

United States District Court I L E D
NORTHERN DISTRICT OF OKLAHOMA JUN 28 1990

UNITED STATES OF AMERICA

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

V.

JUDGMENT IN A CRIMINAL CASE

EDITH L. OKIKE
8001 S. Wheeling, Apt. B
Tulsa, Oklahoma 74136

Case Number: 90-CR-011-C

(Name and Address of Defendant)

Stephen Gruebel

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere] as to count(s) One (1) of the Indictment, and
 not guilty as to count(s) _____

THERE WAS A:

finding verdict] of guilty as to count(s) One (1) of the Indictment

THERE WAS A:

finding verdict] of not guilty as to count(s) _____
 judgment of acquittal as to count(s) Two, Three and Four (2, 3, and 4)
The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

False claim of U. S. Citizenship
Title 18, United States Code, Section 911

United States District Court)
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk

By R. Miller
Deputy

IT IS THE JUDGMENT OF THIS COURT THAT:

The defendant be committed to the custody of the Attorney General for a term of three (3) years on the condition that thirty (30) days be spent in a jail type institution with the execution of the remainder of the sentence of imprisonment suspended and the defendant be placed on probation for a term of two (2) years, eleven (11) months. As a Special Condition of Probation the defendant shall make restitution in the amount of \$23,219.96 to:

U. S. Department of Education
Finance Management Service
Accounts Receivable Branch
FOB-6, Room 3105
400 Maryland Avenue, S.W.
Washington, D.C. 20202-4500

The execution of the sentence of imprisonment is suspended until July 16, 1990, at 9:00 a.m., at which time the defendant is to report to the U. S. Marshal 's Office in the Northern District of Oklahoma.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
- (2) associate only with law-abiding persons and maintain reasonable hours;
- (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
- (4) not leave the judicial district without permission of the probation officer;
- (5) notify your probation officer immediately of any changes in your place of residence;
- (6) follow the probation officer's instructions and report as directed.

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 the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$ 50 pursuant to Title 18, U.S.C. Section 3013 for count(s) One (1) of the Indictment as follows:

IT IS FURTHER ORDERED THAT counts Two, Three and Four (2, 3, and 4) are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

The Court orders commitment to the custody of the Attorney General and recommends:

June 27, 1990

Date of Imposition of Sentence

H. Dale Cook

Signature of Judicial Officer

H. Dale Cook, Chief U. S. District Judge

Name and Title of Judicial Officer

Date

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____ Date

_____, the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

United States Marshal

By _____
Deputy Marshal

United States District Court

Northern District of Oklahoma

FILED

JUN 28 1990

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

UNITED STATES OF AMERICA
V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

Case Number 90-CR-013-001-C

Lawrence Keith Williams

(Name of Defendant)

Richard Couch, FPD

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) _____.
- was found guilty on count(s) One of the Indictment after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Count Number(s)
18 USC 922(g)	Possession of Firearm After Former Conviction of a Felony Crime	One

(United States District Court) SS
Northern District of Oklahoma)
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

448-68-1078

Defendant's mailing address:

1007 East 60th Street, Apt. 322

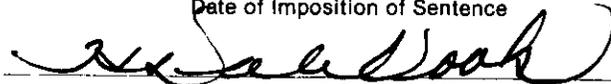
Tulsa, OK 74105

Defendant's residence address:

Same

June 27, 1990

Date of Imposition of Sentence



Signature of Judicial Officer

H. Dale Cook, Chief U. S. District Judge

Name & Title of Judicial Officer

June 27, 1990

Date

Defendant: Lawrence Keith Williams
Case Number: 90-CR-013-001-C

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 21 months

The Court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district,

at _____ a.m.
_____ p.m. on _____.

as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

before 2 p.m. on July 16, 1990

as notified by the United States Marshal.

as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Lawrence Keith Williams
Case Number: 90-CR-013-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

Three (3) years

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

Defendant: Lawrence Keith Williams
Case Number: 90-CR-013-001-C

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) the defendant shall submit to urinalysis as directed by the U. S. Probation Office;
- 16) the defendant shall not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

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

JUN 27 1990

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MOSE STEPHENS, JR., a/k/a,)
 STEVE M. STEPHENS,)
)
 Defendant.)

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

No. 86-CR-112-C
No. 88-C--512-C

ORDER

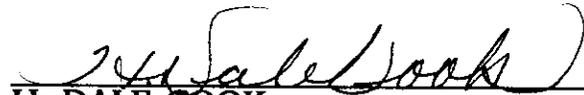
Before the Court is the motion of defendant Mose Stephens, Jr., for the Court to direct his return to the Northern District of Oklahoma for re-sentencing, reconsideration of the sentence imposed and preparation of a new presentence report. Defendant contends resentencing is required following the Court's vacating that portion of the sentence imposed under 21 U.S.C. §846, which is a lesser included offense of his conviction under 21 U.S.C. §848.

The Court, in determining defendant's sentence which was imposed on March 17, 1987, took into consideration the directives of the Tenth Circuit in its opinion United States v. Stallings, 810 F.2d 973 (10th Cir. 1987). Accordingly, the Court imposed a forty-year term of imprisonment for conviction under §848, a twenty-year term of imprisonment for conviction under §846 and a five-year imprisonment term for conviction under 18 U.S.C. §371. The terms of imprisonment were imposed to run concurrently. Vacating the sentence and conviction under §846 does not affect the total scheme of the sentence imposed. In the case cited and relied upon by

defendant, United States v. Alvarez-Moreno, 874 F.2d 1402 (11th Cir. 1989), the sentences, under multiple counts, were to run consecutive and vacating the lesser included offense disrupted the total scheme of the sentence on the remaining counts.

Under the circumstances of this case, resentencings under the two remaining counts is unnecessary. Defendant's motion is DENIED.

IT IS SO ORDERED this 26th day of June, 1990.



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

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

FILED

JUN 27 1990

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

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

MOSE STEPHENS, JR., a/k/a,)
STEVE M. STEPHENS,)

Defendant.)

No. 86-CR-112-C

ORDER

Before the Court is the motion of defendant Mose Stephens, Jr., for an Order directing his former attorney, Warren Gotcher, to produce certain records.

On March 17, 1987, the Court entered a judgment of conviction and sentenced defendant based upon the jury finding of guilty on January 26, 1987. Conviction was affirmed by mandate received from the Tenth Circuit Court of Appeals on April 18, 1988. Defendant appealed to the Supreme Court on June 14, 1988. Certiorari was denied on November 28, 1988. On June 3, 1988, defendant filed a motion pursuant to 28 U.S.C. §2255, which was denied on June 29, 1988. The motion to reconsider was denied on July 12, 1988. On January 25, 1990, this Court vacated the sentence and conviction as to Count 1 pursuant to United States v. Stallings, 810 F.2d 973 (10th Cir. 1987). On February 26, 1990, defendant filed a motion requesting resentencing and reissuance of a presentence report. On March 15, 1990, defendant moved to have the "special assessment" dismissed as being a penalty.

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Additionally, the Clerk of the Court has received letters wherein defendant has requested various information regarding his case. The Court has spent numerous hours addressing defendant's post conviction requests.

The instant motion does not set forth the basis for which defendant seeks documents from his former attorney. Since judgment has become final in this case, the Court finds that defendant must make a showing of a particularized need before the Court will entertain any additional post-judgment requests.

Accordingly, defendant's motion for production of documents is hereby DENIED.

IT IS SO ORDERED this 26th day of June, 1990.



H. DALE COOK

Chief Judge, U. S. District Court

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

FILED

JUN 27 1990

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.)
)
LYMAN LEROY BRADSHAW,)
)
 Defendant.)

No. 88-CR-88-C

90-c-25-c

ORDER

Before the Court is the motion of petitioner Lyman Leroy Bradshaw pursuant to 28 U.S.C. §2255. Petitioner requests the Court to vacate or set aside the sentence imposed against him on November 18, 1988. The government has not filed a response to petitioner's motion.

Petitioner raises two grounds in support of his motions. First, petitioner contends the indictment in this case was not a "true bill" because it lacked the signature of the grand jury foreman and the seal of the Court. The Court has reviewed the indictment and finds that it is in proper form, therefore petitioner's allegations are without merit.

Second, petitioner asserts that his plea of guilty should be set aside due to ineffective assistance of counsel. In essence, petitioner contends that his attorney failed to conduct pretrial discovery, deliberately misrepresented facts to induce petitioner to enter a guilty plea, admonished petitioner not to address the Court at sentencing to avoid annoying the Judge, and failed to

JA

inform petitioner that if he pled guilty he would waive substantial rights that could benefit him in later proceedings.

The Court finds that petitioner's second ground to support his request to vacate sentence is without merit.

It is well established that claims of constitutional deficiencies which allegedly took place prior to a plea of guilty are negated if the Court determines that the defendant knowingly and voluntarily entered a plea of guilty. See United States v. Montgomery, 529 F.2d 1404, 1407 (10th Cir. 1976) citing Tollett v. Henderson, 411 U.S. 258 (1973).

To safeguard defendants' constitutional rights, Rule 11 F.R.Cr.P. sets forth the requirements which must be met before a court can accept a plea of guilty. The court must address the defendant personally in open court, inform the defendant of his constitutional rights, specifically inquire of the defendant whether he understands his rights and voluntarily waives those rights, and make a factual determination as to whether the plea of guilty is knowing and voluntary. To assure defendant has been informed of these rights, each is separately enumerated in defendant's petition to enter plea of guilty.¹

In the case sub judice, the Court complied with the requirements of Rule 11.² The Court inquired directly of the defendant whether he was satisfied with the representation of his attorney, whether he was under any threat or coercion to enter a

¹Attached is a copy of defendant's petition to enter plea of guilty. The original was signed in open court by defendant, defense attorney, prosecutor and the Court.

²Attached as addendum A is a transcript of the change of plea hearing before the Court.

plea of guilty, or whether he was under any influence which would impede his ability to fully and adequately understand and participate in the proceeding. Additionally, the Court inquired whether his attorney had advised the defendant of his constitutional rights and then proceeded to enumerate each right and inquired whether defendant waived that right.

The defendant now comes before the Court seeking habeas relief, advising the Court, in essence, that his prior testimony was perjured. He asserts that his attorney was ineffective, that his attorney deliberately misrepresented matters to induce him to enter a plea of guilty and that he was not adequately advised of his constitutional rights.

