

DEFENDANT

JULIO MADAN-CARILLO

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 86-CR-51-E

AMENDED

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

MONTH	DAY	YEAR
08	28	86

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 R. Mefford

(Name of Counsel)

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

AUG 27 1986

JAMES O. ELLISON
U.S. DISTRICT COURT

FINDING & JUDGMENT

There being a finding ~~XXXX~~ of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Sections 841(a)(1) and 843(b), as charged in Counts 1 & 3 of the Indictment.

SENTENCE OR PROBATION ORDER

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

COUNT 1 - FOUR (4) YEARS, Special Parole Term of Three Years, \$50.00 Special assessment fee.

COUNT 3 - FOUR (4) YEARS, to run concurrently with the time imposed in Count 1, \$50.00 special assessment fee.

SPECIAL CONDITIONS OF PROBATION

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

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 8-28-86

THE NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

RICHARD LEE WILSON

DOCKET NO.

86-CR-108-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (9/82)

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

MONTH	DAY	YEAR
08	28	86

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 Winterbottom, 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

AUG 28 1986

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 21, U.S.C. §841(a)(1) & (b)(1)(B) as charged in the one count indictment.

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

SENTENCE OR PROBATION ORDER

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

Count 1 - Two (2) years, a Special Parole Term of Four (4) years pursuant to Title 18, U.S.C. §4205(b)(2) and a \$50.00 Special Assessment.

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:

Frank H. McCarthy
Frank McCarthy
AUSA

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 8-28-86

DEFENDANT

STEVEN KEITH ECTON

DOCKET NO.

86-CR-20-03-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-296 (5/82)

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

MONTH	DAY	YEAR
08	28	86

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 Wesley E. Johnson, Appointed Counsel

(Name of Counsel)

FILED

PLEA

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

NOLO CONTENDERE,

XX NOT GUILTY

AUG 28 1986

FINDING & JUDGMENT

There being a ~~XXXX~~ verdict of

NOT GUILTY. Defendant is discharged

XX GUILTY.

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

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C. Sections 846 and 841(a)(1) and Title 18, U.S.C. Section 2 as charged in Counts 1 & 2 of the indictment.

SENTENCE OR PROBATION ORDER

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

Count 1 - One (1) year and a \$50.00 Special Assessment.

Count 2 - Imposition of sentence is suspended and the Defendant is placed on probation for a period of Three (3) years to commence upon completion of sentence imposed in Count 1 and a \$50.00 Special Assessment.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the execution of sentence is deferred until 11:00 a.m. on September 15, 1986 at which time the Defendant is to present himself to the designated institution. U.S. Marshal to advise of designated institution.

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:

Jack Morgan AUSA

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

Date 8-28-86

DEFENDANT

SHARON KAY GRAY

DOCKET NO

86-CR-74-C

JUDGMENT AND PROBATION/SENTENCE ORDER AO-245 (9/82)

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

MONTH DAY YEAR
08 28 1986

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 Susan Otto, Federal Public Defender

(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/XXXXXXXXXXXXXXXXXXXX

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., §495, as charged in Counts 3 and 6 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:

Counts 3 and 6 - The imposition of sentence is hereby suspended, and the defendant is placed on probation for a period of Five (5) Years as to each count, Count 6 to run concurrent with Count 3.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that defendant shall pay a special assessment in the amount of \$50 as to each count, for a total of \$100.

IT IS FURTHER ORDERED that defendant shall make restitution on Count 3 in the amount of \$427.00 and on Count 6 in the amount of \$520.00, in such amounts and at such times as set out 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

s/H. DALE COOK

U.S. Magistrate

H. Dale Cook

Date August 28, 1986

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

jm AUG 28 1986

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
SHARON KAY GRAY,)
)
Defendant.)

No. 86-CR-74-C ✓

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, Counts I, II, IV, and V of the Indictment in this case, filed June 5, 1986, against SHARON KAY GRAY, defendant.

Ben F. Baker

Assistant United States Attorney

Good cause appearing, it is so ORDERED.

H. Dale Cook

H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

Date: August 28, 1986

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

FILED

AUG 27 1986

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 STEVEN KEITH ECTON,)
)
 Defendant.)

No. 86-CR-20-B ✓

O R D E R

This matter comes before the Court on Defendant's Motion for New Trial and Motion for Judgment of Acquittal. For the reasons set forth below, the motions are denied.

Defendant Steven Keith Ecton was indicted on March 5, 1986, along with Mark Keeter and Richard Ramirez on two counts: conspiracy to possess cocaine with intent to distribute and aiding and abetting possession of cocaine with intent to distribute. On May 5, 1986, Keeter pleaded guilty to the aiding and abetting charge relative to the 8 ounces of cocaine Ramirez brought to Tulsa from Florida on February 21, 1986. On May 22, 1986, Ramirez agreed to a Rule 20 Fed.R.Crim.P. transfer of his case to the South District of Florida for purposes of entering a plea and sentencing.

Defendant Ecton's first trial on May 5-6, 1986, resulted in a hung jury. At a second trial on June 16-17, 1986, Ecton was found guilty by the jury on both counts. Ecton now seeks a new trial on the grounds of ineffective counsel and asks for a judgment of acquittal on the grounds that the evidence is

insufficient to sustain the jury's verdicts. These matters will be addressed separately below.

I. DEFENDANT'S CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL

Defendant's first contention is that by failing to subpoena co-defendant Mark Keeter to secure his testimony at Ecton's second trial, Ecton was deprived of a fair trial. Keeter and Ramirez were called as witnesses by the Government at Ecton's first trial. At the second trial, the Government called only Ramirez. Defense counsel made "informal" oral arrangements with Keeter to testify at the second trial, but did not subpoena Keeter as a witness. Keeter did not appear to testify at Ecton's second trial. Defense counsel did not seek a continuance. Nor did the defense ask for a mistrial.

In Strickland v. Washington, 466 U.S. 668 (1984), the United States Supreme Court addressed the issue of when assistance of counsel is so ineffective as to violate the Sixth Amendment right to counsel. The Court noted:

"The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result."

