

United States of America vs.

United States District Court

DEFENDANT

NORTHERN DISTRICT OF OKLAHOMA

MARGARITO HERNANDEZ-FLORES

DOCKET NO. 82-CR-16-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	DAY	YEAR
2	26	1982

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 HOWARD W. SELL, court appointed
(Name of counsel)

PLEA

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

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 8, Section 1324(a)(2) as charged in Counts 1 and 2 of the Information.

SENTENCE OR PROBATION ORDER

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

IT IS ORDERED that the imposition of sentence is suspended and the Defendant is placed on Probation for a period of Five (5) Years as to Counts 1 and 2 of the Information.

IT IS FURTHER ORDERED that the Defendant is to be transported back to Mexico by the Immigration Service.

IT IS FURTHER ORDERED that the U. S. Marshal shall detain said Defendant until the Border Patrol transports said defendant.

SPECIAL CONDITIONS OF PROBATION

FILED

FEB 26 1982 *mm*

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,

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 Feb. 26, 1982

*Indiana
copy*

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 LUTHER BEN LONG a/k/a)
 JASON WILLIAM LONG, et al.,)
)
 Defendants.)

FILED

No. 82-CR-1

FEB 26 1982 *pm*

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

JUDGMENT ON DEFAULT

WHEREAS, defendant Luther Ben Long a/k/a Jason William Long failed to appear on February 15, 1982, and answer the charge of the plaintiff, United States of America, against him. By reason thereof, the bond posted in the above-entitled matter on January 4, 1982, was and is forfeited. A motion for judgment on default was made by plaintiff, United States of America, by and through its attorney Ben F. Baker, and after due notice of said motion having been served on all parties herein, including the clerk of the court as agent for the obligors on the bond;

IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the plaintiff, United States of America, does have and recover from defendant and the surety, Allied Fidelity Insurance Company, judgment in the sum of \$15,000.00.

DATED this 25 day of February, 1982.

H. Dale Cook
H. DALE COOK
United States District Judge

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America

Criminal No. 82-CR-16 ✓

vs.

Margarito Hernandez-Flores

FILED
IN OPEN COURT

FEB 26 1982 *mm*

ORDER FOR DISMISSAL

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

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

Procedure and by leave of court endorsed hereon the United States

Attorney for the Northern District of Oklahoma

hereby dismisses ~~the~~ Counts 3 & 4 of the Information against
(indictment, information, complaint)

Margarito Hernandez-Flores, defendant.

FRANK KEATING
UNITED STATES ATTORNEY

Ben Baker

Assistant United States Attorney

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

W. S. Salsbery
United States District Judge

Date: February 26, 1982

DOJ

FORM OBD-113

8-27-74

DEFENDANT WILLIE DANIEL BANKS THE NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 81-CR-106-01-BT

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
02	24	82

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 Richard H. Raskin, 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

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 2 and Title 21, U.S.C., Section 841(a)(1), as charged in the one count indictment.

FILED
FEB 25 1982

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 the Defendant is placed on probation for a period of Four (4) Years.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

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

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends, **Approved as to form:**
James Swartz
Asst. 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 U.S. Magistrate

THOMAS R. BRETT

Date 2-24-82

CERTIFIED AS A TRUE COPY ON THIS DATE BY CLERK DEPUTY

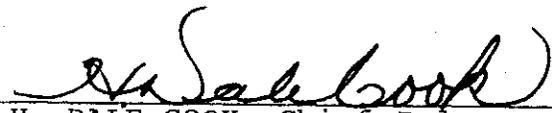
appear and present evidence in his own behalf, together with the opportunity to question witnesses against him, and after statements confirming probation violation by probationer and his counsel, and said probationer having waived his right to an evidentiary hearing, the Court finds that an evidentiary hearing is not necessary and that the defendant had violated the terms of his probation and that probation should be revoked.