Such allegations are directly in conflict with the defendant's prior sworn testimony. The Court is faced with evaluating which statements of the defendant are perjured, since they are contradictory. Rule 11 was enacted to alleviate such a dilemma. Once the Court is satisfied that defendant -- with full knowledge of the nature of the charge imposed, the rights being waived and the consequence of waiver -- voluntarily enters a plea of guilty, the Court will not vacate that plea.

The defendant does not have a guaranteed right to assess the benefit of a guilty plea prior to electing to enter the plea and then reevaluating the consequences of his choice after conviction. This circumvents the very purpose of Rule 11.

Similarly, at sentencing the Court specifically addresses the defendant to determine whether he has reviewed the presentence report and whether it is accurate and complete. The defendant is

provided the opportunity to address the Court prior to sentencing. The Court must be able to rely on the responses given by defendants to specific inquiries of the Court, in order for the Court to conduct these proceedings, make an informed determination, and enter judgment.³ Absent extraordinary circumstances, not shown in this case, the Court will not inquire into matters involving private communications between criminal defendants and their attorneys which are inconsistent with statements by the defendant to the Court.

Accordingly, the Court finds that defendant's plea of guilty was knowingly and voluntarily entered and his motion pursuant to 28 U.S.C. §2255 is hereby DENIED.

IT IS SO ORDERED this 26th day of June, 1990.


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

³Attached as addendum B is a transcript of the sentencing before the Court.

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

UNITED STATES OF AMERICA,)
)
) PLAINTIFF,)
)
-vs-) CASE No. 88-CR-88-01-C
)
) LYMAN L. BRADSHAW,)
)
) DEFENDANT.)

PETITION TO ENTER PLEA OF GUILTY
AND ORDER ENTERING PLEA

(FEDERAL RULES OF CRIMINAL PROCEDURE, RULES 10 AND 11)

The Defendant represents to the Court:

1) My full true name is: Lyman L. Bradshaw. I am 48 years of age. I have gone to school up to and including High school. I request that all proceedings against me be in my true name.

2) I am represented by a lawyer; his name is Larry A. Gullekson.

3) I received a copy of the Indictment* before being called upon to plead. I read the Indictment and have discussed it with my lawyer. I fully understand every charge made against me.

4) I told my lawyer all the facts and circumstances known to me about the charges made against me in the Indictment. I believe that my lawyer is fully informed on all such matters.

5) I know that the Court must be satisfied that there is a factual basis for a plea of "GUILTY" before my plea can be accepted. I represent to the Court that I did the following acts in connection with the charge(s) made against me in Count(s) In October of 1987 in the Northern District of Oklahoma I had Methamphetamine in my possession and intended to distribute it and sell it for a profit. I knew I was violating the law.

(In the above, Defendant must set out in detail what (s)he did.)

6) My lawyer has counselled and advised me on the nature of each charge, on all lesser included charges, and on all possible defenses that I might have in this case.

* (Indictment also includes "information")

7) I know that I have the right to plead "NOT GUILTY" to any offense charged against me. If I plead "NOT GUILTY" I know the Constitution guarantees me

- (a) the right to a speedy and public trial by jury;
- (b) at that trial, and at all stages of the proceedings, the right to the assistance of a lawyer;
- (c) the right to see and hear all witnesses called to testify against me, and the right to cross-examine those witnesses;
- (d) the right to use the power and process of the Court to compel the production of any evidence, including the attendance of any witnesses in my favor; and
- (e) the right not to be compelled to incriminate myself by taking the witness stand; and if I do not take the witness stand, no inference of guilt may be drawn from such failure.

8) In regard to my right to a jury trial, I know that I am the only person that can waive, that is, give up, that right. I also fully understand that if I have trial by a jury, I have the right of the assistance of counsel, that is, an attorney; also the right to confront and cross-examine witnesses against me; and the right not to be compelled to incriminate myself. Furthermore, I understand that to convict me, all twelve (12) jury members would have to agree that I am "GUILTY".

9) I know that if I plead "GUILTY", I am thereby waiving my right to a trial, and that there will be no further trial of any kind, either before a Court or jury; and further, I realize the Court may impose the same punishment as if I had pleaded "NOT GUILTY", stood trial, and been convicted by a jury.

10) I know that if I plead "GUILTY", the Court will ask me questions about the offense(s) to which I have pleaded, and since I will be answering these questions under oath, on the record, and in the presence of my lawyer, that my answers may later be used against me in a prosecution for perjury or false statement.

11) My lawyer informed me that the plea of "GUILTY" could subject me to a maximum punishment which, as provided by law is 20 years imprisonment and/or a fine of One Million Dollars. My lawyer has further advised me that if the offense(s) to which I plead "GUILTY" occurred on or after January 1, 1985, the maximum fine is the largest of:

- (a) The amount specified in law defining the offense;
- (b) Double the gross pecuniary gain derived by a Defendant from the offense
- (c) Double the pecuniary loss caused by the offense to another person

	<u>Individual Def.</u>	<u>Other Def.</u>
(d) Any Felony; Misdemeanor resulting in Death	\$250,000	\$500,000
Other Misdemeanor punishable by more than six months	100,000	100,000

My lawyer has also advised me that a Special Monetary Assessment in the amount of \$50.00 will be assessed per count if the offense(s) occurred on or after November 12, 1984.

Further, my lawyer has advised me that if the offense(s) to which I plead "GUILTY" occurred after December 31, 1982, and the offense(s) charge violation(s) of any statute found under *Title 18 of the United States Code* or certain subsections of the *Federal Aviation Act (Title 49 U.S.C. 1472)*, that *Title 18 U.S.C. 3579* authorizes a Court to sentence a Defendant to pay restitution in addition or in lieu of any other penalty permitted by law, to any victim of the offense(s).

Also, if convicted of certain drug offense(s) under *Title 21*, an additional term of at least 3 years Special Parole/Supervised Release must be imposed.

My lawyer has also advised me that if at this time I am at least 18 and not more than 26 years of age and the offense(s) I wish to plead "GUILTY" to occurred before November 12, 1984, the Court may sentence me under the provisions of the Youth Corrections Act or Young Adult Offenders Act. A sentence under either would be an indeterminate sentence (*18 U.S.C. Sec. 5010(b)*) which may require me to spend as long as six (6) years in a penal institution, even though the maximum term of confinement set by statute may be less than six (6) years.

12) If I am on probation or parole in this or any other Court, I know that by pleading "GUILTY" here, my probation or parole may be revoked and I may be required to serve time in that case, which will be consecutive, that is, in addition to any sentence imposed upon me in this case.

13) I declare that no officer or agent of any branch of government (Federal, State, or local) has promised, suggested or predicted that I will receive a lighter sentence, or probation, or any other form of leniency if I plead "GUILTY", except as follows: *(Here insert any promises or concessions made to the Defendant or to his attorney. If the plea of "GUILTY" is the result of a plea agreement, refer to paragraph (14) on this page.) See paragraph 14.*

If anyone else, including my attorney, made such a promise, suggestion, or prediction, except as noted in the previous sentence, I know that he had no authority to do so.

I know that the sentence I will receive is solely a matter within the control of the Judge. I hope to receive leniency, but I am prepared to accept any punishment permitted by law which the Court deems fit to impose. However, I respectfully request the Court to consider, in mitigation of punishment, that I have voluntarily entered a plea of "GUILTY".

14) My plea of "GUILTY" (is) (is not) the result of a plea agreement entered into between the government attorney, my attorney and me.

Since my plea of "GUILTY" is the result of a plea agreement, I hereby state that the terms of said agreement are as follows: At time of sentencing the Government will move to dismiss all counts of the indictment against me and to further advise the Court of the extent of my cooperation.

I fully understand that the Court is not bound by the terms of the plea agreement, and may accept or reject said agreement. If the Court rejects the agreement, I also understand the Court will give me the opportunity to withdraw my plea of "GUILTY".

15) I believe that my lawyer has done all that anyone could do to counsel and assist me, AND I AM SATISFIED WITH THE ADVICE AND HELP HE HAS GIVEN ME.

16) I know that the Court will not permit anyone to plead "GUILTY" who maintains he is innocent and, with that in mind, and because I am "GUILTY" and do not believe I am innocent, I wish to plead "GUILTY" and respectfully request the Court to accept my plea of "GUILTY" and to have the Clerk enter my plea of "GUILTY" as follows: ** Guilty to the Information.

17) My mind is clear. I am not under the influence of alcohol or drugs, and I am not under a doctor's care. The only drugs, medicine or pills that I took within the past seven (7) days are: none (If none, so state.)

18) I have never been confined in any institution for the treatment of mental illness. I have never be adjudicated mentally incompetent. No psychiatrist, physician or psychologist has ever found me to be mentally ill. I know of no reason why my mental competence at the time of the commission of the alleged offense(s), or at the present time, should be questioned. (If there are any exceptions to the above statement, explain here.) n/a

19) I offer my plea of "GUILTY" freely and voluntarily, and further state that my plea of "GUILTY" is not the result of any force or threats against me, or of any promises made to me other than those noted in this Petition. I further offer my plea of "GUILTY" with full understanding of all the matters set forth in the Indictment and in this Petition, and in the certificate of my attorney which is attached to this Petition.

** (The Defendant's plea of "GUILTY" or "NOT GUILTY" to each offense should be entered in the blank space provided in paragraph (16). If the Indictment charges a single offense, a Defendant who wishes to plead "GUILTY" should write in paragraph (16) "GUILTY as charged in the Indictment". If more than one offense is charged, the Defendant may write in paragraph (16) "GUILTY as charged in Count(s) ____". "NOT GUILTY as charged in Count(s) ____".)

20) I waive the reading of the Indictment in open Court, and I request the Court to enter my plea of "GUILTY" as set forth in paragraph (16) of this Petition.

21) I swear that I have read, understood, and discussed with my attorney, each and every part of this Petition to Plead Guilty, and that the answers which appear in every part of this Petition are true and correct.

Signed and Sworn to by me in open Court, in the presence of my attorney, this 30th day of September, 1988.

DEFENDANT

SUBSCRIBED and sworn to before me this 30th day of September, 1988.

DEPUTY CLERK

CERTIFICATE OF COUNSEL

The undersigned, as lawyer and counselor for the Defendant, Lyman L. Bradshaw hereby certifies:

(1) I have read and fully explained to the Defendant the allegations contained in the Indictment in this case.

(2) To the best of my knowledge and belief, the statements, representations and declarations made by the Defendant in the foregoing Petition are in all respects accurate and true.