Id. at 686. The Court went on to state:

"A convicted defendant's claim that counsel's assistance was so defective as to require reversal of a conviction or death sentence has two components. First, the defendant must show that counsel's performance was deficient. This requires showing that counsel made errors so serious that counsel was not functioning as the "counsel" guaranteed the defendant by the Sixth Amendment. Second, the defendant must show that the deficient performance prejudiced the defense.

This requires showing that counsel's errors were so serious as to deprive the defendant of a fair trial, a trial whose result is reliable. Unless a defendant makes both showings, it cannot be said that the conviction or death sentence resulted from a breakdown in the adversary process that renders the result unreliable."

Id. at 687. Defendant must show that his counsel's performance "fell below an objective standard of reasonableness." Id. at 688. In addition, "[j]udicial scrutiny of counsel's performance must be highly deferential." Id. at 689. Because of the difficulties in evaluating counsel's performance "a court must indulge a strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance; that is, the defendant must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.'" Id. (quoting Michel v. Louisiana, 350 U.S. 91, 101 (1955)). Here, Defendant has failed to overcome this presumption and has failed to meet the two-fold test to establish violation of his Sixth Amendment right. Defendant's former counsel, Ronald E. Hignight, testified at a hearing on July 31, 1986, concerning his decisions not to subpoena Mark Keeter and not to seek a continuance when Keeter failed to appear. On the basis of that testimony and the briefs filed herein, the Court does not conclude that Mr. Hignight's performance in this regard was deficient or that the Defendant was prejudiced by Keeter's failure to testify.

At Ecton's first trial, Keeter testified that Ecton did not know Ramirez was going to be carrying cocaine when Ecton drove

Keeter to the airport. Keeter also testified that he never witnessed or heard any agreement with Ecton to obtain cocaine from Ramirez. This testimony was beneficial to Ecton at his first trial. However, the Government was prepared to impeach Keeter at the second trial with evidence that Keeter had told Drug Enforcement Agent Dorsey L. Shannon that Ecton did know Ramirez would be carrying cocaine to sell when Ecton drove with him to the airport on February 21, 1986. The defense was also aware that Keeter would be a recalcitrant witness, as evidenced by his failure to appear at the second trial. Evaluating the record in this regard, and affording Mr. Hignight a "strong presumption" that his conduct falls within the wide range of reasonable assistance, the Court concludes that Defendant Steven Keith Ecton was not denied effective assistance of counsel by the failure to secure Keeter's testimony through subpoena. Likewise, under the circumstances presented at the trial, the decision not to seek a continuance or request a mistrial falls within the range of deliberative "sound trial strategy" and, therefore, cannot be found to have so undermined the adversarial process that the trial cannot be relied on as having produced a just result. For this reason, Defendant's Motion for New Trial must be denied.

II. MOTION FOR JUDGMENT OF ACQUITTAL

Defendant contends that the evidence introduced at his second trial is insufficient to support the jury's guilty verdicts. The parties agree that the critical issue before the

court is whether the testimony of Richard Ramirez at Ecton's second trial is sufficient to sustain the jury's verdicts. The conviction must stand if, viewing the evidence in the light most favorable to the Government, there is substantial evidence to support it. Glasser v. United States, 315 U.S. 60, 80 (1942); United States v. Shelton, 736 F.2d 1397, cert. denied, _____ U.S. _____, 105 S.Ct. 185 (1984). In making this determination, the relevant inquiry is whether a rational trier of fact could have found proof of guilt beyond a reasonable doubt. Jackson v. Virginia, 443 U.S. 307, 324 (1979).

Defendants assert that the so-called circumstantial evidence rule applies herein and further refines the sufficient evidence test. Defendant contends that under this test the court must determine whether on the evidence presented the jury might reasonably have excluded every reasonable hypothesis but guilt. However, this is not the law in this Circuit. There has been no such distinction drawn between the sufficiency of direct as opposed to circumstantial evidence. Rather, the determination for a court to make is whether there is sufficient proof, direct and/or circumstantial, to justify a finding of guilt beyond a reasonable doubt. United States v. Metropolitan Enterprises, Inc., 728 F.2d 444 (10th Cir. 1984); United States v. Harris, 534 F.2d 207, 213 (10th Cir. 1975), cert. denied, 429 U.S. 941 (1976). The basic rule in this Circuit is that a conviction cannot be set aside if it is supported by substantial evidence, either direct or circumstantial and the reasonable inferences therefrom.

United States v. Shelton, supra. "Substantial" evidence means "more than a scintilla. It must do more than create a suspicion of the existence of the fact to be established." Corbin v. United States, 253 F.2d 646, 649 (10th Cir. 1958).

After thoroughly reviewing the testimony of Richard Ramirez, the Court concludes that the evidence is sufficient to permit a reasonable trier of fact to find proof of guilt beyond a reasonable doubt. Jackson v. Virginia, supra. Viewing the evidence in the light most favorable to the Government, one could reasonably conclude that Defendant Ecton was present when Keeter and Ramirez discussed their drug deal and that Ecton overheard the details of that discussion. In this regard, Ramirez testified as follows:

Q. (By Mr. Morgan) And at this meeting was Steve Ecton present?

A. Yes, sir.

Q. Now what did you talk about at this meeting?

A. The prices and when I was coming down.

Q. Now, what do you mean by the price?

A. How much price of the cocaine was going to be.

Q. What was the price of the cocaine that you were going to sell it for?

A. Two thousand an ounce.

Q. How many ounces were discussed as far as the purchase agreement was concerned.

A. Bringing up as much as I could.

(Testimony of Richard Armando Ramirez, p. 5.)

* * * * *

Q. Now, at the time that you had a discussion with Mr. Keeter concerning the amount and the price of the cocaine that you were going to bring back from Florida, where was Mr. Ecton at the time this conversation took place?

