

DEFENDANT

ARVLE EDGAR MEDLIN

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO.

84-CR-74-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
10	31-	84

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 Gansvay, 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; USC, Section 923(h)(1) & 924(a) as charged in Count three of Indictment and Title 26, USC, Section 5861(d) as charged in Count four of the Indictment

SENTENCE OR PROBATION ORDER

COUNTS 3 & 4 - FIVE (5) YEARS as to each count, count 4 to run concurrently with sentence imposed in count 3, 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 10-31-84

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ARTHUR W. FLUKE,)
)
 Defendant.)

FILED

OCT 1984

10/10/84

No. 84-CR-105-Bt

DISMISSAL WITHOUT PREJUDICE

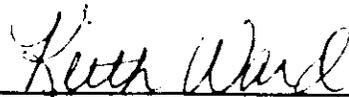
The United of America dismisses COUNTS ONE, TWO, THREE & FOUR of the INDICTMENT, without prejudice. The dismissal is without prejudice for the following reasons:

(1) Venue of the instant offense is controlled by 18 U.S.C. §3237. The evidence which the government would offer at trial would show that the defendant, a resident of Cincinnati, Ohio, mailed the materials described in the indictment from his residence in Cincinnati, Ohio, to a location in the Northern District of Oklahoma.

(2) The undersigned Assistant United States Attorney has recently communicated with Assistant United States Attorney, Patrick Hanley, of the Southern District of Ohio. Mr. Hanley informed the undersigned that the United States Grand Jury for the Southern District of Ohio recently returned an indictment against Fluke for the identical violations described in the instant indictment.

(3) Fluke has yet to make any appearance or response to the instant indictment. No issues of fact or law have been litigated between the parties. It will be in the best interest of Fluke and the government for these matters to be litigated in the district of Fluke's residence.

LAYN R. PHILLIPS
United States Attorney



KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

Leave granted for the filing of the foregoing dismissal.

S/ THOMAS R. BRETT

THOMAS R. BRETT
United States District Judge

Date: October , 1984

Entered

FILED

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

OCT 28 1985

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

JACKIE LEE GREEN,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

No. 85-CR-63-B
No. 85-C-906-BT

O R D E R

This matter comes before the Court on petitioner Jackie Lee Green's motion to vacate sentence (Amended Petition for Writ of Habeas Corpus), filed pursuant to 28 U.S.C. §2255. In accordance with Rule 8(a) of the Rules Governing Proceedings in the United States District Courts Under Section 2255 of Title 28, United States Code, petitioner's motion is denied.

On May 20, 1985, petitioner pleaded guilty to attempting to escape from the custody of the Supervising United States Probation Officer for the Northern District of Oklahoma, in violation of Title 18 U.S.C. §751(a). On July 2, 1985, the Court sentenced petitioner to the custody of the Attorney General for three (3) years, plus a special assessment of \$50.00. Petitioner premises his motion on the argument that his arrest on April 3, 1985 was invalid since the parole violator's warrant was not issued until April 4, 1985, that he could not be guilty of

escaping from custody as charged, and that the judgment and sentence of this court is therefore void or voidable.

The case history prepared by the Supervising United States Probation Officer for the Northern District of Oklahoma, Rod Baker, quoted by petitioner in prior proceedings herein, (Motion to Withdraw Plea of Guilty and for Dismissal of Lawsuit, p. 2-3) indicates the following:

On April 8, 1983, petitioner was sentenced by this Court on a two-count counterfeiting indictment. Petitioner was sentenced to two years on Count I and placed on three years probation on Count II. On April 15, 1983, the Honorable James O. Ellison sentenced petitioner to fifteen months to run consecutively to the two-year sentence imposed on April 8, 1983. The fifteen-month sentence was imposed for Failure to Appear.

On April 13, 1984, petitioner was released to the parole supervision of the Tulsa Office of the U. S. Probation and Parole Service.

On March 20, 1985, petitioner was stopped in Tarrant County, Texas for speeding in a 1980 Corvette. A passenger in the car was suspected of smoking marihuana. The Tarrant County Deputy Sheriff obtained the driver's licenses of both petitioner and the passenger and subsequently discovered what he believed to be cocaine and marihuana. Defendant then broke away from the deputy and sped away in the Corvette. The Corvette had been previously stolen in Tulsa, Oklahoma.