(3) I explained the maximum penalty for each count to the Defendant. (Since the Defendant is 48 years of age, and the charge(s) occurred prior to November 12, 1984, I have explained that (s)he may be sentenced under the provisions of the Youth Corrections Act or as a Young Adult Offender, and that if (s)(s)he is given an indeterminate sentence under the provisions of 18 U.S.C. 5010(b), (s)(s)he may be required to spend as much as six (6) years in the penal institution, even though the maximum term of imprisonment set by statute may be less than six (6) years. If inapplicable, place N/A in this space n/a

(4) The plea of "GUILTY" offered by the Defendant in paragraph (16) accords with my understanding of the facts (s)he related to me and is consistent with my advice to the Defendant.

(5) In my opinion, the Defendant's waiver of reading of the Indictment in open Court as provided in Rule 10 is voluntarily and understandingly made, and I recommend to the Court that the waiver be accepted by the Court.

(6) In my opinion, the plea of "GUILTY" offered by the Defendant in paragraph (16) of the Petition is voluntarily and understandingly made. I recommend that the Court accept the plea of "GUILTY".

(7) I have made no predictions or promises to the Defendant concerning any sentence the Court may award, except as noted in the space below: none

(8) I further represent to the Court that the Defendant's plea of "GUILTY" (is) (is not) the result of a plea agreement. The terms of the agreement are set out in paragraph (13) of the Petition, and I have informed the Defendant that the Court is not bound by the terms of the agreement, and that if the Court rejects the agreement, the Court will give him the opportunity to withdraw his plea of "GUILTY".

Signed by me in open Court in the presence of the Defendant above named and after fully discussion of the contents of this certificate with the Defendant, this 30th day of September, 1988.

LARRY A. GULLEKSON
Attorney for Defendant

ORDER

I find that the plea of "GUILTY" was made by the Defendant freely, voluntarily, and because (s)he is "GUILTY" as charged, and not out of ignorance, fear, inadvertence or coercion, and with full understanding of its consequences. I further find that the Defendant has admitted the essential elements of the crime(s) charged and that there is a factual basis for the plea(s) of "GUILTY" and the Defendant is mentally competent.

IT IS THEREFORE ORDERED that the Defendant's plea(s) of "GUILTY" be accepted and entered as prayed for in the Petition and as recommended in the certificate of his/her lawyer.

Done in open Court this 30th day of September, 1988.

UNITED STATE DISTRICT JUDGE

GULLEKSON THOMPSON & DANIELS

ATTORNEYS AT LAW

717 SOUTH HOUSTON, SUITE 407

TULSA, OKLAHOMA 74127-9054

(918) 583-1122

RECEIVED

MAY 13 1990

U. S. ATTORNEY
N. D. OKLAHOMA

J. PATRICK THOMPSON, P.C.

LYNN A. MUNDELL
of Counsel

LARRY A. GULLEKSON, P.C.
Board Certified Criminal Trial Specialist
by the National Board of Trial Advocacy

RONALD L. DANIELS, P.C.

May 14, 1990

U. S. DEPARTMENT OF JUSTICE
Susan W. Pennington
Assistant United States Attorney
3600 United States Courthouse
333 West 4th Street
Tulsa, Oklahoma 74103

88-CR-88-C

IN RE: UNITED STATES OF AMERICA vs.
LYMAN L. BRADSHAW

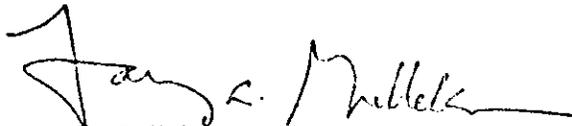
Dear Susan:

Please find enclosed an executed "Stipulation" and a true and correct copy of the "Petition to Enter Plea of Guilty and Order Entering Plea" in the above matter.

Thank you for your cooperation in this matter.

Sincerely,

GULLEKSON, THOMPSON & DANIELS


Larry A. Gullekson
LAG/ah

FILED

NOV 16 1988 *pw*

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

PROB 13D
(2/84)

NOTICE TO DEFENDANT CONCERNING THE PRESENTENCE INVESTIGATION REPORT

DEFENDANT'S NAME	U.S. DISTRICT COURT	DOCKET NO.
BRADSHAW, Lyman Leroy	Northern/Oklahoma	88-CR-088-001 ✓

The following information is provided concerning the presentence investigation report prepared by the U.S. Probation Office in this district.

If a defendant is incarcerated, the presentence report is used by the Federal Bureau of Prisons to determine the institution in which the sentence is to be served, the defendant's classification within the facility, his ability to obtain furloughs, and his eligibility for programs within the institution.

The presentence report also plays an important role in the parole process. The United States Parole Commission uses it as a primary source of information for calculating the inmate's parole release date.

Initial appropriate box(es)

- I have read and understand this notice.
- I have read the presentence investigation report.

Signed *Lyman Bradshaw* *11-16-88*
 Defendant Date

- I have read and understand this notice.
- I have read the presentence investigation report.

Signed *[Signature]* _____
 Counsel Date

Witnessed *[Signature]* _____
 U.S. Probation Officer

- The presentence investigation report is accurate.
- The presentence investigation report is inaccurate and I will file in writing within two (2) days of this date my specific objections to factual inaccuracies contained in the report.

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
Vs.) Case No. 88-CR-88
)
LYMAN L. BRADSHAW,)
)
Defendant.)

TRANSCRIPT OF CHANGE OF PLEA
BEFORE THE HONORABLE H. DALE COOK, Chief Judge
HAD ON SEPTEMBER 6, 1990

APPEARANCES:

For the Plaintiff: Ms. Susan Pennington
Assistant U.S. Attorney
3600 U.S. Courthouse
Tulsa, Oklahoma 74103

For the Defendant: Mr. Larry Gullekson
717 South Houston
Tulsa, Oklahoma

ELDON R. SIMPSON, CSR, RPR
UNITED STATES COURT REPORTER

Addendum A

1 PROCEEDINGS

2 (September 30, 1988)

3 THE COURT: 88 Criminal 88, United States of America
4 versus Lyman L. Bradshaw.

5 MR. GULLEKSON: He is present, Your Honor.

6 THE COURT: Mr. Gullekson, how are you today?

7 MR. GULLEKSON: Fine, sir.

8 THE COURT: You are Lyman L. Bradshaw.

9 THE DEFENDANT: Lyman L., yes, sir.

10 THE COURT: Lyman, excuse me, thank you.

11 I am informed you desire to enter a plea of guilty
12 to a one count information; is that correct?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: You understand you have the right to
15 have this matter presented to a Grand Jury?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Has Mr. Gullekson explained that to you?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: Under our constitution the Government is
20 prohibited from proceeding in a criminal matter beyond the
21 complaint stage unless it is submitted to a Grand Jury and the
22 Grand Jury has returned an indictment. Now, you may waive,
23 give that up, if you freely and voluntarily wish to do so, but
24 you don't have to do it. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: Do you want the matter presented to a
2 Grand Jury or do you want to waive it?

3 THE DEFENDANT: I want to waive it.

4 THE COURT: All right. Before you will be placed a
5 document, Waiver of Indictment. Read it. If you have any
6 questions, consult with your attorney or you may address the
7 Court with any questions. If you wish to give up Grand Jury,
8 sign it. If you don't wish to, don't sign it.

9 (Pause)

10 THE COURT: I don't believe the Government has to
11 approve that, Waiver of Jury, they do?

12 MR. GULLEKSON: That's my fault, Your Honor.

13 THE COURT: No, that's all right. All right. It's
14 approved.

15 Now, you have a copy of the information; don't you?
16 And you know what it charges?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: You also have the right of trial by
19 jury.

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And again, that's a constitutional
22 right. Nobody could nor would deny you that right. Again,
23 you may waive it, give it up, if you freely and voluntarily
24 wish to do so, but you certainly don't have to do that at all.

25 You not only have the right of trial by jury, you

1 have the right of the assistance of your attorney at the
2 trial, the right to examine and cross examine witnesses that
3 might appear at such trial and the right not to be compelled
4 to incriminate yourself.

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Also it would require all 12 jurors to
7 unanimously agree before a finding of guilty could be
8 returned, and if you should waive, give up trial by jury, then
9 it's the Court that makes the determination of guilt or
10 innocence, and of course, if you plead guilty, there would be
11 no trial at all. Do you understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: All right. Before you will be placed a
14 document, Waiver of Jury. Again, I ask that you read it, and
15 consult with your attorney. If you have questions about your
16 rights, you may address them to the Court. If you wish to
17 waive, give up trial by jury, sign it. If you don't wish to,
18 don't sign it.

19 (Pause)

20 THE COURT: It appeared you read the waiver form;
21 did you?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Again, do you have any questions about
24 your right of trial by jury?

25 THE DEFENDANT: No, sir.

1 THE COURT: And you wish to waive that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: All right. It will also be approved.
4 Have you discussed that charge with Mr. Gullekson?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: The allegations of the information are
7 that in or about October of 1987, within the Northern District
8 of Oklahoma, that you, Lyman L. Bradshaw, knowingly and
9 intentionally possessed with intent to distribute
10 methamphetamine, a schedule two controlled substance, which
11 methamphetamine was located on the premises of 103 North
12 Richmond, Tulsa, Oklahoma, the residence of you and co-
13 defendant Marilyn Bradshaw, all in violation of Title 21,
14 Section 841(a)1.

15 Do you understand what you are charged with?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: In the event you enter a plea of guilty,
18 and are found guilty, the maximum sentence the Court could
19 impose would be imprisonment not to exceed 20 years, a fine
20 not to exceed \$1 million or both the fine and the
21 imprisonment. Do you understand?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: Also the Court is required to impose a
24 \$50 special monetary assessment.

25 THE DEFENDANT: Yes, sir.

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THE COURT: You know that?

THE DEFENDANT: Yes, sir.

THE COURT: All right. How old are you?

THE DEFENDANT: 48.

THE COURT: Now, you have indicated your desire to enter a plea of guilty. Would your plea of guilty be made freely and voluntarily?

THE DEFENDANT: Yes, sir.

THE COURT: Of your own free choice?

THE DEFENDANT: Yes, sir.

THE COURT: Have you in anyway been forced or threatened or coerced to get you to enter a plea of guilty?

THE DEFENDANT: No, sir.

THE COURT: Has there been any plea bargaining?

MR. GULLEKSON: Yes, sir. It is reduced to writing and executed by all parties.

THE COURT: Is it attached to the petition to plead.

MR. GULLEKSON: It's not yet, Your Honor. I just received it.

THE COURT: Oh, Okay.

