

DEFENDANT

JACK KARL FRIDAY

DOCKET NO.

80-CR-90-02-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AU 245 (5/75)

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

MONTH	DAY	YEAR
10	30	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

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 371, 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 - Two (2) Years Imprisonment on the condition that defendant be confined in a jail type or treatment type institution for a period of Six (6) Months, the execution of the remainder of period of imprisonment is suspended and the defendant is placed on probation for a period of 18 Months which is to run consecutive to the period of imprisonment.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED BY THE COURT that sentence is deferred until November 14, 1980, at 10:00 A.M. at which time Defendant is to report to the U.S. Marshal's Office for the Northern District of Oklahoma, Tulsa, Oklahoma.

IT IS FURTHER ORDERED THAT Defendant shall not engage in any kind of law enforcement activities during the probation period and that he shall maintain a weekly contact with the U.S. Probation Office for the Northern District of Oklahoma, Tulsa, Oklahoma.

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:

Hubert H. Bryant 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.

CERTIFIED AS A TRUE COPY ON

SIGNED BY

U.S. District Judge

Thomas R. Brett

Thomas R. Brett

Date October 30, 1980

THIS DATE

By

CLERK

DEPUTY

ho

DEFENDANT

JEFFREY KARL JOHNSON

DOCKET NO.

80-CR-90-01-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
10	30	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 Don E. Gasaway, 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 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 242, and Title 18, U.S.C., Section 371, 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 1 - One (1) Year Imprisonment.

Count 2 - Imposition of Sentence is hereby suspended and Jeffrey Karl Johnson is placed on probation for a period of Two (2) Years which shall run consecutive to the period of imprisonment imposed in Count 1.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that this sentence is deferred until December 1, 1980, at 10:00 A.M., at which time Defendant is to report to the U.S. Marshal's Office for the Northern District of Oklahoma, Tulsa, Oklahoma.

ADDITIONAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that Defendant shall not engage in any kind of law enforcement activities during the probation period and he shall maintain a weekly contact with the U.S. Probation Office for the Northern District of Oklahoma, Tulsa, Oklahoma.

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:

Hubert H. Bryant 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.

CERTIFIED AS A TRUE COPY ON

SIGNED BY

U.S. District Judge

Thomas R. Brett

THIS DATE

BY

Date October 30, 1980

( ) CLERK

( ) DEPUTY

h0

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

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

No. 80-CR-30-C )

DAVID M. CUNNINGHAM, )  
d/b/a TRINITY REAL ESTATE )  
COMPANY, )

Defendant. )

FILED

OCT 27 1980

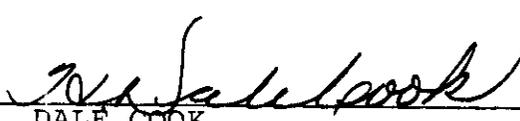
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

ORDER

The Court has before it for consideration the motion of the defendant, David M. Cunningham, for a reduction of sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. The defendant entered pleas of guilty to an indictment charging him with violations of Title 18 U.S.C. §§1010 and 641, and he now asks the Court to modify the sentence imposed by it upon him on May 1, 1980.

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

It is so Ordered this 27th day of October, 1980.

  
\_\_\_\_\_  
H. DALE COOK  
Chief Judge, U. S. District Court

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RED MARTIN CAIN,

Defendant.

No. 78-CR-128

✓  
FILED

pm OCT 23 1980

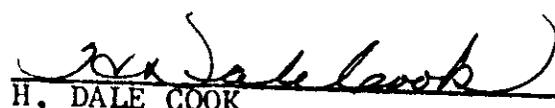
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

O R D E R

This case is before the Court on its own motion for correction of the defendant's sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. On April 23, 1979, the defendant was sentenced to a term of imprisonment for a violation of Title 21, United States Code, Section 846, in Count I of the above-cited case. In addition to the term of imprisonment imposed in Count I, a five-year special parole term was imposed upon the defendant. On June 16, 1980, the United States Supreme Court held that a special parole term may not be imposed for a narcotics conspiracy violation under Section 846. Bifulco v. United States, No. 79-5010 (June 16, 1980).