Documents filed with the Court, attached to the Government's response to the petition, indicate that a felony warrant was issued on March 21, 1985 for petitioner's arrest on a charge of possession of a controlled substance (cocaine). On March 20, 1985 a misdemeanor probable cause warrant was issued by a Texas magistrate on a charge of evading arrest, later upgraded to a felony charge. The affidavit of Rod Baker, Exhibit A to the Government's response, indicates that Officer Baker knew petitioner was wanted on a felony charge in Texas and that a federal warrant for parole violation was forthcoming.

Officer Baker observed petitioner in the Interurban Restaurant in Tulsa, Oklahoma on April 3, 1985. Officer Baker stopped petitioner as he was about to leave the restaurant, told him he was under arrest, and identified himself. Petitioner was told to have a seat on a bench in the waiting area of the restaurant. Motion to Withdraw Plea of Guilty and for Dismissal of Lawsuit, p.2.

Petitioner refused to take a seat, advising he was about to faint. He then knocked Officer Baker out of the way and bolted for the front door, where a struggle ensued and Baker succeeded in restraining petitioner until a local police unit arrived. Id., pp. 2-3.

Officer Baker had the authority to arrest petitioner on the basis of the outstanding warrants issued out of the State of Texas. The existence of such warrants at the time of the arrest and Officer Baker's knowledge thereof is undisputed. Officer

Baker's status as a federal parole officer does not preclude him from arresting persons against whom he knows felony warrants are outstanding. The initial arrest, based upon the outstanding Texas felony warrant, was valid.

An individual charged with escape from the custody of a federal arresting officer can be convicted of escape regardless of the propriety, irregularity or illegality of confinement. A lawful arrest is not a prerequisite to the crime of escape from federal custody. United States v. Allen, 432 F.2d 939 (10th Cir. 1970); United States v. Franklin, 313 F.Supp. 43 (S.D.Ind. 1970), aff'd 440 F.2d 1210 (7th Cir. 1971). Assuming arguendo that the initial arrest was not lawful, petitioner could still be properly charged with escape. A parolee's recourse is to challenge the arrest through legal channels rather than by escape.

Petitioner's allegations of improper representation arise from the same operative facts outlined above and do not raise a separate issue.

For the reasons set forth above, petitioner's \$2255 motion is dismissed. Rule 4(b), Rules Governing Proceedings in the United States District Courts Under Section 2255.

IT IS SO ORDERED this 28th day of October, 1985.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

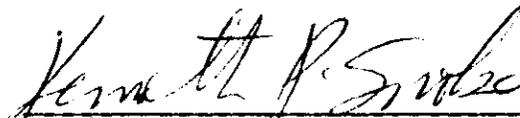
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JERRY DOW O'NEAL,)
)
 Defendant.) No. 84-CR-81-E

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 with prejudice Count 2 only of the Indictment against JERRY DOW O'NEAL, defendant.

LAYN R. PHILLIPS
United States Attorney


Assistant United States Attorney

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

s/ JAMES O. ELLISON
United States District Judge

Date:

DEFENDANT

JERRY DOW O'NEAL

DOCKET NO.

84-CR-81-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 10- 23 84

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

J. Stephen Welch, 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 Count one of the Indictment.

SENTENCE OR PROBATION ORDER

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

COUNT ONE - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of FOUR (4) YEARS from this date.

SPECIAL CONDITIONS OF PROBATION

The defendant is ORDERED to make restitution in the amount of \$45,000.00, in payments as determined by the Probation Office.

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

James O. Ellison

Date 10-23-84

DEFENDANT

SHARON KAYE HAYMOND

DOCKET NO.

84-CR-42-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 10 19 84

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 Jo Stanley Glenn, Appointed Counsel (Name of counsel)

PLEA

XX 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. XX GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 1163 as charged in Count Three 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:

Count 3 - Imposition of Sentence is suspended and the Defendant is placed on probation for a period of Two (2) years.