(Pause)

THE COURT: Mr. Bradshaw, I have been handed a letter dated today, September 30th. Have you seen this letter that is the plea bargaining agreement?

THE DEFENDANT: Yes, sir.

1 THE COURT: And are you familiar with the contents
2 of the letter?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: And is this your name on the back side?
5 Did you sign it?

6 THE DEFENDANT: Yes, sir.

7 THE COURT: Can you see it?

8 THE DEFENDANT: If I could see it?

9 THE COURT: Sure, sure.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: All right. Are there any other promises
12 or suggestions or anything you are relying upon that are not
13 fully and clearly explained in this letter?

14 THE DEFENDANT: No, sir.

15 MS. PENNINGTON: Judge, I would also like to comment
16 that as to the sentence this defendant could receive, he will
17 also receive a three year mandatory period of supervised
18 release.

19 THE COURT: Thank you.

20 MR. GULLEKSON: I have discussed that with him, Your
21 Honor, and it is in the petition to enter plea.

22 THE COURT: In addition to the possibility of
23 imprisonment, as I have explained, and fine or both, as I have
24 explained, the Court -- is it a mandatory three year?

25 MS. PENNINGTON: Yes, sir.

1 THE COURT: The Court --

2 PROBATION OFFICER: Your Honor, it's a mandatory
3 minimum of three years.

4 THE COURT: That is what I am asking. All right.
5 Thank you.

6 The Court must impose a minimum period of supervised
7 supervision of three years and could be for life. Do you
8 understand?

9 THE DEFENDANT: Yes, sir.

10 THE COURT: The plea agreement then contains all of
11 the agreements that have been entered into?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: And you're not relying upon anything
14 that is not set forth in the plea agreement?

15 THE DEFENDANT: No, sir.

16 THE COURT: Very good. The petition to enter plea,
17 are you familiar with that?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And are all of the representations
20 therein true and correct and complete?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: As you stand before the Court, are you
23 under the influence of any drugs, liquor, alcohol, medicine,
24 anything that might effect your ability to fully understand
25 and fully participate in these proceedings?

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THE DEFENDANT: No, sir.

THE COURT: Have you ever had any mental problems?

THE DEFENDANT: No, sir.

THE COURT: All right. You understand you have the right to plead not guilty?

THE DEFENDANT: Yes, sir.

THE COURT: You have that right. You have the right to persist in a plea of not guilty. Do you understand?

THE DEFENDANT: Yes, sir, I understand that.

THE COURT: What is your education?

THE DEFENDANT: I went through the tenth grade.

THE COURT: Okay. Are you satisfied with Mr. Gullekson, your attorney?

THE DEFENDANT: Yes, sir.

THE COURT: Have you had ample opportunity to consult with him and he with you?

THE DEFENDANT: Yes, sir.

THE COURT: Do you have any questions about anything, now, before I ask you how you plead?

THE DEFENDANT: No, sir.

THE COURT: All right. In the event you enter a plea of guilty, and are found guilty, the Court will have you placed under oath and ask you questions concerning the facts relating to the allegations. If your statements be false or not true, you could additionally be charged with perjury or

1 false statements. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: I will ask the Clerk to put you under
4 oath before you sign the petition to enter plea.

5 (Defendant Sworn)

6 THE COURT: Now, do you have any questions at all
7 before I ask you how you plead?

8 THE DEFENDANT: No, sir.

9 THE COURT: How do you plead to the information?

10 THE DEFENDANT: Guilty.

11 THE COURT: The clerk will administer the oath.

12 (Defendant Sworn)

13 THE COURT: Tell me what the facts are as it relates
14 to the allegations in the information.

15 THE DEFENDANT: Back in the -- I pled guilty to a
16 possession with intent to sell for a profit back in October of
17 1987, but I made that -- late at that sell, myself. Helped a
18 guy -- another person helped me to make the sell.

19 THE COURT: Methamphetamine?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: And where did you possess it?

22 THE DEFENDANT: I had it at my residence at 103
23 North Richmond.

24 THE COURT: Here in Tulsa?

25 THE DEFENDANT: Yes, sir.

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THE COURT: Tulsa, Oklahoma in Tulsa County?

THE DEFENDANT: Yes, sir.

THE COURT: Anything else you want to tell me?

THE DEFENDANT: No, that's about all, sir.

THE COURT: Mr. Gullekson, anything further?

MR. GULLEKSON: Nothing at this time, Your Honor?

THE COURT: Ms. Pennington?

MS. PENNINGTON: No, sir.

THE COURT: Very well. Based upon your statements, based upon your sworn petition to enter plea of guilty, the Court finds that the plea of guilty is made freely and voluntarily and because you are guilty as charged. Also, the Court finds that the defendant has entered his plea of guilty, not out of fear, ignorance, inadvertence or by coercion and with a full understanding of the consequences thereof.

Also, the Court finds that the defendant has admitted the essential elements of the crime charged, that there is a factual basis of the plea of guilty and that the defendant is mentally competent. I therefore accept your plea of guilty, find that you are guilty as charged.

The matter will be referred to the probation office for a presentence report and set for sentencing November 15th. Is that satisfactory?

MR. GULLEKSON: Fine, Your Honor.

THE COURT: 1:15. Also the Court has approved the

1 agreement, the plea bargaining agreement.

2 Anything further?

3 MR. GULLEKSON: No, Your Honor.

4 MS. PENNINGTON: Not from the government.

5 THE COURT: You will be excused.

6 (Recess)

7

8 *** **

9

10 A TRUE AND CORRECT TRANSCRIPT

11

12 CERTIFIED: _____
13 ELDON R. SIMPSON, CSR, RPR
14 UNITED STATES COURT REPORTER

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ORIGINAL

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

FILED
JUN 29 1988

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4 U.S.A.,)
5 Plaintiff)
6 VS)
7 LYMAN L. BRADSHAW,)
8 Defendant)

Jack C. Silver, Clerk
U.S. DISTRICT COURT
No. 88-CR-88-C

9
10 TRANSCRIPT OF SENTENCING

11 HAD NOVEMBER 18, 1988

12 BEFORE THE HONORABLE H. DALE COOK, Chief Judge

13 APPEARANCES:

14 For the Plaintiff:

Ms. Susan Pennington
United States Attorney's Office
3600 U.S. Courthouse
Tulsa, Oklahoma 74103

17 For the Defendant:

Mr. Larry Gullekson
Gullekson, Thompson & Daniels
717 South Houston
Tulsa, Oklahoma 74103

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23 ELDON R. SIMPSON, CSR, RPR
United States Court Reporter

Addendum B

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PROCEEDINGS

(November 18, 1988)

THE COURT: 88 Criminal 88, United States of America
versus Layman L. Bradshaw.

MR. GULLEKSON: That's Lyman, Your Honor. I'm sorry.

THE COURT: Lyman.

MS. PENNINGTON: Susan Pennington for the government.

THE COURT: Matter comes on for sentencing.

You are Lyman LeRoy Bradshaw?

THE DEFENDANT: Yes, sir.

THE COURT: Do you know of any reason why the Court
shouldn't pronounce sentence?

THE DEFENDANT: Yes, sir.

THE COURT: Why?

THE DEFENDANT: What did you ask?

THE COURT: Do you know of any reason why the Court
should not pronounce sentence?

THE DEFENDANT: No, sir.

THE COURT: You've read the presentence report?

THE DEFENDANT: Yes, sir.

THE COURT: Is it accurate and correct?

THE DEFENDANT: Yes, sir.

THE COURT: Mr. Gullekson, do you know of any reason
why the Court should not pronounce sentence at this proceeding?

1 MR. GULLEKSON: No, Your Honor.

2 THE COURT: You've read the presentence report?

3 MR. GULLEKSON: I have, Your Honor.

4 THE COURT: And it's accurate and correct?

5 MR. GULLEKSON: Yes, sir.

6 THE COURT: Thank you.

7 Miss Pennington, I'd be pleased to hear anything you
8 have to say before sentencing.

9 MS. PENNINGTON: Thank you, Your Honor. Pursuant to
10 the written plea agreement entered into between Bradshaw and
11 the government, Mr. Bradshaw has agreed to provide his complete
12 cooperation to law enforcement authorities about his dealings
13 in the methamphetamine manufacturing process.

14 Also pursuant to that agreement the government is
15 required to make known to the Court the nature and extent of
16 his cooperation.

17 The government first wants to remind the Court that
18 Mr. Ewton, who was a partner of Mr. Bradshaw, has been
19 sentenced to five years. He did provide the government
20 cooperation. He testified against Mr. Bradshaw at the
21 detention hearing. He identified the main players of the
22 conspiracy. The Court, fully aware of that, did give him five
23 years.

24 On the other hand, Your Honor, Mr. Bradshaw has not
25 been cooperative with the government. He continues to minimize

1 his involvement in the conspiracy, and the Court, I think,
2 needs to be aware of that. He denies manufacturing
3 methamphetamine, knowing how to manufacture methamphetamine, or
4 buying chemicals and precursor chemicals for that purpose.
5 Excuse me, precursor chemicals and laboratory equipment for
6 that purpose.

7 While the sentencing is solely within the Court's
8 discretion, the government feels like the Court just simply
9 needs to be aware of his attitude in this case.

10 THE COURT: Mr. Gullekson, I would be pleased to hear
11 anything you have to say in behalf of the defendant or receive
12 any additional information you wish the Court to consider.

13 MR. GULLEKSON: Your Honor, I don't concur that Mr.
14 Ewton and Mr. Bradshaw were partners. At least that's not what
15 he's ever told me. The plea agreement was not based upon the
16 defendant's cooperation. It was a plea agreement that was what
17 I thought to be more than fair that we pled to not a conspiracy
18 with anyone else, but to possession of methamphetamine with
19 intent to distribute, which he freely admits.

20 And I visited with him in jail, told him his
21 cooperation, if he so decided, in my opinion would be
22 beneficial to him when he appeared in front of Your Honor at
23 sentencing time. He indicated he would, and Special Agent
24 Sallee went up to the jail and visited with Mr. Bradshaw at
25 length.

1 Honor, there was a fugitive. Darrell Carter was still a
2 fugitive who had not been caught yet, and they were trying to
3 catch him, and Mr. Bradshaw, to my understanding -- I wasn't
4 present when these were made, these discussions were made --
5 volunteered to help to get Darrell Carter, get him back into
6 the fold, and was even going to be released from the jail for
7 aiding in that purpose. But, coincidentally, nothing he did or
8 anybody else did, Darrell Carter got arrested that next day.
9 So they didn't need him.