A. He was in another room right beside us.

Q. He was where?

A. In another room right beside us.

Q. Was he in the same room at any time with you?

A. Yes, sir.

Q. During the time when the conversations were taking place?

A. Yeah. He wasn't part of it but he was there.

Q. Did Mr. Ecton know that you were going to bring cocaine from Florida?

A. Yes, sir.

Q. How did he know?

A. Because he overheard it, I guess.

Q. Did he have any other times that he was present where you talked about cocaine with Mr. Keeter?

A. Maybe once or twice but that's it.

Q. Where would that have been?

A. At Mark Keeter's house.

(Testimony of Richard Armando Ramirez, p. 7-8)

* * * * *

The evidence further established that Ecton was familiar with cocaine and had used cocaine:

Q. (By Mr. Morgan) Did you ever have an occasion to see and observe Mr. Ecton use cocaine?

A. Yes, sir.

Q. Can you tell us where and when that was?

A. At the Falls Apartments.

Q. And how was Mr. Ecton using cocaine?

A. Snorting it and smoking it.

(Testimony of Ramirez, p. 6).

On cross-examination, Ramirez further testified that Ecton was aware of the drug discussions between Ramirez and Keeter and knew that Ramirez would be bringing cocaine to Tulsa on February 21, 1986:

Q. (By Mr. Hignight) And how many times did you have an occasion to have any conversation with Mr. Ecton prior to that arrest on the 21st?

A. Not too much.

Q. Possibly one or two?

A. Once, twice. That was it.

Q. Okay, sir. Now, when you have these conversations did you just simply say, "Hi, Steve," or did you immediately jump into a heavy conversation about trafficking cocaine from Miami?

- A. No. The main one I talked about that was with Mark.
- Q. Okay, sir. Now, when you talked with Mark -- who I presume is Mr. Keeter?
- A. Right.
- Q. Were you discussing quality of the cocaine?
- A. Quality, quantity.
- Q. Price?
- A. All that stuff.
- Q. And I believe you testified earlier that maybe Mr. Ecton might have been present once to where he might have overheard a conversation, is that correct?
- A. Right.
- Q. I take it then from your testimony Mr. Ecton was not involved in any conversations with you respecting cocaine?
- A. Not straight with me, no.
- Q. Did you have any type of specific agreement with Mr. Ecton at all prior to February 21st?
- A. No, sir.
- Q. Now, sir, I believe you testified that it was your opinion that Mr. Ecton knew there was a drug deal going to go down on the 21st day of February, is that correct?

A. Yes.

Q. And you formed that opinion based upon the fact that you are a cocaine distributor and if you were coming from Miami that that would necessarily tell the whole world that a drug transaction was going to happen. Is that your testimony?

A. Well, no, because me and Steve and Mark were always like this, you know together. We were always at Mark Keeter's house.

Q. On these two occasions prior to the 21st?

A. Yes.

(Testimony of Ramirez, p. 13-15).

Ramirez further testified that on February 21, 1986, Keeter called Ramirez and told him that Ecton would be driving him to the airport:

Q. (By Mr. Morgan) But while you were at Memphis did anything unusual happen?

A. Yeah, I got a telephone call from Mark Keeter and that they wanted me to page the Republic Airlines.

Q. Okay.

A. And then I got the phone and it was Mark wanting to know what time I was getting in.

Q. Did he say who was going to meet you?

A. No, he just said it was going to be him and Steve Ecton and that was it.

- Q. Okay. Did he mention Steve Ecton on the phone?
- A. I really -- I don't remember.
- Q. Okay. Did you then arrive in Tulsa?
- A. Yes, sir.
- Q. Were you carrying cocaine?
- A. Yes, sir.
- Q. Where were you carrying it?
- A. In a body pack.
- Q. And where was that located?
- A. In my pants.
- Q. How much cocaine did you have?
- A. Almost eight ounces.
- Q. There is no doubt in your mind that it was cocaine?
- A. Yes, sir.

(Testimony of Ramirez, p.9-10).

When Ramirez deplaned at Tulsa International Airport, Keeter and Ecton were there to meet him. Keeter asked Ramirez if he had "the stuff." Ramirez' testimony is contradictory as to how much of this conversation Ecton may have heard, but there is evidence that Ecton heard Keeter ask Ramirez if he had "the stuff":

- Q. (By Mr. Morgan) And he didn't ask you as you got off the plane and you walked over to them?
- A. Yeah. Well, yeah, he asked me when I got off the plane.

Q. All right.

A. And whether Steve overheard it or not, it was around him.

Q. What did he ask you then?

A. He just asked me how was the stuff and I said good, and that was it.

(Testimony of Ramirez, p. 13).

Ramirez testified further that Ecton knew he was carrying cocaine when he arrived in Tulsa from Miami on February 21, 1986:

Q. (By Mr. Ecton) Tell the jury how Mr. Ecton knows or knew at that time that you had cocaine.

A. Because I was flying from Miami to Oklahoma and I wouldn't fly if I didn't have nothing.

Q. My question is how does Mr. Ecton know that?

A. He heard it through Mark probably.

Q. Did he listen in and participate on conversations?

A. Who, Steve?

Q. Yes, sir.

A. Not really. It was mainly me and Mark. He was there, he was present, but I guess, yeah, he could overhear some of the things we said.

Q. But there is no doubt in your mind that he knew that you had cocaine?

A. Right.

(Testimony of Ramirez, p. 12-13).

Although the testimony is in conflict on several points as to whether Ecton overheard conversations between Keeter and Ramirez, such conflict, of itself, is not enough to require judgment of acquittal. United States v. Murray, 527 F.2d 401 (5th Cir. 1976). Upon review of the evidence, it is not for the court to assess the credibility of witnesses, weigh the evidence, or draw inferences of fact. This is the job of the jury. Curley v. United States, 160 F.2d 229, 232 (D.C.Cir. 1947), cert. denied, 331 U.S. 837 (1947); Wright, Federal Practice and Procedure: Criminal 2d §467 (1982).