IT IS ORDERED that the Order of Probation, entered June 14, 1979, be revoked and set aside.

IT IS FURTHER ORDERED that the Defendant, KENNETH EARL McDANIEL, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of SIXTY (60) DAYS as to Count 2 of the Indictment.

IT IS FURTHER ORDERED that the Clerk of this Court 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 at Tulsa, Oklahoma, this 19th day of February, 1982.


H. DALE COOK, Chief Judge

DEFENDANT } JAMES LEON MORENO } NORTHERN DISTRICT OF OKLAHOMA
DOCKET NO. 81-CR-96-E

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
2	18	82

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 Wesley E. Johnson, Ct. Appd. (Name of counsel) **FILED**

PLEA GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY
FEB 18 1982

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 26, U.S.C., Section 5861(d), as charged in the Information.**
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
FIVE (5) YEARS
IT IS FURTHER ORDERED That the defendant may become eligible for parole at such time as the Parole Commission may determine as provided in T. 18, USC, Sec. 4205(b)(2).

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

COMMITMENT RECOMMENDATION The court orders commitment to the custody of the Attorney General and recommends,
placement in an institution for psychiatric treatment.
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 **James O. Ellison**
 U.S. Magistrate
Date 2-18-82

CERTIFIED AS A TRUE COPY ON THIS DATE _____ BY _____ () CLERK () DEPUTY

DEFENDANT

JOSEPH D. KERR

DOCKET NO.

81-CR-38-C

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 2-18-82

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 Alan Carlson, 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 2313, 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

IT IS FURTHER ADJUDGED that the Defendant pay a fine unto the United States in the amount of \$2,000.00, and the Defendant is to stand committed until the fine is paid in full, or he is otherwise discharged under due process of law.

FILED

FEB 18 1982

Jack O. 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,

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 February 18, 1982

114. 114.

HENRY LACEY, JR.

THE NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DOCKET NO. 81-CR-106-02-BT

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 02 DAY 17 YEAR 82

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.

XX WITH COUNSEL Jerry Truster, Court Appointed Counsel (Name of counsel)

PLEA

XXI 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., Section 2 and Title 21, U.S.C., Section 841(a)(1) as charged in the one count indictment.

FILED

FEB 17 1982

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

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

Ct. 1 - Eighteen (18) months, with a special parole term of Two (2) Years, to commence at the expiration of the sentence imposed herein. Defendant may become eligible for parole at such time as the U.S. Parole Commission may determine as provided in Title 18 USCA, Sec. 4205(B) (2).

SPECIAL CONDITIONS OF PROBATION

The Court finds that the Defendant suffers from sickle-cell anemia and should be afforded any and all medical treatment that may be necessary. The Court recommends the Defendant be placed in a minimum security institution. The Court further recommends the Defendant be considered for drug treatment and supervision because he has admitted being a user of marijuana.

It is further adjudged that the execution of this sentence is deferred until Monday, March 8, 1982, at 9:00 a.m., at which time the defendant is to present himself to the U.S. Marshals Office, Tulsa, OK.

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:

Frank Keating U.S. Attorney

SIGNED BY

XX U.S. District Judge

U.S. Magistrate

THOMAS R. BRETT

Date 2-17-82

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

I hereby certify that the foregoing is a true copy of the original on file in this Court.

Jack C. Silver, Clerk By H. Overton Deputy

CLIFFORD WIGGINS

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DOCKET NO.

81-CR-72-E

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 2 12 82

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 D. Harris, Retained

(Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

FEB 12 1982

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 18, U.S.C. Section 472, as charged in Count two of the Indictment.