10 As late as Tuesday of this week when I met with Mr.
11 Bradshaw he advised me again that he was willing to speak to
12 Special Agent John Sallee concerning some unrelated matters,
13 Your Honor, not concerned with this indictment, and I believe
14 he did meet with him. I'm not privy to that.

15 But I wanted to give you the background, because we
16 didn't plead to the conspiracy, Your Honor. We pled to the
17 possession of methamphetamine with intent.

18 The presentence I believe is accurate. It shows Your
19 Honor that he has no previous felony record. Thirty years ago
20 a burglary was -- he received a deferred sentence, and I'm sure
21 you've read that in the presentence, which was dismissed after
22 11 months, so this is his first conviction.

23 From the very beginning I did not think Your Honor
24 would place him on probation from my experience in your prior
25 drug cases, but I would ask you to give him the same sentence

1 drug cases, but I would ask you to give him the same sentence
2 or less than you gave Mr. Ewton.

3 THE COURT: Mr. Bradshaw, I'll be pleased to hear
4 anything you have to say before sentencing or receive any
5 additional information you wish the Court to consider.

6 THE DEFENDANT: I have nothing to say.

7 THE COURT: All right. Well, for many, many years I
8 have spoken from this bench. I've had matters relating to
9 drug, both manufacture and distribution. I believe it's
10 serious. I believe that the drug phobia that is rampant in
11 this country in this time is a cancer that is debilitating,
12 it's destroying lives, it precipitates criminal conduct, and
13 those that engage in it are the perpetrators of the various
14 results that drugs create.

15 And it's a serious matter, and the Court has always,
16 as Mr. Gullekson has just said, he's had some experience by at
17 least listening and observing what this Court gives and what
18 this Court thinks about it. I still think that it's serious.

19 It's therefore adjudged by the Court that the
20 Defendant shall be sentenced to the custody of the attorney
21 general or his authorized representative for imprisonment for a
22 term of 6 years.

23 In addition, the Court imposes a special monetary
24 assessment of \$50. And, further, the Court imposes a four year
25 term of supervised release.

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paid to the benefit of the United States.

Anything further?

MR. GULLEKSON: Would Your Honor consider allowing that to be under 4205(B)(2)?

THE COURT: I'll give that consideration.

MR. GULLEKSON: Thank you, Your Honor.

MS. PENNINGTON: The government moves to dismiss the indictment against Mr. Bradshaw, Your Honor.

THE COURT: It will be so dismissed, and the journal entry of judgment will so reflect.

Thank you.

MR. GULLEKSON: Thank you, Your Honor.

MS. PENNINGTON: Thank you.

*** **

A TRUE AND CORRECT TRANSCRIPT

CERTIFIED: Eldon R. Simpson
Eldon R. Simpson, CSR, RPR
United States Court Reporter

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER J. McMAHON,
KIMBERLY WAYNETTE McCOLLUM,

Defendants.

No. 90-CR-48-B

CLERK
COURT

ORDER OF DISMISSAL

NOW on this 26th day of June 1990, pursuant to the motion and request filed by the plaintiff, the United States of America, and to best meet the ends of justice, the defendant Kimberly Waynette McCollum is hereby ordered dismissed as a defendant from the above-styled case.

S/ THOMAS R. BRETT

THOMAS R. BRETT
United States District Judge

F I L E D

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA JUN 25 1990

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

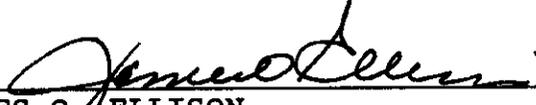
UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) No. 89-CR-103-E
)
 MARK STEVEN WEST,)
)
 Defendant.)

O R D E R

NOW on this 22^d day of June, 1990 comes on for hearing the above styled case and the Court, being fully advised in the premises finds that Defendant West has moved for a Judgment of Acquittal following his conviction during a trial by jury. Defendant was convicted on a one-count indictment with Possession of a Firearm Not Registered in the National Firearms Registration and Transfer Record. This Court has carefully reviewed the evidence produced at trial upon which the jury could base its verdict and finds that there was indeed sufficient evidence to sustain the jury's verdict. Applying this circuit's standard of "deep respect for the fact-finding function of the jury" this Court finds that Defendant West's Motion for Judgment of Acquittal must be denied. See U.S. v. White, 673 F.2d 299, 302 (10th Cir. 1982).

IT IS THEREFORE ORDERED that Defendant West's Motion for Judgment of Acquittal should be and is hereby denied.

ORDERED this 22nd day of June, 1990.



JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

United States District Court

JUN 25 1990

NORTHERN

District of

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

JON ANTHONY DENTON

Case Number 90-CR-021-001-E

(Name of Defendant)

Richard Couch

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) Two of the Indictment.
- was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18:USC:511(a) & 2	Altering Vehicle Identification Number and Aiding & Abetting	Count Two

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- Count(s) One (is) ~~(are)~~ dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$50.00, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

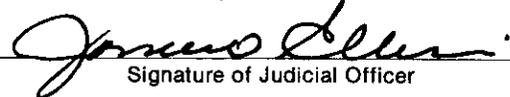
448-68-0705

June 19, 1990

Date of Imposition of Sentence

Defendant's mailing address:

1520 E. 71st #414



Signature of Judicial Officer

Tulsa, Oklahoma 74136

The Honorable James O. Ellison

Name & Title of Judicial Officer

Defendant's residence address:

Same

Date

Defendant: DENTON, Jon Anthony
Case Number: 90-CR-021-001-E

PROBATION

The defendant is hereby placed on probation for a term of three (3) years.

While on probation, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this Judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

1. Reside in the Tulsa Salvation Army Prerelease Center for 120 days.
2. Pay \$500 restitution to Charlotte Selmon, Rt. 2, Box 431, Beggs, OK 74421, at a rate to be determined by the U.S. Probation Office.

Defendant: DENTON, Jon Anthony
Case Number: 90-CR-021-001-E

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) You shall submit to urinalysis as directed by the U.S. Probation Office.
These conditions are in addition to any other conditions imposed by this Judgment.
- 16) You shall not possess a firearm or other dangerous weapon without the permission of the U.S. Probation Office.

Defendant: DENTON, Jon Anthony
Case Number: 90-CR-021-001-E

**RESTITUTION, FORFEITURE, OR
OTHER PROVISIONS OF THE JUDGMENT**

Pay \$500.00 restitution to Charlotte Selmon, Rt. 2, Box 431, Beggs, OK 74421,
at a rate to be determined by the U.S. Probation Office.

United States District Court)
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk

By S. M. Lullough
Deputy

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

F I L E D

JUN 19 1990 *ast*

ROBERT L. GLOVER,)
)
Movant,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

89-CR-56-E

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

90-C-328-E

ORDER

The court has for consideration the Report and Recommendation of the Magistrate filed May 17, 1990, in which the Magistrate recommended that movant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 be dismissed. No exceptions or objections have been filed and the time for filing such exceptions or objections has expired.

After careful consideration of the record and the issues, the court has concluded that the Report and Recommendation of the Magistrate should be and hereby is affirmed.

It is therefore Ordered that movant Robert L. Glover's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is dismissed.

Dated this 19th day of June, 1990.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

United States District Court

JUN 19 1990

Northern

District of

Oklahoma

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

UNITED STATES OF AMERICA

V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

Rodney Alan Smith

Case Number 89-CR-149-001-E

(Name of Defendant)

Roy W. "Bud" Byars

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) I, II, III, IV, and V
- was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Count Number(s)
21 USC 841(a) (1)	Possession With Intent to Distribute Methamphetamine	I
21 USC 856(a)	Maintaining a House for Purpose of Distributing Controlled Drug	II
18 USC 924(c)	Possession of a Firearm During the Commission of a Drug Trafficking Crime	III
18 USC 922(g)	Unlawful Possession of Firearms	IV & V

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ 250.00, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

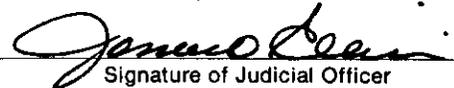
Defendant's Soc. Sec. Number:
448-70-3831

Defendant's mailing address:
213 North 44th West Avenue
Tulsa, Oklahoma 74114

Defendant's residence address:
Same

June 14, 1990

Date of Imposition of Sentence



Signature of Judicial Officer

James O. Ellison, U. S. District Judge

Name & Title of Judicial Officer

June 14, 1990

Date

Defendant: Rodney Alan Smith
Case Number: 89-CR-149-001-E

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 228 months

- Count I - 168 months
- Count II - 168 months concurrent with Count I
- Count IV - 120 months concurrent with Counts I and II
- Count V - 120 months concurrent with Counts I, II, and IV
- Count III - 60 months consecutive with Counts I, II, IV, and V.

The Court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district,

at _____ a.m.
 at _____ p.m. on _____.

as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Rodney Alan Smith
Case Number: 89-CR-149-001-E

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
~~five (5) years in Count I, three(3) years in Count I, II, III, and V to run concurrently~~
~~with each other and Count I.~~

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

Defendant: Rodney Alan Smith
Case Number: 89-CR-149-001-E

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) You shall submit to urinalysis as directed by the U. S. Probation Office.
These conditions are in addition to any other conditions imposed by this Judgment.
- 16) You shall not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

United States District Court)
Northern District of Oklahoma)
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk
By *B.M. Callahan*
Deputy

FILED

United States District Court

JUN 18 1990

NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

Chauncey Michael Lacey
500 So. Denver
Tulsa, Oklahoma 74103

Case Number: 85-CR-47-01-E

(Name and Address of Defendant)

Richard W. Couch

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere] as to count(s) I, II, and XI of the Indictment, and
 not guilty as to count(s) _____.

THERE WAS A:

finding verdict] of guilty as to count(s) I, II, and XI of the Indictment.

THERE WAS A:

finding verdict] of not guilty as to count(s) _____
 judgment of acquittal as to count(s) _____
The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

Conspiracy to Alter and the Alteration of Postal Money Orders
Title 18, United States Code, Sections 371, 500 and 2.

IT IS THE JUDGMENT OF THIS COURT THAT: As to Count I, the defendant is committed to the custody of the Attorney General for a period of five years. As to Counts II and XI, the imposition of sentence is suspended and the defendant is placed on probation for five years to run concurrent with each other and to commence upon the expiration of the sentence imposed in Count I.