SPECIAL CONDITIONS OF PROBATION

FILED

OCT 19 1984

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: Ben F. Baker 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

XX U.S. District Judge

U.S. Magistrate

THOMAS R. BRETT

THOMAS R. BRETT

Date 10-19-84

Entered

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 LEONARD CECIL JONES,)
)
 Movant.)

No. 84-C-⁸²⁸~~838~~-B
No. 83-CR-60-B

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

OCT 19 1984

FILED

O R D E R

This matter comes before the Court on the motion to vacate sentence filed by Leonard C. Jones, pursuant to 28 U.S.C. §2255. Jones, who was convicted in this Court in the case of United States of America v. Leonard Cecil Jones, Case No. 83-CR-60-B, now challenges the conviction and sentence on a number of grounds. The government has responded to Jones' motion to vacate. For the reasons set forth below, the motion is overruled.

On June 16, 1983, Jones entered a plea of guilty to three counts of forgery in violation of 18 U.S.C. §495. On July 21, 1983, he was sentenced to six years imprisonment on Count 1 and three years probation as to Counts 2 and 3, to run consecutively to the prison term. On October 5, 1984, Jones filed a motion to vacate the sentence on the following grounds:

- 1) Jones contends he filed a motion to reduce sentence pursuant to F.R.Cr.P. 35 more than a year ago and has gotten no response;
- 2) Jones claims there was a disparity in sentences given him and female codefendants;

3) Jones contends his counsel was ineffective;

4) Jones contends the parole board was in error in evaluating him.

The Court can find no record whatsoever of a Rule 35 motion being filed in Jones' case at any time. Therefore, it must reject plaintiff's complaint concerning failure to respond to a motion to reduce sentence.

With regard to Jones' complaint concerning disparity of sentences, the Court notes Jones was the sole defendant in 83-CR-60-B; therefore, there can be no "sexual discrimination" against him as he complains.¹

With regard to adequacy of representation, Jones contends:

"My former attorney failed to advise me of matters denied due process of law and post conviction relief and in fact had himself (sic) arrested me many time previous to attempting any defense in my behalf."

The Court has reviewed the transcript of the change of plea and sentencing of Mr. Jones and concludes his attorney adequately represented him. The Court further concludes Mr. Jones was fully apprised of his constitutional rights, including a right to jury trial and the consequences of his plea. With regard to representation, the following conversation took place:

COURT: Throughout this matter, have you been represented by Mr. Wesley Johnson?

¹ Jones was alleged to have been involved in a loosely connected, large-scale check cashing ring. Two other persons who were alleged to have been involved in the ring - Cheryl Patricia Stokes and Linda Mae McClure - were charged in separate criminal cases (83-CR-61 and 83-CR-19), for separate crimes.

MR. JONES: Yes sir.

COURT: Have you been satisfied with Mr. Johnson's representation of you as your lawyer?

MR. JONES: Yes sir.

COURT: In all phases of this matter?

MR. JONES: Yes sir.

COURT: You've been completely satisfied?

MR. JONES: Yes sir.

The Court finds petitioner was adequately represented and there is no basis for his complaint concerning his attorney. Peabody v. United States, 394 F.2d 175 (9th Cir. 1968), cert. den. 393 U.S. 1033, rehearing den. 394 U.S. 955; Richards v. United States, 371 F.2d 611 (5th Cir. 1967).

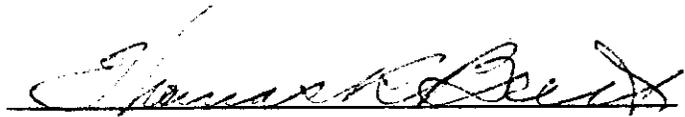
Finally, with regard to his sentence, petitioner states:

"The parole board exceeded my guidelines and is in error on my salient score and even included my 'Brother's' record in judgments and it was placed in my P.S.I. report!"

The petitioner appears to be referring to the presentence investigation report of the Probation Department of the United States District Court for the Northern District of Oklahoma. The Court has reviewed the presentence report and finds no error; it further concludes the salient score given to Mr. Jones was proper, and there is no basis for his complaint. Further, the sentence given Mr. Jones was authorized by applicable law. Therefore, it is not reviewable under §2255. Steele v. United States, 362 F.2d 536 (10th Cir. 1966).