For the foregoing reason, it is therefore ordered that the special parole term heretofore imposed upon the defendant in Count I of the Indictment is hereby vacated.

It is so Ordered this 22<sup>nd</sup> day of October, 1980.

  
H. DALE COOK  
Chief Judge, U. S. District Court

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Billy Burns

Defendant.

No. 78-CR-128 ✓ FILED

OCT 23 1980

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

ORDER

This case is before the Court on its own motion for correction of the defendant's sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. On April 23, 1979, the defendant was sentenced to a term of imprisonment for a violation of Title 21, United States Code, Section 846, in Count I of the above-cited case. In addition to the term of imprisonment imposed in Count I, a five year special parole term was imposed upon the defendant. On June 16, 1980, the United States Supreme Court held that a special parole term may not be imposed for a narcotics conspiracy violation under Section 846. Bifulco v. United States, No. 79-5010 (June 16, 1980).

For the foregoing reason, it is therefore ordered that the special parole term heretofore imposed upon the defendant in Count I of the Indictment is hereby vacated.

It is so Ordered this 22<sup>nd</sup> day of October, 1980.

  
H. DALE COOK  
Chief Judge, U. S. District Court

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

UNITED STATES OF AMERICA,  
Plaintiff,  
vs.  
John McPhail  
Defendant.

No. 78-CR-128

FILED

OCT 23 1980

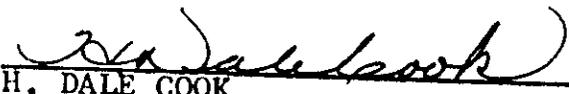
Jack C. Silver, Clerk  
U. S. DISTRICT COURT

O R D E R

This case is before the Court on its own motion for correction of the defendant's sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. On April 23, 1979, the defendant was sentenced to a term of imprisonment for a violation of Title 21, United States Code, Section 846, in Count I of the above-cited case. In addition to the term of imprisonment imposed in Count I, a three year special parole term was imposed upon the defendant. On June 16, 1980, the United States Supreme Court held that a special parole term may not be imposed for a narcotics conspiracy violation under Section 846. Bifulco v. United States, No. 79-5010 (June 16, 1980).

For the foregoing reason, it is therefore ordered that the special parole term heretofore imposed upon the defendant in Count I of the Indictment is hereby vacated.

It is so Ordered this 22<sup>nd</sup> day of October, 1980.

  
H. DALE COOK  
Chief Judge, U. S. District Court

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICHARD BREWER,

Defendant.

No. 78-CR-128

FILED

OCT 23 1980

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

ORDER

This case is before the Court on its own motion for correction of the defendant's sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. On April 23, 1979, the defendant was sentenced to a term of imprisonment for a violation of Title 21, United States Code, Section 846, in Count I of the above-cited case. In addition to the term of imprisonment imposed in Count I, a 7-year special parole term was imposed upon the defendant. On June 16, 1980, the United States Supreme Court held that a special parole term may not be imposed for a narcotics conspiracy violation under Section 846. Bifulco v. United States, No. 79-5010 (June 16, 1980).

For the foregoing reason, it is therefore ordered that the special parole term heretofore imposed upon the defendant in Count I of the Indictment is hereby vacated.

It is so Ordered this 22<sup>nd</sup> day of October, 1980.

  
H. DALE COOK  
Chief Judge, U. S. District Court

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

OCT 21 1980

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

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 80-CR-78-E
	)	
STEVE POLLAK and JOHN HUDSON	)	
WHITAKER,	)	
	)	
Defendants.	)	

O R D E R

The Court has before it for consideration the Motion to Dismiss of the Defendant, Whitaker, which has been joined by the Defendant, Pollak. The motions are based upon the violations of Rule 615 of the Rules of Criminal Procedure and upon the facts which gave rise to the previous Order of this Court granting a mistrial in this case on the 9th day of October, 1980.

The Court upon consideration of the record of this case, together with the briefs filed in support of the Motion to Dismiss and consideration of the arguments of counsel, together with the applicable authorities makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

I.