SENTENCE OR PROBATION ORDER

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

Count Two - FOUR (4) YEARS as provided under Title 18, U.S.C., Section 4205(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

James O. Ellison

Date 2-12-82

CERTIFIED AS A TRUE COPY ON

THIS DATE

BY

CLERK DEPUTY

FILED

UNITED STATES DISTRICT COURT

FEB 12 1982

NORTHERN District of OKLAHOMA

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

United States of America

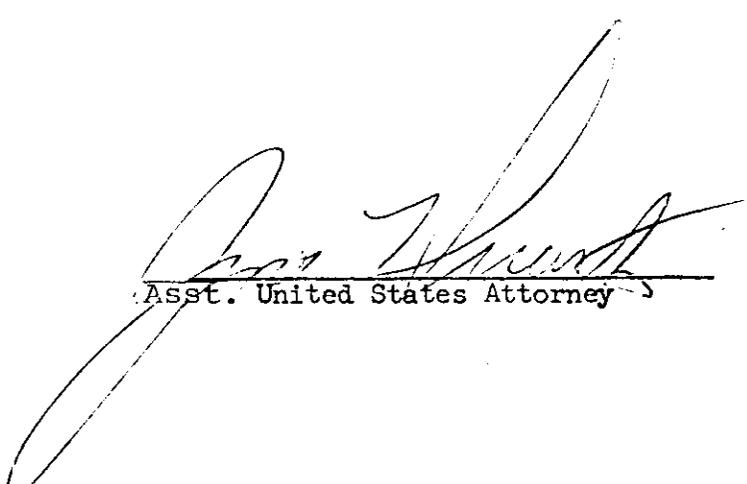
vs.

CLIFFORD LEROY WIGGINS

Criminal No. 81-CR-72

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 COUNT I of the INDICTMENT against (indictment, information, complaint) Clifford Leroy Wiggins defendant.


Asst. United States Attorney

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

S/ JAMES O. ELLISON

United States District Judge

Date: February 12, 1982

DOJ

FORM OBD-113

8-27-74

DEFENDANT

RAMON GUERRERO-QUIROGA NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 82-CR-8-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 2 DAY 8 YEAR 1982

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 HOWARD SELL, 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 GUILTY. Defendant is discharged. GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 8, U.S.C., §1324(a)(2) as charged in Counts 1 and 2 of the Information.

SENTENCE OR PROBATION ORDER

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

THE IMPOSITION of Sentence is hereby suspended and the Defendant is placed on probation for a period of Five (5) Years from this Date as to Counts 1 and 2 of the Information.

SPECIAL CONDITIONS OF PROBATION

In addition to the usual conditions of probation, Defendant is ordered to leave the United States and return to Mexico and to not illegally enter the United States again

FILED

FEB 8 1982

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 probat on 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 February 8, 1982

UNITED STATES DISTRICT COURT

Northern District of Oklahoma

United States of America
vs.
RAMON GUERRERO-QUIROGA

Criminal No. 82-CR-8 ✓

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 III through IX of Indictment against (indictment, ~~information, complaint~~) Ramon Guerrero-Quiroga, defendant.

FILED
IN OPEN COURT

FEB - 8 1981 *jm*

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

FRANK KEATING
United States Attorney

Ben Baker
Asst. United States Attorney

~~FILED
IN OPEN COURT~~

~~JAN 26 1981~~

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

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

W. L. ...
United States District Judge

Date: *Feb. 8, 1982*

DOJ

FORM OBD-113

8-27-74

3.

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DENNIS EDWARD PARNELL,)
)
Defendant.)

81-C-895-C ✓
No. 76-CR-158-C ✓

FILED

FEB 8 1982 *JCM*

Jack C. Sullivan 1982
U. S. DISTRICT COURT

O R D E R

Now before the Court for its consideration is the motion of the defendant under 28 U.S.C. §2255 to vacate his sentence. Defendant alleges, as grounds for his motion, that the salient facts contained in the presentence report which are relevant to the sentencing process were inaccurate, that the salient factor determined by the Parole Commission is inconsistent with the determination of the Court, and that such material false assumptions render the entire sentencing procedure invalid as a violation of due process.