The Court concludes Mr. Jones' motion to vacate sentence filed pursuant to 28 U.S.C. §2255 should be and is hereby overruled.

ENTERED this 19th day of October, 1984.

A handwritten signature in cursive script, appearing to read "Thomas R. Brett", written over a horizontal line.

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

NO OCT 19 1984

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

SHARON KAYE HAYMOND,)

Defendant.)

No. 84-CR-42-BT

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 with prejudice Counts 1 and 2 of the Indictment against SHARON KAYE HAYMOND, defendant.

LAYN R. PHILLIPS
United States Attorney

Ben I. Baker

Assistant United States Attorney

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

Charles A. Brett

United States District Judge

Date: 10-19-84

DEFENDANT

ROBERT ARTHUR LANDIS

DOCKET NO. 84-CR-62-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
10	18	84

COUNSEL

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

WITH COUNSEL Robert S. Lowery Appt. Counsel (Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY OCT 18 1984

FINDING & JUDGMENT

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

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

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 1341 as charged in Count 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 3 - Four (4) years, on condition that the Defendant shall be confined in a jail type or treatment institution for a period of Sixty (60) days, the execution of the remainder of the sentence is hereby suspended and the Defendant is placed on probation for a period of Forty-six (46) months, to commence upon release from confinement

SPECIAL CONDITIONS OF PROBATION

It is further ordered that the Defendant make restitution as directed by the U.S. Probation office, in the amount of \$776.55.

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:

Layn Phillips 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 10-18-84

UNITED STATES DISTRICT COURT FOR THE **FILED**
NORTHERN DISTRICT OF OKLAHOMA **IN OPEN COURT**

OCT 18 1984

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

ROBERT ARTHUR LANDIS,)

Defendant.)

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

No. 84-CR-62-B

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 with prejudice Counts 1, 2, 4, 5, 6, and 7 of the Indictment against ROBERT ARTHUR LANDIS, defendant.

LAYN R. PHILLIPS
United States Attorney

Bert F. Baker

Assistant United States Attorney

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

Thomas R. Pugh
United States District Judge

Date: 10-18-84

DEFENDANT

EDNA FRANCIS AVERY

DOCKET NO. 84-CR-101-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 10- 18 84

COUNSEL

WITHOUT COUNSEL

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

WITH COUNSEL

Randolph P. Stainer, Appointed Counsel (Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

OCT 18 1984

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

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 1341 as charged in Count One of the Indictment.

SENTENCE OR PROBATION ORDER

Count 1 - Imposition of sentence is suspended and the Defendant is placed on probation for a period of Eighteen (18) months.

SPECIAL CONDITIONS OF PROBATION

It is further ordered that the Defendant make restitution within the first year of probation as directed by the U.S. Probation Office, in the amount of \$119.00.

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: Keith Ward 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 10-18-84

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

EDNA FRANCIS AVERY,

Defendant.

FILED
IN OPEN COURT

OCT 13 1984

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

No. 84-CR-101-B

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 with prejudice COUNTS TWO through TWENTY-FOUR of the INDICTMENT, against EDNA FRANCIS AVERY, defendant.

Keith Ward

KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

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

Thomas R. Brett
United States District Judge

Date: October 18, 1984

DEFENDANT

DEBORAH LOUISE CARTER

DOCKET NO. 84-CR-70-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/71)

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

MONTH	DAY	YEAR
10	17	84

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 O. B. Graham, 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/verdict of NOT GUILTY. Defendant is discharged.

GUILTY.

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

FILED

OCT 17 1984

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 481.

U. S. DISTRICT COURT

Count 1 - Three (3) years pursuant to Title 18, U.S.C., Section 4205(a).

SPECIAL CONDITIONS OF PROBATION

Execution of sentence is deferred until November 1, 1984, at which time Defendant is to present herself to the U.S. Marshal for the Northern District of Oklahoma for transportation to the designated institution.

ADDITIONAL CONDITIONS OF PROBATION

The Court recommends that the Defendant receive Drug Treatment and supervision.

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:
Ben F. Baker
Ben F. Baker
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
THOMAS R. BRETT
Date 10-17-84

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DEBORAH LOUISE CARTER,)
)
Defendant.)