Defendant contends that there is no evidence herein to show that if he joined an ongoing conspiracy, he had knowledge of the conspiracy's objective. It is well-established that the essence of criminal conspiracy is an agreement to violate the law. United States v. Hopkins, 716 F.2d 739, 748 (10th Cir. 1982). "[M]ere knowledge or approval of or acquiescence in the object and purpose of a conspiracy, without an agreement to cooperate in achieving such object or purpose, does not make one a party to a conspiracy." Id. United States v. Butler, 494 F.2d 1246, 1249 (10th Cir. 1974). However, the agreement may be inferred from the facts and circumstances of the particular case. United States v. Dumas, 688 F.2d 84, 86 (10th Cir. 1982). At some point there must be a meeting of the minds of the parties in the common design, purpose or objective of the conspiracy. Id. United States v. Zang, 703 F.2d 1186 (10th Cir. 1982), cert. denied, 464 U.S. 828 (1983).

Although the evidence establishes that Ecton was not a member of the conspiracy prior to February 21, 1986, there is sufficient evidence from which it may be reasonably inferred that he knowingly joined the conspiracy on that date by agreeing to pick up Ramirez at the airport knowing that he was bringing cocaine to Tulsa for distribution.

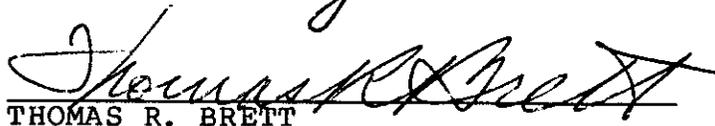
After reviewing the evidence herein, the Court concludes that an agreement between Ecton and Keeter and Ramirez may be inferred from the testimony of Ramirez, and that it may be inferred that Ecton knew when he agreed to drive Keeter to the airport that he was acting in furtherance of a conspiracy to import and distribute cocaine. The evidence, viewed in the light most favorable to the Government, would establish that Ecton was present when Keeter and Ramirez discussed their plan and that Ecton overheard their discussions and knew what the plan was. The evidence would further support the inference that Ecton knew Ramirez was a drug dealer and that Ecton was involved in the drug culture as a user of cocaine. Finally, the evidence would support the inference that when Ecton agreed to drive Keeter to pick up Ramirez at the Tulsa airport, Ecton knew that Ramirez was bringing cocaine to Tulsa for distribution and that Ecton intended to further the distribution plan. The conspiracy between Keeter and Ramirez is admitted. "In conspiracy cases, a jury's determination of guilt will not be disturbed where the record shows slight evidence of a particular defendant's connection with a conspiracy that has already been established

through independent evidence." United States v. Petersen, 611 F.2d 1313, 1317 (10th Cir. 1979); United States v. Andrews, 585 F.2d 961 (10th Cir. 1978). In evaluating the evidence presented herein against the appropriate standard, the Court concludes that when the evidence is viewed in the light most favorable to the Government, there is sufficient evidence to sustain Ecton's conspiracy conviction.

Defendant next contends that his "mere presence" at the scene, with knowledge that a crime is being committed, is not sufficient to constitute aiding and abetting. However, the evidence clearly established that Ecton was not merely present at the airport with knowledge of the crime being committed. Viewed in the light most favorable to the Government, the evidence established that Ecton actively contributed to the drug scheme by providing the necessary transportation for Keeter to meet Ramirez at the airport and then to transport them and the cocaine into Tulsa. In United States v. Zamora, 784 F.2d 1025 (10th Cir. 1986), the Court of Appeals for the Tenth Circuit addressed the sufficiency of evidence to establish participation in a criminal scheme. To establish aiding and abetting, the Government must show that the defendant "wilfully associated himself in some positive way with the criminal venture by showing that he joined the enterprise as something he wished to bring about and by seeking to make it succeed by some action on his part." United States v. Taylor, 612 F.2d 1272 (10th Cir. 1980). The necessary association may be established by circumstantial evidence and

evidence of "relatively slight moment may warrant a jury's finding of participation." United States v. Garguilo, 310 F.2d 249 (2d Cir. 1962); Zamora, supra, at 1031. "It is not necessary to exclude every hypothesis of innocence so long as the totality of the evidence is sufficient to support a conviction. Zamora at 1031. Viewing the evidence in the light most favorable to the Government, the Court concludes that there is substantial evidence of Ecton's willful association in a positive way with the criminal venture and that Ecton joined the drug venture "as something he wished to bring about and by seeking to make it succeed by some action on his part" Taylor, supra. For these reasons, the Court finds there is sufficient evidence to support the jury's verdict on each count and the Defendant's Motion for Judgment of Acquittal is overruled.

IT IS SO ORDERED, this 27 day of August, 1986.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DANIEL HOWARD CUNNINGHAM CLARK

DOCKET NO.

86-CR-76-C
86-CR-77-C

JUDGMENT AND COMMITMENT ORDER

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

MONTH DAY YEAR
08 27 1986

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

Susan Otto, Federal Public Defender

(Name of Counsel)

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

FINDING & JUDGMENT

There being a finding of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., §2113(a) as charged in the Indictments.

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, pursuant to 18 U.S.C. §4205(b)(2), together with a Special Assessment in the amount of \$50.00 as to each case, for a total of \$100.00.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant make restitution to Sooner Federal Savings and Loan Association, Tulsa, Oklahoma, in the amount of \$8,812, less any confiscated funds, which shall be returned directly to said Sooner Federal. The restitution herein ordered shall be reduced by any amounts returned to Sooner Federal.

IT IS FURTHER ORDERED that the sentence imposed in 86-CR-77 shall run concurrent with the sentence imposed in 86-CR-76.

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, that the defendant be incarcerated in a facility where he will receive vocational rehabilitation.

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

s/H. DALE COOK

H. Dale Cook

Date August 27, 1986

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 VERNON CARPENTER,)
)
 Defendant.)

82-CR-4-C

FILED

APR 20 1986

U.S. DISTRICT COURT

ORDER OF REVOCATION

On the 26th day of March, 1982, came the attorney for the government, and the defendant appeared in person and with counsel.