As a Special Condition of Probation and Parole, the defendant is ordered to pay restitution in the amount of \$21,584.14 to the following victims as directed by the Probation Officer:

See Attached

United States District Court)
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk

By B.M. Cullough
Deputy

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
(2) associate only with law-abiding persons and maintain reasonable hours;
(3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
(4) not leave the judicial district without permission of the probation officer;
(5) notify your probation officer immediately of any changes in your place of residence;
(6) follow the probation officer's instructions and report as directed.

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 the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$ 150 pursuant to Title 18, U.S.C. Section 3013 for count(s) I, II, and XI of the Indictment as follows:

Count I \$50
Count II \$50
Count XI \$50

IT IS FURTHER ORDERED THAT counts III through X and XII through XXVII are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

The Court orders commitment to the custody of the Attorney General and recommends: the defendant be transported to the designated federal institution as soon as possible.

June 12, 1990

Date of Imposition of Sentence

Signature of Judicial Officer (Handwritten signature)

James O. Ellison, United States District Judge

Name and Title of Judicial Officer

June 12, 1990

Date

RETURN

I have executed this Judgment as follows:

(Blank lines for execution details)

Defendant delivered on _____ to _____ at _____ Date

_____, the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

United States Marshal

By _____ Deputy Marshal

RE: Chauncey Michael Lacey
85-CR-47-01-E

RESTITUTION TO BE PAID:

\$2,500.00 to Security Bank, 10802 E. 31 St., Tulsa, OK 74145
\$8,654.44 to Aetna Life and Casualty, c/o Mike Dill, 8023 E. 63rd
Place, Tulsa, OK 74133
\$2,476.01 to Guaranty Bank, 11th & Mingo Valley Expressway, P. O.
Box 26, Tulsa, OK 74101
\$2,500.00 to Community Bank and Trust, Tulsa, Ok 74107
\$2,712.65 to Commercial National Bank, 321 S. Boston, Tulsa, OK
74103
\$2,098.01 to Woodland Bank, P. O. Box 35829, 6701 So. Memorial
Drive, Tulsa, OK 74135
\$643.03 to Fidelity and Deposit Company, Claim Office, Four Forest
Plaza, Suite 1350, 12222 Merit Drive, Dallas, Texas 75251

FILED

UNITED STATES DISTRICT COURT

JUN 12 1990

NORTHERN DISTRICT OF OKLAHOMA

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

U.S.A. vs. Curtis Darell Cross DOCKET NO. 87-CR-081-001-B

AMENDED
PETITION ON PROBATION AND SUPERVISED RELEASE

COMES NOW Melvin J. Fields PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Curtis Darell Cross who was placed on supervision by the Honorable Thomas R. Brett sitting in the court at Tulsa, Oklahoma, on the 1 day of September, 1987, who fixed the period of supervision at 36 months, and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

That the defendant spend the first 90 days in the Tulsa Salvation Army Community Corrections Center.

That the defendant pay restitution in the amount of \$9,146.00, plus a mandatory special monetary assessment of \$50.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

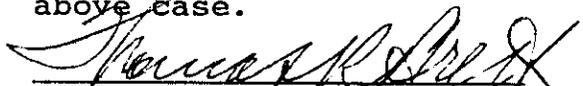
Cross has failed to pay his restitution as ordered by the Court. The unpaid balance as of June 1, 1990, is \$8,960.

PRAYING THAT THE COURT WILL ORDER

That the term of probation be extended for a period of twenty four months.

ORDER OF COURT

Considered and ordered this 1 day of June 1990 and ordered filed and made a part of the records in the above case.


United States District Judge

Respectfully,

Melvin J. Fields
Probation Officer

Place Tulsa, Oklahoma

Date June 1, 1990

United States District Court

JUN 12 1990

NORTHERN

District of

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

RUSSELL KEVIN VOSS

Case Number 89-CR-087-001-E

(Name of Defendant)

John Street

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) _____.
- was found guilty on count(s) One (I) of the Indictment after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
21:846	Conspiracy To Possess Listed Chemicals With Intent To Manufacture Methamphetamine	One(1)

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) Two and Three of Indictment, and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

549-37-1461

Defendant's mailing address:

5453 24th Street

Riverside, California 92509

Defendant's residence address:

SAME AS ABOVE

June 8, 1990

Date of Imposition of Sentence



Signature of Judicial Officer

James O. Ellison, U.S. District Judge

Name & Title of Judicial Officer

June 8, 1990

Date

Defendant: VOSS, Russell Kevin
Case Number: 89-CR-087-001-E

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of Sixty-Five (65) months

The Court makes the following recommendations to the Bureau of Prisons:

- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district,

at _____ a.m. / p.m. on _____

as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

at ~~before 2 p.m.~~ ^{12:00 Noon} on July 13, 1990

as notified by the United States Marshal.

as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: VOSS, Russell Kevin
Case Number: 89-CR-087-001-E

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
Three (3) Years

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

Defendant: VOSS, Russell Kevin
 Case Number: 89-CR-087-001-E

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) You shall submit to urinalysis as directed by the U.S. Probation Office.
 These conditions are in addition to any other conditions imposed by this Judgment.
- 16) You shall not possess a firearm or other dangerous weapon without the permission of the U.S. Probation Office.

United States District Court)
 Northern District of Oklahoma)
 I hereby certify that the foregoing
 is a true copy of the original on file
 in this Court.

Jack C. Silver, Clerk

By *B. McLaughlin*
 Deputy

FILED

United States District Court

JUN 12 1990

NORTHERN

DISTRICT OF

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

NORMAN T. BROWN

1502 Donald

Ponca City, OK 74601

Case Number: 90-CR-039-B

(Name and Address of Defendant)

John Eagleton

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere] as to count(s) One (1) of the Information, and
 not guilty as to count(s) _____

THERE WAS A:

finding verdict] of guilty as to count(s) One (1) of the Information.

THERE WAS A:

finding verdict] of not guilty as to count(s) _____
 judgment of acquittal as to count(s) _____

The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

having violated Title 26, United States Code 7206(1),
Making and Subscribing a False Return

IT IS THE JUDGMENT OF THIS COURT THAT:

the Imposition of Sentence is Suspended, and the defendant placed on probation for a period of four (4) years. As a special condition of probation the defendant is ordered to pay a fine in the amount of \$10,000 as directed by the U. S. Probation Office.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
(2) associate only with law-abiding persons and maintain reasonable hours;
(3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
(4) not leave the judicial district without permission of the probation officer;
(5) notify your probation officer immediately of any changes in your place of residence;
(6) follow the probation officer's instructions and report as directed.

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 the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$ 50.00 pursuant to Title 18, U.S.C. Section 3013 for count(s) One (1) of the Information as follows:

Count 1 - \$50

IT IS FURTHER ORDERED THAT counts N/A are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

The Court orders commitment to the custody of the Attorney General and recommends:

June 12, 1990

Date of Imposition of Sentence

Signature of Judicial Officer

Name and Title of Judicial Officer

June 12, 1990

Date

United States District Court) Northern District of Oklahoma) SS

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

Jack C. Silver, Clerk

By Deputy

RETURN

I have executed this Judgment as follows:

Defendant delivered on Date to at

the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

United States Marshal

By Deputy Marshal

entered

FILED

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

JUN 11 1990

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 FRANCISCO BERNARDO PALMERO,)
)
 Defendant.)

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

No. 87-CR-140-01-B

ORDER SUSTAINING DEFENDANT'S RULE 35 MOTION

Before the Court for decision is the Defendant Francisco Bernardo Palmero's Motion for Reduction of Sentence pursuant to Rule 35 of the Federal Rules of Criminal Procedure. Defendant Palmero on the 23rd day of February, 1988, was originally sentenced to 16 years confinement relative to Count 1 of the Indictment and 16 years confinement relative to Count 2 of the Indictment, said sentence to run concurrently, following his pleas of guilty.

Defendant has now been incarcerated since September 1987. Due to genuine personal security concerns much of Defendant's time served has been "hard" time in isolation from the balance of the prison population.

Representatives of the prosecution, the Federal Bureau of Investigation, and the Department of Probation have reported that Defendant's substantial cooperation has materially aided in numerous successful drug prosecutions in Florida, the Bahamas, and here in the Northern District of Oklahoma. Further, due to cooperation of the Defendant Palmero, significant dollar value property forfeitures have been effected. Due to the Defendant's substantial cooperation, personal security concerns persist if the

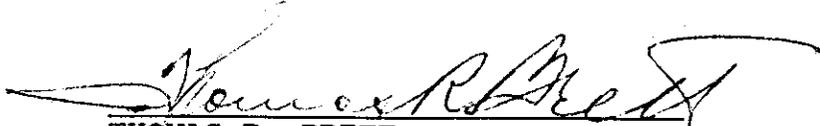
Defendant remains incarcerated with the general prison population. The Defendant Palmero has gainful employment available to him.

For the reasons above stated, the Defendant Palmero's Rule 35 motion is hereby granted and the Judgment and Sentence of the Court entered on the 23rd day of February, 1988, is amended as follows:

Regarding Count 1, the Defendant is hereby committed to the custody of the Attorney General, or his authorized representative, for the period of time served to the date hereon;

Regarding Count 2, imposition of the sentence is hereby suspended and the Defendant is placed on probation for a period of five (5) years from this date. Conditions of probation are that the Defendant will abide by all municipal, state and federal laws and all rules and regulations set down by the Department of Probation, including drug screening if deemed necessary.

IT IS SO ORDERED this 11th day of June, 1990.


THOMAS R. BRET
UNITED STATES DISTRICT JUDGE

United States District Court

JUN - 7 1990

Northern District of Oklahoma

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

UNITED STATES OF AMERICA

V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

Terrance E. Ferguson

Case Number 89-CR-151-007-B

(Name of Defendant)

Bill Hughes

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) One of the Indictment.
- was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
21:846, 841(a)(1) & 841(b)(1)(A)(iii)	Conspiracy to Distribute 50 Grams or More Cocaine Base	I

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

442-74-7602

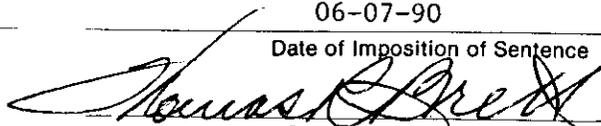
06-07-90

Date of Imposition of Sentence

Defendant's mailing address:

840 North Waco

Tulsa, OK 74127



Signature of Judicial Officer

The Honorable Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

June 7, 1990

Date

Defendant's residence address:

840 North Waco

Tulsa, OK 74127

Defendant: Terrance E. Ferguson
Case Number: 89-CR-151-007-B

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 84 months.

The Court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district,

at _____ a.m.
_____ p.m. on _____.

as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

before 2 p.m. on _____.

as notified by the United States Marshal.

as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Terrance E. Ferguson
Case Number: 89-CR-151-007-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
Five (5) Years

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

United States District Court)
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk
By *[Signature]*
Deputy

Defendant: Terrance E. Ferguson
Case Number: 89-CR-151-007-B

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) You shall submit to urinalysis as directed by the U. S. Probation Office.
These conditions are in addition to any other conditions imposed by this Judgment.
- 16) You shall not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

United States District Court

Northern District of Oklahoma

UNITED STATES OF AMERICA

V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

Eric Ramon Brooks
AKA: William Montgomery

Case Number 89-CR-90-002-C

FILED

JUN 5 1990

(Name of Defendant)

Leslie R. Earl, Jr.

Defendant's Attorney Jack C. Silver, Clerk
U.S. DISTRICT COURT

THE DEFENDANT:

- pleaded guilty to count(s) _____
- was found guilty on count(s) II of the lesser offense of "Possession of Cocaine Base" after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Count Number(s)
Title 21, USC, 844(a)	Possession of Cocaine Base	II

United States District Court)
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) I and III of the Indictment, and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

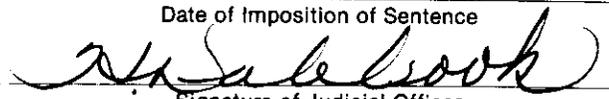
366-80-7344

05-23-90

Date of Imposition of Sentence

Defendant's mailing address:

2534 St. Elmo



Signature of Judicial Officer

San Bernadino, California 92410

H. Dale Cook, Chief U. S. District Judge

Name & Title of Judicial Officer

Defendant's residence address:

2534 St. Elmo

San Bernadino, California 92410

Date

Defendant: Eric Ramon Brooks
Case Number: 89-CR-90-002-C

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months

The Court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district,

at _____ a.m.
 at _____ p.m. on _____.

as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

before ^{9:00 a.m.} ~~2:00 p.m.~~ on 06-25-90.

as notified by the United States Marshal.

as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Eric Ramon Brooks
Case Number: 89-CR-90-002-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
Three (3) Years

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

Defendant: Eric Ramon Brooks
Case Number: 89-CR-90-002-C

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) the defendant shall not possess a firearm, or other dangerous weapon.
These conditions are in addition to any other conditions imposed by this Judgment.
- 16) the defendant shall submit to urinalysis testing as ordered by the U.S. Probation Office.

United States District Court

Northern District of Oklahoma

UNITED STATES OF AMERICA

V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

Terry Lee Puryear

Case Number 89-CR-090-001-C

FILED

(Name of Defendant)

Steve Greubel
Defendant's Attorney

JUN 5 1990

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

THE DEFENDANT:

- pleaded guilty to count(s) _____
- was found guilty on count(s) Two of the lesser included offense of Simple Possession of Cocaine Base after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

Title & Section	Nature of Offense	Count Number(s)
21 USC 844 (a)	SIMPLE POSSESSION OF COCAINE BASE	2

This is a true copy of the original on file in this Court.

Jack C. Silver, Clerk

By R. Miller
Deputy

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) One and Three of the Indictment, and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

545-49-4578

May 23, 1990

Date of Imposition of Sentence

Defendant's mailing address:

175 East Easton

Rialto, CA 92376

H. Dale Cook
Signature of Judicial Officer

Honorable H. Dale Cook, Chief
U. S. District Judge

Name & Title of Judicial Officer

Defendant's residence address:

175 East Easton

Rialto, CA 92376

Date

Defendant: PURYEAR, Terry Lee
Case Number: 89-CR-090-001-C

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of sixty (60) months.

The Court makes the following recommendations to the Bureau of Prisons:

The defendant is remanded to the custody of the United States Marshal.

The defendant shall surrender to the United States Marshal for this district,

at _____ a.m.
_____ p.m. on _____.

as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

before 2 p.m. on 06/25/90.

as notified by the United States Marshal.

as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: PURYEAR, Terry Lee
Case Number: 89-CR-090-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

Three (3) years

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

Defendant: PURYEAR, Terry Lee
Case Number: 89-CR-090-001-C

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) You shall submit to urinalysis as directed by the U. S. Probation Office. These conditions are in addition to any other conditions imposed by this Judgment.
- 16) You shall not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

United States District Court

NORTHERN

District of OKLAHOMA

UNITED STATES OF AMERICA

V.

William F. Herren, Sr.
6001 D. Williams Road
Charlotte, North Carolina

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

Case Number 89-CR-122-001-C

FILED

JUN 5 1990

(Name of Defendant)

Larry Oliver (Retained)

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

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) Four of the Indictment
- was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18:USC:1014	False Statement on a Loan Application to a Federally Insured Bank	United States District Court Northern District of Oklahoma) Count Four

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

Jack C. Silver, Clerk

The defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Deputy

- The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- Count(s) One and Three of the Indictment ~~(is)~~ (are) dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

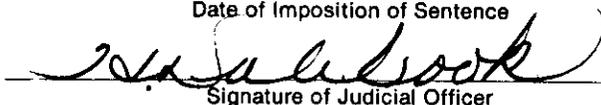
256-52-1859

May 22, 1990

Date of Imposition of Sentence

Defendant's mailing address:

6001 D. Williams Road


Signature of Judicial Officer

Charlotte, North Carolina 28215

The Honorable H. Dale Cook, Chief U.S. District Judge

Defendant's residence address:

Same

Date

Defendant: HERREN, William F., Sr.
Case Number: 89-CR-122-001-C

Judgment—Page 2 of 5

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of eighteen (18) months concurrent with the custody sentence imposed in Count Two as set forth in the Judgment not covered by the Sentencing Reform Act of 1984.

The Court makes the following recommendations to the Bureau of Prisons:

- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district,

at _____ a.m.
 at _____ p.m. on _____.

as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

before ^{9:00 a.m.}~~2 p.m.~~ on June 25, 1990.

- as notified by the United States Marshal.
- as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: HERREN, William F., Sr.
Case Number: 89-CR-122-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

One (1) year

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

That the defendant pay restitution in the amount of \$718,960 to Fourth National Bank, 515 South Carson, Tulsa, Oklahoma, payable as directed by the U.S. Probation Office.

Defendant: HERREN, William F., Sr.
Case Number: 89-CR-122-001-C

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) You shall submit to urinalysis as directed by the U.S. Probation Office.
These conditions are in addition to any other conditions imposed by this Judgment.
- 16) You shall not possess a firearm or other dangerous weapon without the permission of the U.S. Probation Office.

Defendant: HERREN, William F., Sr.
Case Number: 89-CR-122-001-C

**RESTITUTION, FORFEITURE, OR
OTHER PROVISIONS OF THE JUDGMENT**

That the defendant pay restitution in the amount of \$718,960 to Fourth National Bank, 515 S. Carson, Tulsa, Oklahoma, payable as directed by the U.S. Probation Office.

United States District Court

NORTHERN District of OKLAHOMA

UNITED STATES OF AMERICA

V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

Sharon Kay Bruce

Case Number 90-CR-002-C

FILED

(Name of Defendant)

Patrick A. Williams

JUN 5 1990

Defendant's Attorney

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

THE DEFENDANT:

- pleaded guilty to count(s) Two
- was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
Title 18, USC, Section 1708	Possession of Stolen Mail	

United States District Court
Northern District of Oklahoma
I hereby certify that the foregoing is a true copy of the original on file in this Court.

Jack C. Silver, Clerk

By R. Mullen

The defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- Count(s) One (is) ~~are~~ dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

447-64-2585

Defendant's mailing address:

1279 S. 149 E. Ave.

Tulsa, OK 74108

Defendant's residence address:

1279 S. 149 E. Ave.

Tulsa, OK 74108

05-23-90

Date of Imposition of Sentence

H. Dale Cook
Signature of Judicial Officer

H. Dale Cook, Chief U.S. District Judge

Name & Title of Judicial Officer

Date

Defendant: Sharon Kay Bruce
Case Number: 90-CR-002-C

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 15 months

The Court makes the following recommendations to the Bureau of Prisons:

- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district,

- at _____ a.m. / _____ p.m. on _____ .
- as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

- at 9:00 a.m. / ~~before 2 p.m.~~ on 06-25-90
- as notified by the United States Marshal.
- as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____
Deputy Marshal

Defendant: Sharon Kay Bruce
Case Number: 90-CR-002-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

Three (3) years

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

Defendant: Sharon Kay Bruce
Case Number: io-CR-002-C

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on ~~probation~~ supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) You shall submit to urinalysis as directed by the U.S. Probation Office.
These conditions are in addition to any other conditions imposed by this Judgment.
- 16) You shall not possess a firearm or other dangerous weapon without the permission of the U.S. Probation Office.

FILE

United States District Court

JUN 5 1990

Northern District of Oklahoma

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

UNITED STATES OF AMERICA
V.

JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT

Harmon Heath

Case Number 90-CR-028-E

(Name of Defendant)

Steve Greubel
Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) One of the Information
- was found guilty on count(s) _____ after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
18 USC 371, 1952	CONSPIRACY TO TRAVEL INTERSTATE TO FACILITATE A NARCOTICS ENTERPRISE	I

The defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- The mandatory special assessment is included in the portion of this Judgment that imposes a fine.
- It is ordered that the defendant shall pay to the United States a special assessment of \$ _____, which shall be due immediately.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec. Number:

002-30-6090

Defendant's mailing address:

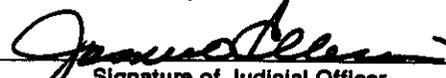
27 E. Railroad
Kingston, Georgia 30145

Defendant's residence address:

Same as above

29 May 1990

Date of Imposition of Sentence


Signature of Judicial Officer
Honorable James O. Ellison
U. S. District Judge

Name & Title of Judicial Officer

Date

Defendant: Heath, Harmon
Case Number: 90-CR-028-E

Judgment—Page 2 of 5

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 31 months

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be considered for placement at an institution near his residence for service of his sentence.

- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district,

at _____ a.m. / p.m. on _____ .

as notified by the Marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

before noon on 06/29/90

as notified by the United States Marshal.

as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____ , with a certified copy of this Judgment

United States Marshal

By _____ Deputy Marshal

Defendant: Heath, Harmon
Case Number: 90-CR-028-E

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____

Three (3) years

While on supervised release, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this judgment imposes a restitution obligation, it shall be a condition of supervised release that the defendant pay any such restitution that remains unpaid at the commencement of the term of supervised release. The defendant shall comply with the following additional conditions:

- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

Defendant: Heath, Harmon
Case Number: 90-CR-028-E

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 15) You shall submit to urinalysis as directed by the U. S. Probation Office. These conditions are in addition to any other conditions imposed by this Judgment.
- 16) You shall not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

Defendant: Heath, Harmon
Case Number: 90-CR-028-E

FINE WITH SPECIAL ASSESSMENT

The defendant shall pay to the United States the sum of \$ 2,550 , consisting of a fine of \$ 2,500 and a special assessment of \$ 50 .

These amounts are the totals of the fines and assessments imposed on individual counts, as follows:

Count I - \$50 Special Monetary Assessment
\$2,500 Fine

This sum shall be paid immediately.
 as follows:

The Court has determined that the defendant does not have the ability to pay interest. It is ordered that

- The interest requirement is waived.
- The interest requirement is modified as follows:

United States District Court)
Northern District of Oklahoma) SS
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk
By J. Yostuma
Deputy

United States District Court

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

William F. Herren, Sr.
6001 D. Williams Road
Charlotte, North Carolina

Case Number: 89-CR-122-001-C

(Name and Address of Defendant)

Larry Oliver (Retained)
Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere] as to count(s) Two of the Indictment
 not guilty as to count(s) _____

FILED
JUN 5 1990

THERE WAS A:

finding verdict] of guilty as to count(s) Two of the Indictment

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

THERE WAS A:

finding verdict] of not guilty as to count(s) _____
 judgment of acquittal as to count(s) _____
The defendant is acquitted and discharged as to this/these count(s).

United States District Court) SS
Northern District of Oklahoma)
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.

Jack C. Silver, Clerk

By R. Mitchell
Deputy

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

Title 18, United States Code, Section 1014, False Statement on a Loan
Application to a Federally Insured Bank

IT IS THE JUDGMENT OF THIS COURT THAT: The defendant be placed in the custody of the Bureau of Prisons for a period of eighteen months concurrent with the sentence imposed in Count Four pursuant to the Sentencing Guidelines. Defendant will report to the institution designated by the U.S. Marshal by 9:00 a.m., June 25, 1990. In addition, the defendant is to pay restitution in the amount of \$225,000 to the First City Bank, 7625 E. 51st St., Tulsa, Oklahoma, as directed by the U.S. Probation Office.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
- (2) associate only with law-abiding persons and maintain reasonable hours;
- (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
- (4) not leave the judicial district without permission of the probation officer;
- (5) notify your probation officer immediately of any changes in your place of residence;
- (6) follow the probation officer's instructions and report as directed.

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 the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$50.00 pursuant to Title 18, U.S.C. Section 3013 for count(s) Two of the Indictment as follows:

Count II: \$50.00

IT IS FURTHER ORDERED THAT counts One and Three of the Indictment are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

The Court orders commitment to the custody of the Attorney General and recommends:

May 22, 1990

Date of Imposition of Sentence

H. Dale Cook

Signature of Judicial Officer

The Honorable H. Dale Cook, Chief U.S. District Judge

Name and Title of Judicial Officer

Date

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____ Date

_____, the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

United States Marshal

By _____
Deputy Marshal

United States District Court

FILED
JUN 5 1990

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA
V.

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

JUDGMENT IN A CRIMINAL CASE

Case Number: 87-CR-140-03-B

Robert P. Jamieson

John C. McBride

(Name and Address of Defendant)

Francis T. O'Brien

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere] as to count(s) One of a two count Superseding Indictment, and
 not guilty as to count(s) _____

THERE WAS A:

finding verdict] of guilty as to count(s) One of a two count Superseding Indictment

THERE WAS A:

finding verdict] of not guilty as to count(s) _____
 judgment of acquittal as to count(s) _____
The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF:

Conspiracy to Import Schedule I and II Controlled Substance, in violation of Title 21, United States Code, Sections 963, 952(a), 960(a)(1), 960(b)(1)(B) and (G).

IT IS THE JUDGMENT OF THIS COURT THAT:

The imposition of sentence is suspended and the defendant placed on probation for five (5) years. As a condition of probation, the defendant shall serve the first six months in a prerelease center or halfway house.

It is further ordered, that the probation sentence not commence until June 25, 1990, at 11:00 a.m., at which time the defendant is to voluntarily surrender to the designated facility.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of probation set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
- (2) associate only with law-abiding persons and maintain reasonable hours;
- (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
- (4) not leave the judicial district without permission of the probation officer;
- (5) notify your probation officer immediately of any changes in your place of residence;
- (6) follow the probation officer's instructions and report as directed.

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 the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$ 50 pursuant to Title 18, U.S.C. Section 3013 for count(s) One of the Superseding Indictment as follows:

IT IS FURTHER ORDERED THAT count(s) Two of the two-count Superseding Indictment are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

The Court orders commitment to the custody of the Attorney General and recommends:

June 5, 1990

Date of Imposition of Sentence

Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name and Title of Judicial Officer

June 5, 1990

Date

United States District Court)
Northern District of Oklahoma) SS

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

Jack C. Silver, Clerk

By [Signature]
Deputy

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____ Date

_____, the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

United States Marshal

By _____
Deputy Marshal

Entered

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

FILED

JUN -4 1990

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN FRANCIS ROURKE,)
)
 Defendant.)

No. 85-CR-57-C

ORDER

Before the Court is defendant's motion for mandamus pursuant to 28 U.S.C. §1361. That section provides:

The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff.

In his motion, defendant seeks to have the Court compel the United States Attorney General, and through him the Office of the United States Attorney for the Northern District of Oklahoma to comply with the plea bargain reached between defendant and prosecutors. Defendant contends that, as part of a plea agreement, certain counts against him were dismissed, but that this Court nevertheless took said dismissed counts into account in assessing sentence. Further, defendant alleges that his presentence report, which also discusses the dismissed counts, is being used improperly to deny defendant parole.

The Tenth Circuit holds that:

To grant mandamus relief, the court must find: (1) a clear right in the plaintiff to the relief sought; (2) a plainly defined and preemptory duty on the part of the defendant to do the action in question; and (3) no other adequate remedy is available.

Wilder v. Prokop, 846 F.2d 613, 620 (10th Cir. 1988).

The defendant quotes the following passage from the written plea agreement:

the government will not subject your client to additional criminal prosecutions for any criminal acts he committed in connection with his narcotics organization.

This is the promise which defendant alleges has been breached. However, there has been no showing of "additional criminal prosecutions". Rather, defendant complains of use of his presentence report. From the record before the Court, no showing has been made of a breached plea agreement. It was proper for this Court to consider dismissed counts in sentencing. See Billiteri v. United States Bd. of Parole, 541 F.2d 938, 944 (2nd Cir. 1976). Thus, defendant has not shown a clear right to the relief sought.

It is the Order of the Court that defendant's action in the nature of mandamus is hereby DENIED.

IT IS SO ORDERED this 4th day of June, 1990.



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

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

Entered

FILED

JUN -4 1990

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
 vs.)
)
 JOHN FRANCIS ROURKE,)
)
 Defendant.)

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

No. 85-CR-57-C

ORDER

Before the Court is defendant's motion to vacate and correct defendant's presentence report.

As recited in the Court's Order of June 16, 1989, defendant was sentenced on November 22, 1985. Both defendant and his attorney were asked if the presentence report was "accurate and correct" and both stated that it was. The defendant has therefore waived objection to any factual statements therein. See United States v. Edmondson, 818 F.2d 768 (11th Cir. 1987).

It is the Order of the Court that the motion of the defendant to vacate and correct defendant's presentence report is hereby DENIED.

IT IS SO ORDERED this 4th day of June, 1990.

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

FILED

United States District Court JUN 1 1990

NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA

AMENDED

V.

JUDGMENT IN A CRIMINAL CASE

ANTHONY TROY BOSWELL
3408 Erato
New Orleans, Louisiana 70115

Case Number: 88-CR-11-002-B

(Name and Address of Defendant)

Charles Hack

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere] as to count(s) One of the Superseding Indictment, and
 not guilty as to count(s) _____

THERE WAS A:

finding verdict] of guilty as to count(s) One of the Superseding Indictment

THERE WAS A:

finding verdict] of not guilty as to count(s) _____
 judgment of acquittal as to count(s) _____

The defendant is acquitted and discharged as to this/these count(s).

THE DEFENDANT IS CONVICTED OF THE OFFENSE(S) OF: Having violated Title 21,
United States Code, Sections 846 and 841(a)(1).

IT IS THE JUDGMENT OF THIS COURT THAT: As to Count One, the defendant be
committed to the custody of the Bureau of Prisons for a period of Five (5)
Years. In addition, the defendant is ordered to pay a fine of \$2,000.00.

In addition to any conditions of probation imposed above, IT IS ORDERED that the conditions of proba-
tion set out on the reverse of this judgment are imposed.

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

- (1) refrain from violation of any law (federal, state, and local) and get in touch immediately with your probation officer if arrested or questioned by a law-enforcement officer;
- (2) associate only with law-abiding persons and maintain reasonable hours;
- (3) work regularly at a lawful occupation and support your legal dependents, if any, to the best of your ability. (When out of work notify your probation officer at once, and consult him prior to job changes);
- (4) not leave the judicial district without permission of the probation officer;
- (5) notify your probation officer immediately of any changes in your place of residence;
- (6) follow the probation officer's instructions and report as directed.

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 the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$ 50.00 pursuant to Title 18, U.S.C. Section 3013 for count(s) One of the Superseding Indictment as follows:

Count One - \$50.00

IT IS FURTHER ORDERED THAT ~~counts~~ the original Indictment and Counts Two and Three of the Superseding Indictment are DISMISSED on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments and costs are fully paid, the defendant shall immediately notify the United States attorney for this district of any change in name and address.

IT IS FURTHER ORDERED that the clerk of the court deliver a certified copy of this judgment to the United States marshal of this district.

The Court orders commitment to the custody of the Attorney General and recommends:

July 5, 1988

Date of Imposition of Sentence

Thomas R. Brett
Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name and Title of Judicial Officer

6-1-90

Date

United States District Court)
Northern District of Oklahoma) SS

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

Jack C. Silver, Clerk

By [Signature]
Deputy

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____ Date

_____, the institution designated by the Attorney General, with a certified copy of this Judgment in a Criminal Case.

United States Marshal

By _____
Deputy Marshal