No. 84-CR-70-BT ✓

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 with prejudice Count 2 of the Indictment against DEBORAH LOUISE CARTER, defendant.

LAYN R. PHILLIPS
United States Attorney

Bert Baker

Assistant United States Attorney

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

Thomas R. Gresh
United States District Judge

Date: 10-17-84

DEFENDANT

CHARLES TERRY LOWE

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 84 CR 77 E

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (8/74)

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

MONTH DAY YEAR 10 16 84

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 Jackson W. Zanerhardt, Retained (Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY. OCT 16 1984

FINDING & JUDGMENT

There being a finding/verdict of GUILTY. Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 1341, as charged in Count one of the Indictment.

SENTENCE OR PROBATION ORDER

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

COUNT ONE - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of THREE (3) YEARS from this date.

SPECIAL CONDITIONS OF PROBATION

The defendant is to make restitution in the amount of \$197.00, in payments as determined by the Probation office.

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 10-16-84

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT
OCT 16 1984

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLES TERRY LOWE,)
)
 Defendant.)

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

No. 84-CR-77-E

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 with prejudice COUNTS TWO through EIGHT of the INDICTMENT, against CHARLES TERRY LOWE, defendant.

Keith Ward

KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

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

James Clin

United States District Judge

Date: October 16, 1984

DEFENDANT

MITCHELL EUGENE WALLACE

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 84-CR-76-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
10	11	84

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

JAY BYSTEN, Esq.

(Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

OCT 11 1984

FINDING & JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged

GUILTY.

Jack C. Silver, Clerk
DISTRICT COURT

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 1341, as charged in Count one of the Indictment.

SENTENCE OR PROBATION ORDER

COUNT ONE - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of THREE (3) YEARS from this date as provided under T. 18, U.S.C., Section 5010(a), as provided under the Youth Correction Act.

SPECIAL CONDITIONS OF PROBATION

The defendant is to make restitution in the amount of \$176.00, in payments as determined by the Probation Office and is to obtain treatment for drug and alcohol abuse.

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 10-11-84

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

OCT 11 1984 ^B

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

MITCHELL EUGENE WALLACE,)

Defendant.)

No. 84-CR-76-E ✓

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 with prejudice COUNTS TWO through THIRTEEN of the INDICTMENT, against MITCHELL EUGENE WALLACE, defendant.

Keith Ward

KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

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

James Allison

United States District Judge

Date: October 11, 1984

DEFENDANT

SHERRY P. WHEELER

DOCKET NO.

84-CR-78-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
10	10	84

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

Judi Beaumont, Ct. Apptd.

(Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

OCT 10 1984

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 1341, as charged in Count one of the Indictment.

SENTENCE OR PROBATION ORDER

COUNT ONE - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of TWO (2) YEARS from this date.

SPECIAL CONDITIONS OF PROBATION

The defendant is to make restitution in the amount of \$122.00, in payments as determined by the Probation Office.

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

10-10-84

Entered

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

FILED

OCT 10 1984

JACK D. ... CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 RONALD FLOYD WHITE,)
)
 Defendant.)

No. 80-CR-42-B
No. 84-C-825

O R D E R

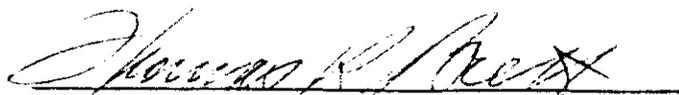
Before the Court is defendant's motion under 28 U.S.C. § 2255 to vacate or set aside the Court's reinstatement of the jury's verdict and sentence of June 15, 1982. The Court sentenced defendant to probation for a period of four years and ordered defendant to make restitution in the amount of \$15,000.00. Defendant claims the Double Jeopardy Clause of the Fifth Amendment should have barred review by the Tenth Circuit and the subsequent judgment and sentencing by this court, since the original trial judge sustained defendant's motion for judgment of acquittal and set aside two verdicts against the defendant. For the reasons set forth below, the Court finds that defendant's motion should be summarily dismissed.