IT WAS ADJUDGED that the defendant, upon a finding of guilty, was convicted of having violated Title 21, U.S.C., §843(a)(3), as charged in Counts 7, 10 and 13 of the Indictment.

IT WAS FURTHER ADJUDGED that the imposition of sentence be suspended and the defendant was placed on probation for a period of Five (5) years.

Thereafter, and on April 10, 1986, there having been filed an application by the supervising probation officer that the defendant's probation be revoked and the grounds therefor being set thereon, and upon approval of the Court, a summons was issued to said probationer.

Thereafter, and on May 1, 1986, pursuant to said summons, the probationer appeared before this Court. The Probation Officer advised the Court and defendant the grounds of revocation.

Thereafter, and on May 2, 1986, an evidentiary hearing was conducted

and the Court deferred decision until a later date.

Thereafter, and on August 21, 1986, the Court found that the defendant had violated the terms of his probation and that probation should be revoked.

IT IS, THEREFORE, ORDERED that the Order of Probation, entered on March 26, 1982, be revoked and set aside.

NOW, on this 22nd day of August, 1986,

IT IS ORDERED that the defendant, Vernon Carpenter, is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Fourteen (14) months as to Counts 7, 10 and 13 of the Indictment, Counts 10 and 13 to run concurrent with the sentence imposed in Count 7.

THE COURT ORDERS commitment to the custody of the Attorney General and recommends that the defendant be incarcerated at Fort Worth, Texas, where he will receive drug rehabilitation.

IT IS FURTHER ORDERED that the Clerk of this Court deliver a certified copy of this Order of Revocation to the U. S. Marshal or other qualified officer and that the copy serve as the commitment of the defendant.

DATED at Tulsa, Oklahoma, this 22nd day of August, 1986.


H. DALE COOK, CHIEF JUDGE

DEFENDANT

SCOTTIE LEANDER HOWELL

DOCKET NO.

86-CR-57-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

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

MONTH DAY YEAR 08 26 1986

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 Winterbottom, Federal Public Defender (Name of Counsel)

FILED

PLEA

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

AUG 26 1986

FINDING & JUDGMENT

There being a finding/xxx 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., §1708, as charged in Count 3 of the Indictment.

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 3 - The imposition of sentence is hereby suspended and the Defendant is placed on probation for a period of Five (5) Years, together with a Special Assessment in the amount of \$50.00.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant shall pay a fine unto the United States of America in the amount of \$200.00. The defendant is granted 120 days to pay said fine or shall be incarcerated until said fine is paid or until released according to law.

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

s/H. DALE COOK

H. Dale Cook

Date August 26, 1986

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

M AUG 26 1986

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 SCOTTIE LEANDER HOWELL,)
)
 Defendant.)

No. 86-CR-57-C ✓

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, Counts I and II of the Indictment in this case, filed May 7, 1986, against SCOTTIE LEANDER HOWELL, defendant.

Ben F. Baber

Assistant United States Attorney

Good cause appearing, it is so ORDERED.

H. Dale Cook

H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

Date: August 26, 1986

AHMED SAMMUEL VICARIO a/k/a

NORTHER DISTRICT OF OKLAHOMA

DEFENDANT

Donald J. Vermillion

DOCKET NO.

85-CR-170-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 249 (9/87)

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

MONTH 08 DAY 26 YEAR 1986

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 Winterbottom, Federal Public Defender

(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/XXXX 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., §§922(h) and 924(a), as charged in Count 2 of the Indictment.

SENTENCE OR PROBATION ORDER

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

Count 2 - Two (2) Years, together with a Special Assessment in the amount of \$50.00.

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 that the defendant be incarcerated where he will receive drug rehabilitation.

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

s/H. DALE COOK

U.S. Magistrate

H. DALE COOK

Date August 26, 1986

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 AHMED SAMMUEL VICCHIO,)
)
 Defendant.)

FILED
IN OPEN COURT

rm AUG 26 1986

No. 85-CR-170-C

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

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, Counts I and III of the Indictment in this case, filed December 4, 1985, against AHMED SAMMUEL VICCHIO, defendant.

Ben F. Baker

Assistant United States Attorney

Good cause appearing, it is so ORDERED.

H. Dale Cook

H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

Date: August 26, 1986

United States District Court for
NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DEBRA JO HOPPER

DOCKET NO.

86-CR-39-E

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

MONTH	DAY	YEAR
08	25	86

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 Winterbottom

(Name of Counsel)

PLEA

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

NOLO CONTENDERE,

NOT GUILTY 1986

FINDING &
JUDGMENT

There being a finding/xxxx of

NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C.
Section 1708, as charged in Count 4 of the Indictment.

FILED

AUG 25 1986

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 4 - 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

IT IS FURTHER ORDERED that the defendant make full restitution in the amount of \$524.10.

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
RECOMMEN-
DATION

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 8-25-86

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

AUG 25 1986

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
DEBRA JO HOPPER,)	
)	
Defendant.)	No. 86-CR-39-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 moves to dismiss, with prejudice, Counts I, II, and III of the Indictment filed April 2, 1986, in this case, against DEBRA JO HOPPER, defendant.

Ben F. Baker

Assistant United States Attorney

Good cause appearing, it is so ORDERED.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Date: August 25, 1986

DEFENDANT

MELODY ANN COOK

DOCKET NO.

86-CR-60-E

JUDGMENT AND PROBATION/COMMITMENT ORDER

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

MONTH	DAY	YEAR
08	22	86

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

William Lee

(Name of Counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

AUG 22 1986

FINDING &
JUDGMENT

There being a finding/~~xxxx~~ of

NOT GUILTY. Defendant is discharged
 GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C.
Section 1708, as charged in Count 3 of the indictment.

J. C. ...
U.S. DISTRICT

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

IT IS FURTHER ORDERED that the defendant pay an assessment of \$50.00

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
RECOMMEN-
DATION

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 8-22-86

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

AUG 22 1986

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

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
MELODY ANN COOK,)	
)	
Defendant.)	No. 86-CR-60-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 moves to dismiss, with prejudice, Counts I and II of the Indictment filed May 7, 1986, in this case, against MELODY ANN COOK, defendant.