That the Defendants acquiesced in and waived any claim of double jeopardy in urging the prior motion for mistrial. Reference is specifically made to the statements reflected by the record in this case.<sup>1</sup>

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1. "The Court: What sanctions then are you asking for?  
Mr. Haynes: We would suggest this to the Court, if the Court please. This Court has invested, this is the fourth day of a trial that pretty clearly now is going to go seven, eight or nine, maybe more; we move the Court to declare a mistrial, simply bring a new panel and start it again because the prospect for mischief occasioned by these two witnesses in the jury (sic) room is so great that the most careful admonition of the Court is not likely to cure that prospect.

II.

The Court finds that there was no prosecutorial misconduct constituting the basis for the granting of the motion for mistrial. It is specifically found that there was no prosecutorial over-reaching or conduct constituting gross negligence giving rise to the situation which formed the basis for the mistrial.

CONCLUSIONS OF LAW

1. That where a defendant has moved for and been granted a mistrial by reason of witness violation of Rule 615 of the Federal Rules of Evidence, no valid claim of double jeopardy attaches by reason of the granting of such motion unless the mistrial was compelled by the intentional action of the prosecution. U.S. v. Leonard, 593 F.2d 951 (Tenth Cir. 1979).

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<sup>1</sup>(cont'd from p. 1)

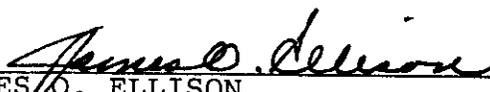
2. The Court: "I am going to grant the government some time to quickly research the question of double jeopardy.
- Mr. Haynes: There is a caveat, if the Court please, that the Courts put in from the cases I recalled for manifest necessity, where this Defendant through his counsel and he would join and moves the Court for a mistrial, and as a consequence of that, the Court having reviewed the facts, finds manifest necessity, no defendant could be heard later to urge that the mistrial constituted a final resolution of the issues and that double jeopardy could be urged at the next time the government wanted to advance."
3. Mr. Haynes: "I think it's interesting your Honor, that the Tenth Circuit case, Leonard, that we are looking at as one of the principals as to the motion to mistrial urged by defendants would bar them from contending double jeopardy on the retrial, particularly where the Court has already announced for the record that the Court does not find any fault on the part of the government and that's not refuted by counsel for the defense but acquiesced in."
4. The Court: "I find no fault whatsoever in Mr. Rounds' conduct in this case, the Court will, based on the record, grant a mistrial upon the motion of the Defendants and I also note for the record and the record will reflect that counsel for the Defendants stated

(cont'd to p. 3)

2. In order to find "prosecutorial overreaching", the government must have, "through gross negligence or intentional misconduct, caused aggravated circumstances to develop which 'seriously prejudice[d] a defendant' causing him to 'reasonably conclude that a continuation of the tainted proceeding would result in a conviction.'" United States v. Kessler, 530 F.2d 1246 (Fifth Cir. 1976), citing U.S. v. Dinitz, 424 U.S. 600, 96 S.Ct. at 1080, 47 L.Ed.2d at 274, 44 U.S.L.W. at 4312.

IT IS THEREFORE ORDERED that upon the grounds and for reasons set forth in the Findings of Fact and Conclusions of Law entered this date, the Motions to Dismiss of the Defendants Whitaker and Pollak are hereby denied.

DATED this 21st day of October, 1980.

  
\_\_\_\_\_  
JAMES O. ELLISON  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> (cont'd from p. 2)

that we would be better off to discharge this jury and start fresh with a new jury. That statement was made to the Court. I took it seriously as part of the motion.

Mr. Haynes: The Court is accurate in recounting that recitation by counsel, I did make it and that is my representation.

The Court: And I believe that position is adopted by the Defendant, Pollak, through his counsel, Mr. Nolan.

Mr. Nolan: That is correct your Honor."

DEFENDANT

DWIGHT EDWARD GIPSON

80-CR-93-BT

DOCKET NO.

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 10 DAY 21 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

S. Thomas Coleman, Appointed

(Name of counsel)

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

There being a finding of fact of

NOT GUILTY. Defendant is discharged

GUILTY.

FINDING & JUDGMENT

Defendant has been convicted as charged of the offense(s) of having violated Title 26, U.S.C., Sections 5861(d) and 5871, 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

The imposition of sentence is hereby suspended and defendant Dwight Edward Gipson is placed on probation for a period of Three (3) Years, pursuant to T. 18, U.S.C., Section 5010(a), under the provisions of the Youth Correction Act.

OCT 21 1980

SPECIAL CONDITIONS OF PROBATION

It is further ordered that defendant Dwight Edward Gipson attend out patient counseling as directed by the United States Probation Department for the Northern District of Oklahoma.

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:

Philard L. Rounds, Jr. 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

Date

October 21, 1980

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

CLERK DEPUTY

XXXXXX

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 FREDERICK MERLE ULLOM, JR., )  
 )  
 Defendant. )

80-CR-102-BT ✓  
NO. 80-0310M-TUC

FILED

OCT 15 1980

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

ORDER FOR REMOVAL

THIS cause comes on for hearing pursuant to Motion for Change of Venue submitted by the defendant Frederick Merle Ullom, Jr., it appearing that the indictment under Title 18 U.S.C.A. Section 875 (b), Extortion by Interstate Communication, originated in the State of Arizona, and that Title 18 U.S.C.A. Section 3239, together with Rule 21(b) and Rule 22 permit, as a matter of right, the transfer of this cause to the State of Arizona in the United States District Court, and that the defendant has complied with the necessary procedure for the removal of this cause for trial, there being no objection by the United States Attorney.

IT IS THEREFORE ORDERED that this cause be transferred for trial to the United States District Court for the District of Arizona forthwith.

DATED this 15<sup>th</sup> day of October, 1980.

APPROVED:

Kenneth F. Snoke

Ken Snoke  
Assistant U.S. District Attorney  
for the Northern District of  
Oklahoma

James R. [Signature]  
UNITED STATES DISTRICT JUDGE



DEFENDANT

MELVIN DEWAYNE HORTON

DOCKET NO.

80-CR-89-02-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 10 DAY 06 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

Sondra Fogley Houston, 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

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 2115 and 2, as charged in the Indictment.

FILED OCT-6 1980

Jack C. Silver U.S. District Judge

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that the defendant be placed on probation for a period of three (3) years from this date.

Count 1 - The imposition of sentence is suspended and defendant Melvin Dewayne Horton is hereby placed on probation for a period of Three (3) Years from this date.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED BY THE COURT that defendant Melvin Dewayne Horton is to participate in an alcohol abuse program and make restitution in an amount that will repair any damages incurred by the Post Office located in Prue, Oklahoma. The Probation Department is directed to supervise the defendant in regard to these conditions.

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:

Paula Ogg 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

Date October 6, 1980

CERTIFIED AS A TRUE COPY ON

THIS DATE

10/6/80

By Amy L. Vaughn

CLERK DEPUTY

DEFENDANT

DENNIS LEE BROCK

DOCKET NO. 80-CR-89-01-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 10 DAY 06 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 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., Section 2115 and 2, 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:

Count 1 - The imposition of sentence is hereby suspended and defendant Dennis Lee Brock is placed on probation for a period of Two (2) 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:

Paula Ogg 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

Date October 6, 1980

FILED OCT - 6 1980 Jack C. Silver, Clerk U. S. DISTRICT COURT

CERTIFIED AS A TRUE COPY ON

THIS DATE 10/6/80

By Jerry L. Vaughn

CLERK DEPUTY

XXXXXXXXXX

DEFENDANT

**RUDY McCARTY,**  
**True Name: RUDY LYNN McCARTY**

DOCKET NO. **80-CR-91-BT**

**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  
10 01 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, Appointed 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 fact~~ 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 371, 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 is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of~~

**Count 1 -- Imposition of sentence is suspended and Defendant is hereby placed on probation for a period of One (1) Year from this date as to the one count Information.**

SPECIAL CONDITIONS OF PROBATION

**FILED**

**OCT 1 1980**

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

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:**

**Hubert H. Bryant  
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.

CERTIFIED AS A TRUE COPY ON

THIS DATE 10/1/80

By [Signature] CLERK  
[Signature] DEPUTY

SIGNED BY

U.S. District Judge

**THOMAS R. BRETT**

Date **October 1, 1980**

XXXXXXXX  
Magistrate