Under Rule 4(a) of the Rules Governing Proceedings in the United States District Courts Under Section 2255, defendant's motion should be assigned "to the judge who was in charge of that part of the proceedings being attacked by the movant." Defendant attacks both the review by the Tenth Circuit and subsequent judgment and sentencing proceedings by this court.

Because the movant is not attacking actions taken by the original trial judge, consideration of defendant's motion is properly before this, the sentencing court.

Rule 4(b) of the Governing Rules directs the Court to promptly examine the motion and "[i]f it plainly appears from the face of the motion and any annexed exhibits and the prior proceedings in the case that the movant is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the movant to be notified." From a review of the Tenth Circuit's opinion in this case it is clear that the motion must be dismissed. In United States v. White, 673 F.2d 299 (1982), the appellate court addressed the issue of whether the Double Jeopardy Clause barred the government's appeal of the trial judge's order. The Court noted that the Double Jeopardy Clause prohibits appeal only when there is a danger of subjecting a defendant to a second trial for the same offense. See United States v. Jenkins, 420 U.S. 358, 365 (1975). Here, because there was no such danger, the Court held that the government's appeal was constitutional. Defendant was not subjected to another trial; this Court simply reinstated the verdict and conducted sentencing proceedings. The Tenth Circuit's constitutional determination is Res Judicata as against defendant's claim in this action. Defendant's motion is hereby summarily dismissed.

IT IS SO ORDERED this 10th day of October, 1984.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

1. Based on the admissions of the defendant and the report of the probation officer, the Court finds that the defendant did violate the three conditions of his probation, as set forth in the Court's Order of July 23, 1984.

2. Based on the above, the Court finds that the defendant's probation should be, and is, hereby revoked.

3. Based on the recommendations of the United States Probation Office, and the Government, the Court sentences the defendant on his initial conviction in this case, pursuant to his guilty plea entered June 10, 1983, as follows:

The Court finds that the defendant, although eligible, would not benefit from sentencing under the Youth Corrections Act. The defendant is hereby committed to the custody of the Attorney General for a term of imprisonment of three years, and, pursuant to Title 21, United States Code, Section 841(b)(1)(A), a Special Parole Term of three years is imposed, in addition to such term of imprisonment.

Dated this ^{10th}10 day of October, 1984.


THOMAS R. BRETT
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

OCT 10 1984

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SHERRY P. WHEELER,

Defendant.

No. 84-CR-78-E

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 with prejudice COUNTS TWO through EIGHTEEN of the INDICTMENT, against SHERRY P. WHEELER, defendant.



KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

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



United States District Judge

Date: October 10, 1984

DEFENDANT

WHIEU TRUNG VO

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO.

84-CR-79-E

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (8/74)

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

MONTH	DAY	YEAR
10	9	84

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

Jo Stanley Glenn, Ct. Apptd.

(Name of counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

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 1341, as charged in Count one of the Indictment.

Jack G. ... 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:

COUNT 1 - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of EIGHTEEN (18) MONTHS from this date.

SPECIAL CONDITIONS OF PROBATION

SPECIAL CONDITIONS are that defendant make restitution of \$131.00, in payments as determined by the Probation Office and that the Probation office make arrangements for defendant's learning the English language and the laws.

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

10-9-84

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

OCT 9 1984

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
)
NHIEU TIUNE VO,)
)
Defendant.)

No. 84-CR-79-E

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 with prejudice COUNTS TWO through TWELVE of the INDICTMENT, against NHIEU TIUNE VO, defendant.

Keith Ward

KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

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

[Signature]

United States District Judge

Date: October 9, 1984

DEFENDANT

MAX AARON EDDY

THE NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 84-CR-68-B

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

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

MONTH DAY YEAR 10-05-84

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

JACK GORDON, JR., 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/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 1341, as charged in count one of the indictment.

SENTENCE OR PROBATION ORDER

Count 1 - Imposition of Sentence is Suspended and the Defendant is placed on probation for a period of 2 (Two) Years as to count one, pursuant to Title 18, U.S.C., Section 5010 (a), under the provisions of the Youth Correction Act.

SPECIAL CONDITIONS OF PROBATION

FURTHER ORDERED that the defendant make restitution as determined by the United States 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:

Keith Ward 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 U.S. Magistrate

THOMAS R. BRETT

Date 10-05-84

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MAX AARON EDDY,

Defendant.

FILED
IN OPEN COURT

OCT 5 1984

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

No. 84-CR-68-Bt

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 with prejudice COUNTS TWO through TEN of the INDICTMENT, against MAX AARON EDDY, defendant.

Keith Ward

KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

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

Edward B. ...

United States District Judge

Date: October 5, 1984

DEFENDANT

LaVERNE E. REXROAD

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 84-CR-86-B

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (6/74)

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

MONTH	DAY	YEAR
10-	05-	84

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, retained counsel (Name of counsel)

FILED

PLEA

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

OCT 5 1984

FINDING & JUDGMENT

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

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

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U. S. C., Section 2252 as charged in count three (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 3 - Five (5) years, on the condition that the defendant shall be confined in a jail type or treatment institution for a period of six (6) months, the execution of the remainder of the sentence is hereby suspended and the defendant is placed on probation for a period of four and one-half (4 1/2) years, to commence when the defendant is released from confinement.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the execution of this sentence is deferred until Tuesday, October 30, 1984 at 11:00 AM at which time the defendant is to present himself to the Salvation Army Halfway House, 312 W.Brady, Tulsa, Oklahoma to Mrs. Wilson.

FURTHER ORDERED that defendant is fined \$5,000.00 payable on a schedule to be set forth by the Probation Department for the Northern District of Oklahoma, Tulsa, Okla.

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 Keith Ward 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

U.S. Magistrate

THOMAS R. BRETT, JUDGE

Date 10-05-84

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
)
)
 LaVERNE E. REXROAD,)
)
 Defendant.)

FILED
IN OPEN COURT
OCT 5 1984
Jack C. Silver, Clerk
U. S. DISTRICT COURT

No. 84-CR-86-Bt

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 with prejudice COUNTS ONE, TWO and FOUR of the INDICTMENT, against LaVERNE E. REXROAD, defendant.

Keith Ward

KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

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

Thomas R. Burt
United States District Judge

Date: October 5, 1984

DEFENDANT

THE NORTHERN DISTRICT OF OKLAHOMA

DARRELL W. CLOCKER

DOCKET NO.

84-CR-71-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (8/74)

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

MONTH	DAY	YEAR
10	04	84

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 JAMES W. FRANCOIS, 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/verdict of NOT GUILTY, Defendant is discharged as to Count One.

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 201(b) 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 1 - Judgment of Acquittal on the Jury Verdict.

Count 2 - Three (3) years, on the condition that the Defendant shall be confined in a jail type or treatment institution for a period of six (6) months, the execution of the remainder of the sentence is suspended and the Defendant is placed on probation for a period of thirty (30) months, to commence upon release from confinement. The Court designates the Salvation Army Community Treatment Center, Tulsa, OK as the place of confinement. Defendant is ordered to report to said facility at 11:00 a.m. on October 15, 1984. Defendant is fined \$2,500.00 to be paid within six (6) 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.

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

COMMITMENT RECOMMENDATION

Approved as to form:
Jack Morgan
Jack Morgan
Asst. U.S. Attorneys

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

THOMAS R. BRETT

Date

10-4-84

DEFENDANT

THE NORTHERN DISTRICT OF OKLAHOMA

REGINALD LLOYD LAZENBY

DOCKET NO. 84-CR-66-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
10	04	84

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 Ernest A. Bedford, 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/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 1341 as charged in Count One of the Indictment.

SENTENCE OR PROBATION ORDER

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

Defendant is ordered to make restitution as directed by the U.S. Probation 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: Keith Ward 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

Signature of Thomas R. Brett

THOMAS R. BRETT

Date 10-4-84

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

OCT 4 1984

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
)
)
 REGINALD LLOYD LAZENBY,)
)
 Defendant.)

No. 84-CR-66-Bt

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 with prejudice COUNTS TWO through SIXTEEN of the INDICTMENT, against REGINALD LLOYD LAZENBY, defendant.

Keith Ward

KEITH WARD
Assistant United States Attorney
460 U. S. Courthouse
Tulsa, OK. 74103
(918) 581-7463

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

Howard R. Best

United States District Judge

Date: October 4, 1984