Ben F. Baker

Assistant United States Attorney

Good cause appearing, it is so ORDERED.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

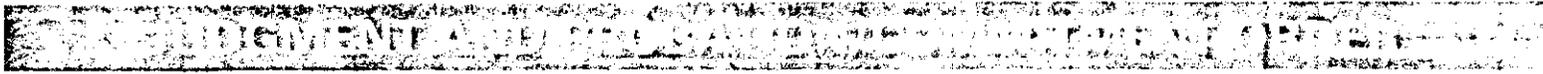
Date: August 22, 1986

DEFENDANT

DEBORAH K. JONES

DOCKET NO.

86-CR-54-E



COUNSEL

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

MONTH	DAY	YEAR
08	21	86

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

Arla Blasingim

(Name of Counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

AUG 21 1986

Ark C. Steven
U.S. DISTRICT

FINDING &
JUDGMENT

There being a finding/XXXX 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 656, as charged in Counts 1 thru 5 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

COUNTS 1 thru 5 - The imposition of sentence is suspended and the defen
dant is hereby placed on probation for a period of
THREE (3) YEARS from this date.

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
RECOMMEN-
DATION

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. Mar-
shal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

JAMES O. ELLISON

Date

8-21-86

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DEBORAH K. JONES,)
)
Defendant.)

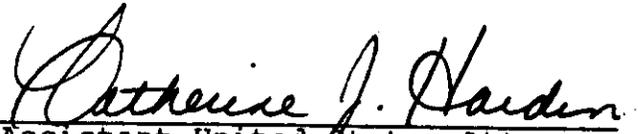
AUG 21 1986

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

No. 86-CR-54-E

MOTION AND 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 moves to dismiss, with prejudice, Count Six through and including Count Twenty-nine of the Indictment in this case against DEBORAH K. JONES, defendant.


Assistant United States Attorney

Leave of court is granted for the filing of the foregoing motion for dismissal and the Court hereby orders dismissal of the requested counts of the Indictment.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Date:

DEFENDANT

JULIO MADAN-CARILLO

DOCKET NO. 86-CR-51-E

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

MONTH	DAY	YEAR
08	21	86

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 R. Mefford
(Name of Counsel)

FILED

AUG 21 1986

PLEA

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

Jack C. ...
U.S. DISTRICT CO.

FINDING & JUDGMENT

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

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Sections 841(a)(1) and 843(b), as charged in Counts 1 & 3 of the Indictment.

SENTENCE OR PROBATION ORDER

COUNTS 1 & 3 - FOUR (4) YEARS

It IS FURTHER ORDERED that the defendant may become eligible for parole as such time as the Parole Commission may determine as provided in T. 18, U.S.C., Sec. 4205(b)(2).

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 8-21-86

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
IN OPEN COURT

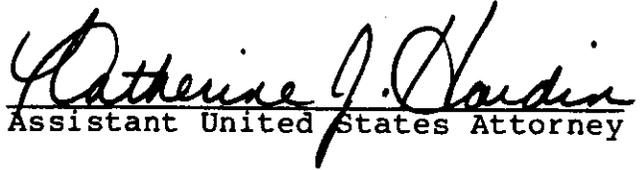
AUG 21 1986

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JULIO MADAN-CARILLO,)
)
 Defendant.) No. 86-CR-51-E

MOTION AND 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 moves to dismiss, with prejudice, Counts Two and Four of the Indictment in this case against JULIO MADAN-CARILLO, defendant.


Assistant United States Attorney

Leave of court is granted for the filing of the foregoing motion for dismissal and the Court hereby orders dismissal of the requested counts of the Indictment.

S/ JAMES O. ELLISON

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Date:

Entered

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

FILED

AUG 20 1986

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JACKIE LEE GREEN,)
)
 Defendant.)

No. 85-CR-63-B ✓

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

O R D E R

Pursuant to the order of the Court of Appeals of the Tenth Circuit dated August 18, 1986, the judgment and sentence entered herein on the 2nd day of July, 1985, is hereby vacated and set aside.

DATED this 20th day of August, 1986.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

DEFENDANT

LUELLA F. OLIN

DOCKET NO.

86-CR-107-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO-245 (9/82)

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

MONTH: 08 DAY: 20 YEAR: 1986

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

Jim H. Heslet, 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/XXXX 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.,
§1341, as charged in the Information.

SENTENCE
OR
PROBATION
ORDER

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

Counts 1 and 2 - The imposition of sentence is hereby
suspended and the defendant is placed on probation for a
period of Five (5) Years as to each count.

SPECIAL
CONDITIONS
OF
PROBATION

IT IS FURTHER ORDERED that the defendant shall make
restitution in the amount of \$363,498.44, in such amounts
and at such times as set out by the Probation Office.

FILED

AUG 20 1986

J. C. [Signature]
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
RECOMMEN-
DATION

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

s/H. DALE COOK

U.S. Magistrate

H. Dale Cook

August 20, 1986

Date

Entered

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

FILED

AUG 19 1986

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CLAUDE B. LONG,)
)
 Defendant.)

No. 84-CR-92-BT ✓

O R D E R

This matter comes before the Court on the motion of defendant Claude B. Long for reduction of sentence pursuant to Rule 35, F.R.Crim.P. On February 8, 1985, the Court sentenced the defendant to ten years for having violated Title 18 U.S.C. §§ 2(a) and 2113(a)&(d), as charged in a one count indictment. The Court has reviewed the sentence given the defendant and concludes that it should be modified such that the prisoner may be released on parole at such time as the United States Parole Commission may determine, pursuant to Title 18 U.S.C. §4205(b)(2).

The defendant's sentence is hereby modified. The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of Ten (10) years, under 18 U.S.C. § 4205(b)(2).

IT IS SO ORDERED this 19th day of August, 1986.

Thomas R. Brett

THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

DEFENDANT

CHARLES BENJAMIN ROLL, JR., aka Daniel Lee Rose, aka Danny Rose

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO.