The defendant, Dennis Edward Parnell, was found guilty by jury verdict on March 2, 1977, of the offense of Conspiracy to Transport Forged Securities in Interstate Commerce. On March 22, 1977, the defendant was sentenced to the custody of the Attorney General for two years with five years probation to commence upon his release from confinement. Subsequent to his sentencing, the defendant posted an appeal bond and was released. The Court of Appeals for the Tenth Circuit affirmed the defendant's conviction and on August 17, 1978, the Clerk of the District Court for the Northern District of Oklahoma received a mandate ordering the defendant to surrender within ten days for commencement of his sentence. The defendant thereafter absented himself from the jurisdiction and remained a fugitive for approximately 21 months. The defendant was subsequently indicted for failure to appear under Title 18, United States Code, Section 3150. On September

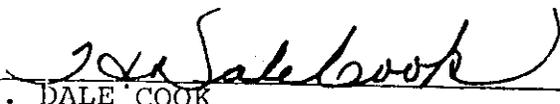
2, 1980, the defendant entered a guilty plea to the subsequent charge and was thereafter sentenced to one year incarceration to be served consecutively to the confinement ordered in the instant offense. This sentence was later reduced to six months incarceration to be served consecutively to the confinement imposed for the securities offense.

Defendant alleges that the Court relied on a salient factor of 8 in the presentence report instead of a correct salient factor of 10 in its decision to sentence defendant. Defendant has the burden of showing that the Court relied on misinformation. Shelton v. U.S., 497 F.2d 156 (5th Cir. 1974). At the time of the sentencing of the defendant herein, March 22, 1978, the Probation Department had not yet begun to supply salient factors to the Court to assist in sentencing. Therefore, the Court could not have relied on misinformation as to salient factor when sentencing defendant.

The Court has no jurisdiction to proceed with defendant's allegations concerning the determinations of the Parole Board. A motion pursuant to Section 2255 may not be invoked for matters occurring subsequent to the judgment. Thompson v. Warden -- El Reno, Oklahoma Board of Parole, 418 F.Supp. 895 (D.C.Okla. 1976); Allen v. U.S., 327 F.2d 58 (5th Cir. 1964).

For these reasons, it is the ruling of the Court that plaintiff's Motion to Vacate Sentence should be and hereby is denied.

It is so Ordered this 9th day of February, 1982.


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.)

NATHAN GRIER, III,)

Defendant.)

No. 77-CR-129 ✓

FILED

FEB - 8 1982 *fm*

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

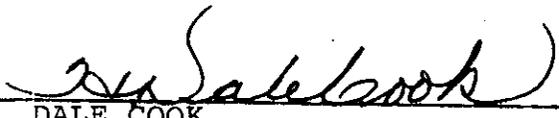
ORDER

Now before the Court for its consideration is the motion of the petitioner, Nathan Grier, III for modification of sentence.

On November 4, 1981, the probation of petitioner was revoked, and the Court sentenced him to the custody of the Attorney General or his authorized representative for imprisonment for a period of two years.

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 8th day of February, 1982.



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

United States District Court for

United States of America vs.

DEFENDANT JAMES LESTER THURBER THE NORTHERN DISTRICT OF OKLAHOMA
 DOCKET NO. 81-CR-104-BT

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
02	03	82

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 J. SCOTT, RETAINED COUNSEL
(Name of counsel)

FILED
FEB 3 1982

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., Sections 371 and 1341 and Title 26, U.S.C., Section 7201 as charged in the one count 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

SENTENCE OR PROBATION ORDER Count 1 - Eighteen (18) Months. Defendant may become eligible for parole at such time as the U.S. Parole Commission may determine as provided in Title 18, USCA, Sec. 4205(B)(2).

SPECIAL CONDITIONS OF PROBATION It is further ordered that the defendant present himself to the designated institution. The U.S. Marshals Office, Tulsa, OK, is to advise the defendant, in writing, of the designated Institution, the defendant is directed to report to the designated Institution by 11:00 o'clock a.m. on March 1, 1982.

