

DOCKET NO.

80-CR-12

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

COUNSEL

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

MONTH 4 DAY 3 YEAR 80

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 Tanner, 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 18, U.S.C., Section 472, 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

Eight (8) 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.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

B. DALE COOK

By

CLERK

DEPUTY

U.S. Magistrate

Date 4-3-80

DEFENDANT

HENRY, Randel Duane

DOCKET NO.

80-CR-10-02-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

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

MONTH	DAY	YEAR
04	03	80

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

Herbert E. Elias, Retained Counsel

(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

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated T. 18, U.S.C., Section 842(h), 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

COUNT 2 - THE IMPOSITION OF SENTENCE IS SUSPENDED AND THE DEFENDANT, RANDEL DUANE HENRY, IS HEREBY PLACED ON PROBATION FOR A PERIOD OF FIVE (5) YEARS PURSUANT TO T. 18, U.S.C., SECTION 5010(a), UNDER THE PROVISIONS OF THE YOUTH CORRECTION ACT.

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,

Approved as to form: Kenneth P. Snoke Assistant U.S. Attorney

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

Thomas R. Brett

THOMAS R. BRETT U.S. DISTRICT JUDGE

Date April 3, 1980

CERTIFIED AS A TRUE COPY ON

THIS DATE APR 3 - 1980

By Waughm

CLERK

DEPUTY

ho

DEFENDANT

CHARLES WESLEY WHEAT

DOCKET NO.

80-CR-28-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (5/75)

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

MONTH	DAY	YEAR
4	2	80

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

Dan R. Kramer, Court Appointed

(Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

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 18, U.S.C., Section 2312, 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

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.

CERTIFIED AS A TRUE COPY ON

THIS DATE

SIGNED BY

U.S. District Judge

H. DALE COOK

Date 4-2-80

By

() CLERK

() DEPUTY

U.S. Magistrate