86-CR-52-C

JUDGMENT AND PROBATION/COMMITMENT ORDER

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

MONTH DAY YEAR 08 19 1986

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 Winterbottom, Federal Public Defender

(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/XXXXX of NOT GUILTY. Defendant is discharged. GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C., §843(b), as charged in Count 2 of the Indictment.

SENTENCE OR PROBATION ORDER

Count 2 - Two (2) Years, pursuant to Title 18, U.S.C., §4205(b)(2), together with a Special Assessment in the amount of \$50.00.

SPECIAL CONDITIONS OF PROBATION

FILED

AUG 19 1986

Jack C. Sliver, 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 that the defendant be given drug 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

U.S. Magistrate

(Signed) H. Dale Cook

H. Dale Cook

Date August 19, 1986

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLES BENJAMIN HALL, JR.)
)
 Defendant.) No. 86-CR-52-C

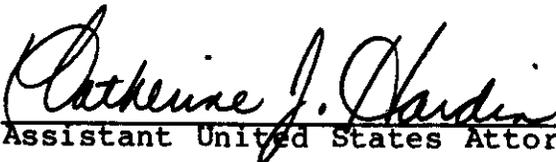
FILED
IN OPEN COURT

AUG 19 1986

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

MOTION AND 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 moves to dismiss, with prejudice, Count One of the Indictment in this case against CHARLES BENJAMIN HALL, JR., defendant.


Assistant United States Attorney

Leave of court is granted for the filing of the foregoing motion for dismissal and the Court hereby orders dismissal of the requested count of the Indictment.

(Signed) H. Dale Cook

H. DALE COOK, CHIEF
UNITED STATES DISTRICT JUDGE

Date:

DEFENDANT

DONALD R. DANIELS

DOCKET NO. 86-CR-4-03-BT

JUDGMENT AND COMMITMENT ORDER

AO-245 (9/82)

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

MONTH 08 DAY 19 YEAR 86

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 W. Creekmore Wallace, II, 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

AUG 19 1986

FINDING & JUDGMENT

There being a finding/XXXX 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 21, U.S.C., Sec. 846,841(a)(1) as charged in Count 1 of the Indictment.

SENTENCE OR PROBATION ORDER

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

Count 1 - Four (4) years.

SPECIAL CONDITIONS OF PROBATION

The Defendant has used cocaine, marijuana, amphetamine and alcohol. The Court recommends he receive Drug/Alcohol treatment and supervision.

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 H. McCarthy Frank McCarthy AUSA

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 8-19-86

DEFENDANT

CATHY DENISE HUGHES, a/k/a
Cathy Denise Jenkins

DOCKET NO. 86-CR-56-E

JUDGMENT AND PROBATION/COMMITMENT ORDER

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

MONTH DAY YEAR
08 15 86

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 Winterbottom
(Name of Counsel)

FILED

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY 1986

Jack C. Siver, 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 1708, as charged in Count 2 of the Indictment.

SENTENCE OR PROBATION ORDER

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

COUNT 2 - ONE (1) YEAR.

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, U.S.C., Sec. 4205(b)(2).

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

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

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends, placement at FCI, Fort Worth, Texas.

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 8-15-86

CERTIFIED AS A TRUE COPY OF THIS DATE. AUG 15 1986 By [Signature] CLERK DEPUTY

NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

CATHY DENISE HUGHES, a/k/a
CATHY DENISE JENKINS

DOCKET NO

86-CR-63-E

JUDGMENT AND PROBATION COMMITMENT ORDER

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

MONTH DAY YEAR
08 15 86

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 Winterbottom

(Name of Counsel)

FILED

PLEA

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

NOLO CONTENDERE,

NOT GUILTY

AUG 15 1986

Jack C. Sims
U.S. DISTRICT CO

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 510, as charged in Count 1 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 be committed to the custody of the Attorney General or his authorized representative for removal to a penal institution.~~

COUNT 1 - The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of THREE (3) YEARS which is to commence upon the expiration of the Sentence given in 86-CR-56-E.

IT IS FURTHER ORDERED that the defendant pay an assessment of \$50.00

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 8-15-86

CERTIFIED AS A TRUE COPY ON
THIS DATE 8-15-86
By: [Signature]
CLERK
DEPUTY

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CATHY DENISE HUGHES,)
 a/k/a Cathy Denise Jenkins,)
)
 Defendant.) No. 86-CR-56-E

FILED
IN OPEN COURT

AUG 15 1986

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

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss, with prejudice, Count I of the Indictment filed May 7, 1986, in this case, against CATHY DENISE HUGHES, a/k/a Cathy Denise Jenkins, defendant.

Ben F. Baker

Assistant United States Attorney

Good cause appearing, it is so ORDERED.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Date: August ¹⁵~~12~~, 1986

Entered

FILED

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

AUG 14 1986

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CYNTHIA KAY ERVIN,)
)
 Defendant.)

No. ⁸⁵86-CR-160-B ✓

ORDER FOR REDUCTION OF SENTENCE

This matter coming before the court upon the motion of the defendant and the court being fully advised in the premises;

It is hereby ordered that the defendant's sentence of six (6) months imposed in this cause on April 2, 1986 is reduced by sixteen (16) days.

S/ THOMAS R. BRETT

Thomas R. Brett
Judge United States District Court

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 OLU GARBRIEFL ARK-MAJIYAGBE,)
)
 Defendant.) No. 84-CR-80-E

APR 12 1986
L. C. ...
U. S. DISTRICT C.

MOTION AND ORDER OF 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 moves to dismiss without prejudice the Indictment against OLU GARBRIEFL ARK-MAJIYAGBE, defendant.

Dismissal of the indictment without prejudice is requested for the reason that the defendant is a fugitive, has never been arrested on the outstanding warrant, and is believed to have left this country to return to this native country in Africa. Jeopardy has not attached in the instant matter and there have been no factual resolutions of the matters contained in the indictment.