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, the defendant be placed in a minimum security institution.
 Approved as to form:

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

Ben F. Baker
 Ben F. Baker
 Asst. U.S. Attorney

U.S. District Judge
 U.S. Magistrate *Thomas R. Brett*

THOMAS R. BRETT Date 2-3-82

FILED

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

FEB 3 1982

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs)
)
 CYNTHIA EVETTE ABAIR)
)
 Defendant,)

81-CR-46-01-BT

O P D E R

On February 3, 1982, came the attorney for the Government, Ben F. Baker, and the defendant appeared in person and by counsel, Robert Booth.

IT WAS ADJUDGED that the defendant, upon her plea of guilty to Count 1, was convicted of having violated Title 18, U.S.C., Secs. 495 & 2 as charged in Count 1 of the Indictment.

IT WAS ADJUDGED that the imposition of sentence be suspended and the defendant be placed on probation for a period of Three (3) Years as to Count 1 from August 17, 1981. In addition to the usual conditions of probation, the defendant was ordered to participate in the drug monitoring program of the probation office.

Thereafter, on the 28th day of December 1981, there having been filed an application by the supervising probation officer, Jerry B. Baines, that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval of the Court, Warrant for Arrest of Probationer was issued.

Thereafter, on the 30th day of December, 1981, pursuant to said warrant, the probationer, Cynthia Evette Abair, was arrested, and pursuant thereto, said probationer, Cynthia Evette Abair, appeared before the Court with her attorney and counsel, Robert Booth, on the 3rd day of February, 1982. The Government was present and represented by its attorney, Ben F. Baker. Thereafter, the Court directed that the Probation Officer, Jerry B. Baines, recite and advise the Court and defendant the grounds of revocation, and after evidentiary hearing held on February 3, 1982, the Court makes the finding that the defendant violated the terms and conditions of her probation, and that the probation should be revoked. Written findings will be filed February 10, 1982.

NOW, on this 3rd day of February, 1982, the Court orders that the

order of probation entered on August 17, 1981, be revoked and set aside.

IT IS ADJUDGED that the defendant, Cynthia Evette Abair, is hereby committed to the custody of the Attorney General of the United States or his authorized representative for imprisonment for a period of Three (3) Years. The defendant may become eligible for parole at such time as the U.S. Parole Commission may determine as provided in Title 18, U.S.C., Sec. 4205(B)(2).

It is recommended that the defendant be considered for drug treatment and supervision.

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 3rd day of February, 1982.



THOMAS R. BRETT
U.S. DISTRICT JUDGE

REPORT ON CONVICTED PRISONER BY UNITED STATES DISTRICT JUDGE

Name CYNTHIA EVETTE ABAIR Offense Forged Treas. Check.
Date sentenced 2-3-82 Term imposed 3 yrs. 18:4205(B) (2)
Fine: amount N/A; committed or non-committed Committed
Trial Judge THOMAS R. BRETT Plea Guilty to Ct. 1
District NORTHERN/OKLAHOMA City TULSA, OK

JUDGE'S COMMENTS RELATIVE TO PAROLE: Give comments regarding the appropriateness of parole in view of the prisoner's present offense, prior criminal background, and present situation.

Ms. Abair is an admitted user of PCP & Marijuana and should receive drug treatment and supervision.

2-3-82

Date

Signed: Thomas R. Brett

U. S. District Court Judge

INSTRUCTIONS:

This form is to be completed in triplicate. The original is to be sent to the Board of Parole, Washington, D. C., one copy to the institution, and one copy retained by the U. S. District Judge. The institution copy should, if possible, be given to the U. S. Marshal for delivery with the prisoner. If not possible, it should be mailed to the institution as soon as possible after sentence is imposed.

(Ordinarily, the Marshal will be able to advise of the institution to which the defendant was committed.)