LAYN R. PHILLIPS
United States Attorney

Keith Ward
Assistant United States Attorney

Leave of court is granted for the filing of the foregoing motion to dismiss and the Court hereby orders dismissal of the requested Indictment.

S/ JAMES O. ELLISON

United States District Judge

Date:

THE NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

RILEY MITCHELL JONES

DOCKET NO. 86-CR-05-04-E

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

MONTH	DAY	YEAR
08	07	86

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 Dowdell, 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

AUG - 7 1986

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

FINDING & JUDGMENT

There being a ~~XXXX~~ verdict of NOT GUILTY. Defendant is discharged
 GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 21, U.S.C., Section 846, 841(a)(1), as charged in the Indictment, Count 1.

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 - 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, U.S.C., Sec. 4205(b)(2).

IT IS FURTHER ORDERED that the defendant pay an assessment of \$50.00.

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

James O. Ellison

Date 08-07-86

UNITED STATES DISTRICT COURT FOR
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 6 1986

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JANICE RAYE BRANTLEY,)
)
 Defendant.)

U.S. DISTRICT COURT

No. 86-CR-37-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 moves to dismiss, with prejudice, Count I of the Indictment in this case, filed April 2, 1986, against JANICE RAYE BRANTLEY, defendant.

Assistant United States Attorney

Good cause appearing, it is so ORDERED.

S/ JAMES O. ELLISON
JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

Date: August 4, 1986

DEFENDANT

JANICE KAYE BRANTLEY

DOCKET NO. 86-01-37-E

JUDGMENT AND PROBATION/COMMITMENT ORDER

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

MONTH DAY YEAR
8 4 86

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 as follows:

WITH COUNSEL

Richard Hesterhotten, PPD

(Name of Counsel)

FILED

AUG 4 1986

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

FINDING &
JUDGMENT

There being a finding/verdict of

NOT GUILTY. Defendant is discharged
 GUILTY.

Defendant has been convicted as charged of the offense(s) of **having violated Title 18, U.S.C.,
Section 1708, as charged in Count 2 of the Indictment.**

SENTENCE
OR
PROBATION
ORDER

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

**COUNT 2 - The imposition of sentence is suspended and the defendant
is hereby placed on unsupervised probation for a period
of EIGHTEEN (18) MONTHS from this date.**

SPECIAL
CONDITIONS
OF
PROBATION

IT IS FURTHER ORDERED that the defendant pay an assessment of \$50.00.

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
RECOMMEN-
DATION

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. Mar-
shal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

James O. Ellison

Date

8-4-86

CERTIFIED AS A TRUE COPY ON

THIS DATE

By

() CLERK
() DEPUTY

DEFENDANT

DANNY EMHT

DOCKET NO.

84-CR-133-03-BT

JUDGMENT AND COMMITMENT ORDER

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

MONTH	DAY	YEAR
08	01	86

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 R. Mefford, 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

AUG 1 1986

FINDING & JUDGMENT

There being a finding/xxx 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., Sections 371, 1952, 2, and 875(b) as charged in Count 1 of the Indictment.

SENTENCE OR PROBATION ORDER

Count 1 - Eighteen (18) months.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

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

COMMITMENT RECOMMENDATION

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

Approved as to form:

Layn Phillips
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
THOMAS R. BRETT
Date 8-1-86

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

FILED
IN OPEN COURT

AUG 1 1986

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DANNY EMHT,)
)
 Defendant.)

No. 84-CR-133-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 of America, by its undersigned attorneys hereby dismisses Count Two of the above-captioned case as against Danny Emht only, defendant therein.

Respectfully submitted,

LAYN PHILLIPS
United States Attorney
Northern District of Oklahoma

By: *Kenneth P. Snoke*
KENNETH SNOKE
Assistant United States Attorney
Northern District of Oklahoma

A. Mary Sterling
A. MARY STERLING
Attorney
U.S. Department of Justice

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

Thomas R. Brett
HONORABLE THOMAS R. BRETT
United States District Judge
Northern District of Oklahoma

8-1-86
DATE

sgs:RJ

Entered

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

FILED

AUG -1 1986

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DON DAVIS SHIRLEY,)
)
 Defendant.)

No. 85-CR-144-B ✓

O R D E R

This matter comes before the Court on the motion of defendant Don Davis Shirley to withdraw his plea of guilty. Defendant claims that the Assistant United States Attorney ("AUSA") deliberately violated a plea agreement with defendant wherein the AUSA allegedly agreed to make no statements concerning the defendant's assumed or alleged knowledge regarding a marijuana operation in Creek County, Oklahoma, or concerning any issue of cooperation with the government. Shirley claims that at the sentencing hearing before the Court, the AUSA specifically directed the Court's attention to the defendant's alleged knowledge of the operation "and therefore indirectly alleged a lack of cooperation by the Defendant." Defendant's Brief in Support to Withdraw Plea of Guilty Agreement.

Defendant was indicted by the federal grand jury on October 2, 1985, in a two-count indictment alleging possession with intent to manufacture 311 plants of marijuana and possession with intent to distribute twenty pounds of marijuana. On March 24, 1986, pursuant to a plea agreement with the government, the defendant pled guilty to a one-count superseding felony information. On May 6, 1986, the Court sentenced the defendant to the custody of the

42

Attorney General or his authorized representatives for imprisonment for a term of three (3) years, pursuant to 18 U.S.C. §4205(b)(2). The Court fined defendant \$5,000.00 and imposed a special assessment of \$50.00.

This Court has no jurisdiction to consider defendant's motion to withdraw plea of guilty. Rule 32(d) of the Federal Rules of Criminal Procedure provides that a motion for withdrawal of a plea of guilty may be permitted before sentence is imposed, imposition of sentence is suspended, or disposition is had under 18 U.S.C. §4205(c). "At any later time, a plea may be set aside only on direct appeal or by motion under 28 U.S.C. §2255."

Defendant's motion to withdraw plea of guilty is dismissed for lack of jurisdiction.

DATED this 1ST day of August, 1986.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE