

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 30 1991

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. ) No. 88-CR-119-E  
 )  
TROY LEE BROOKS, )  
 )  
Defendant. )

Jack G. ... Clerk  
U.S. DISTRICT COURT

ORDER REVOKING SUPERVISED RELEASE

NOW, on this 21st day of August, 1991, this cause comes on for hearing on the motion of the United Probation Officer for this district for an order revoking the three-year period of supervised release heretofore imposed by this Court upon the defendant on January 6, 1989, the period to commence following service of a one year in custody portion of the sentence. The defendant is present in person and by counsel, Steve Greubel, Assistant Federal Public Defender. The Probation Officer Larry Hicks is present and Ben Baker, First Assistant United States Attorney.

An application to revoke the period of supervised release was filed first by the United States Probation Officer in November 1990 and a hearing was held by this Court on November 9, 1990, at which evidence was produced by the Probation Officer in support of the application to revoke.

Thereafter, on December 7, 1990, the defendant was found to be in violation of the terms of supervised release but was continued on supervision with additional conditions imposed upon

him requiring entry into vocational education training to improve his literacy. Sentencing of the defendant was continued to be reset upon application of the Probation Officer.

The United States Probation Officer in charge of this case, Mr. Larry Hicks, did not ask the Court to reset the sentencing for violations proved prior to December 7, 1990, but instead filed a second application to revoke supervised release because of additional violations alleged to have occurred in 1991. The allegations included failure to report contacts with police officers; failure to submit timely written reports to the Probation Office; failure to pay traffic tickets when directed to do so; failure to notify the Probation Office of a change of address, and failure to provide urine samples for drug screening.

The defendant testified that some of the charges were accurate but attempted to explain away others.

The Court finds that the violations alleged are true and when added to the previous admitted violations of 1990 are more than sufficient to revoke the defendant's supervised release.

The Court takes notice of the sentencing guideline range submitted to the Court by the Probation Officer but finds it to be a policy statement only and not binding upon the Court. The Court declines to follow such recommendation.

IT IS THEREFORE ORDERED by the Court that the portion of the sentence imposed upon the defendant January 6, 1989, which provided for a period of three years of supervised release, is vacated and

set aside, and the defendant is now sentenced to a term of two years in custody.

It is further ORDERED that a certified copy of this Order be supplied to the United States Marshal for this district to serve as the judgment and commitment for the defendant.

~~57~~ JAMES O. ELLISON  
\_\_\_\_\_  
JAMES O. ELLISON  
United States District Judge

RECEIVED  
FEB 10 1964  
U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
BY: *Amich*

AUG 28 1991

# United States District Court

NORTHERN

District of OKLAHOMA

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

UNITED STATES OF AMERICA

V.

DAVID WAYNE COLE

(Name of Defendant)

(AMENDED)

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Case Number: 91-CR-055-001-B

Richard Couch

Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- was found guilty on count(s) One, Two, and Three 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	Date Offense Concluded	Count Number(s)
18:2113(a) and 18:2113(d)	Bank Robbery	April 26, 1991	One
18:924(c)(1)	Carrying a Firearm During the Commission of a Crime of Violence	April 26, 1991	Two
18:922(g) and 18:924(a)(2)	Possession of Firearm After Former Felony Conviction	April 26, 1991	Three

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.
- It is ordered that the defendant shall pay a special assessment of \$ 150.00 (Total), for count(s) One, Two, & Three of the Indictment, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 445-08-1883 or 445-64-1883

Defendant's Date of Birth: 12-12-63

August 22, 1991

Date of Imposition of Sentence

Defendant's Mailing Address:

Tulsa County Jail

Tulsa, Oklahoma

Signature of Judicial Officer

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

Name & Title of Judicial Officer

Defendant's Residence Address:

% John Lee

2015 South Ash Place

Broken Arrow, Oklahoma

Aug. 28, 1991  
Date

Defendant: DAVID WAYNE COLE  
Case Number: 91-CR-055-001-B

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 123 months

Counts One and Three - 63 months  
Count Two - 60 months to run consecutive to Counts One and Three

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 United States 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 \_\_\_\_\_ a

\_\_\_\_\_, with a certified copy of this judgment

\_\_\_\_\_  
United States Marshal

By \_\_\_\_\_  
Deputy Marshal

Defendant: DAVID WAYNE C  
Case Number: 91-CR-055-001-B

udant—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
Four (4) years

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). 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 report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

The defendant shall not commit any Federal, State, or local crimes.

The defendant shall participate in a substance abuse program as deemed necessary by the U.S. Probation Office.

The defendant shall pay restitution as noted on Page 4.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.
- 14) You shall submit to urinalysis as directed by the U.S. Probation Office.

Defendant: DAVID WAYNE COLE  
Case Number: 91-CR-055-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Local America Bank ATTN: Lee Bowers Assistant Vice President P. O. Box 3499 Tulsa, Oklahoma 74101	\$2,943.00

Payments of restitution are to be made to:

- the United States Attorney for transfer to the payee(s).
- the payee(s).

Restitution shall be paid:

- in full immediately.
- in full not later than \_\_\_\_\_.
- in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- in installments according to the following schedule of payments:

At the direction of the U.S. Probation Office

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

**FORFEITURE**

The defendant is ordered to forfeit the following property to the United States:

Defendant: DAVID WAYNE COLE  
Case Number: 91-CR-055-001-B

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 22

Criminal History Category: IV

Imprisonment Range: 63 to 78 months - Cts. One & Three (Total), followed by five (5) years mandatory consecutive sentence for Ct. Two.

Supervised Release Range: 3 to 5 years - Ct. One, Two to three years Cts. Two & Three

Fine Range: \$ 7,500 to \$ 75,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 2,943.00

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

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

**F I L E D**

AUG 28 1991

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 GREGORY KEITH BAKER, )  
 )  
 Defendant. )

Jack G. Clary, Clerk  
U.S. DISTRICT COURT

No. 90-CR-158-01-E

O R D E R

Now on this 28 day of August, 1991 the plaintiff's Motion For Leave to Dismiss the Indictment in the above-styled cause comes on to be heard. From the motion of counsel and other matters and things, the Court finds that said motion ought to be approved.

IT IS SO ORDERED.

S/ JAMES O. ELLISON  
JAMES O. ELLISON  
United States District Judge

**FILED**

# United States District Court

**AUG 23 1991**

NORTHERN

District of OKLAHOMA

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

UNITED STATES OF AMERICA

V.

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

LOYD COOK

Case Number: **91-CR-003-001-B**

(Name of Defendant)

Richard Couch

Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- was found guilty on count(s) One, Three and Four of Superseding 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	Date Offense Concluded	Count Number(s)
18:1343	Wire Fraud	November 27, 1990	One & Three
18:659	Theft From Interstate Shipment	December 4, 1990	Four

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) Two (is ~~are~~) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 150.00, for count(s) One, Three and Four, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 440-40-2948

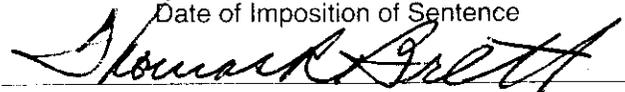
Defendant's Date of Birth: 07-18-41

Defendant's Mailing Address:  
10845 East Admiral Place, Lot 15  
Tulsa, Oklahoma 74116

Defendant's Residence Address:  
Same as mailing address

August 22, 1991

Date of Imposition of Sentence



Signature of Judicial Officer  
Thomas R. Brett

United States District Judge

Name & Title of Judicial Officer

8-23-91

Date

Defendant: LOYD COOK  
Case Number: 91-CR-003-001-B

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 Ten (10) Months

Defendant to be given credit for time served at the Metropolitan Detention Center, in Los Angeles, California.

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 United States marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons, before 11:00 am on September 16, 1991.
- 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

**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 not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). 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 report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.

Defendant: LOYD COOK  
Case Number: 91-CR-003-001-B

Judgment—Page 4 of 5

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Consolidated Freightways 12 South Hudson Tulsa, Oklahoma	\$446.00

Payments of restitution are to be made to:

- the United States Attorney for transfer to the payee(s).
- the payee(s).

Restitution shall be paid:

- in full immediately.
- in full not later than \_\_\_\_\_.
- in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- in installments according to the following schedule of payments: AS DIRECTED BY THE  
U. S. PROBATION OFFICE

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

**FORFEITURE**

The defendant is ordered to forfeit the following property to the United States:

Defendant: LOYD COOK  
Case Number: 91-CR-003-001-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

The Court orders that the defendant's entire medical file and psychological evaluation be attached to and made a part of the Presentence Report.

**Guideline Range Determined by the Court:**

Total Offense Level: 9

Criminal History Category: III

Imprisonment Range: 8 to 14 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 1,000 to \$ 10,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 446.00

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

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 H. Overton  
Deputy

**FILED**

# United States District Court

AUG 23 1991

NORTHERN District of OKLAHOMA

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

UNITED STATES OF AMERICA  
V.

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

DAVID WAYNE COLE

Case Number: 91-CR-055-001-B

(Name of Defendant)

Richard Couch

Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- was found guilty on count(s) One, Two, and Three of 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	Date Offense Concluded	Count Number(s)
18:2113(a) and 18:2113(b)	Bank Robbery	April 26, 1991	One
18:924(c)(1)	Carrying a Firearm During the Commission of a Crime of Violence	April 26, 1991	Two
18:922(g) and 18:924(a)(2)	Possession of Firearm After Former Felony Conviction	April 26, 1991	Three

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.
- It is ordered that the defendant shall pay a special assessment of \$ 150.00 (Total), for count(s) One, Two and Three, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 445-08-1883 or 445-64-1883

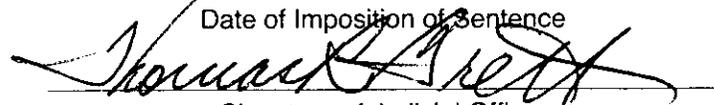
Defendant's Date of Birth: 12-12-63

Defendant's Mailing Address:  
Tulsa County Jail  
Tulsa, Oklahoma

Defendant's Residence Address:  
c/o John Lee  
2015 South Ash Place  
Broken Arrow, Oklahoma

August 22, 1991

Date of Imposition of Sentence



Signature of Judicial Officer  
Thomas R. Brett

United States District Judge

Name & Title of Judicial Officer

8-23-91

Date

Defendant: DAVID WAYNE COLE  
Case Number: 91-CR-055-001-B

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 123 Months

Counts One and Three- 63 months  
Count Two - 60 months to run consecutive to Counts One and Three.

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 United States 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

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
Four (4) Years

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). 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 report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

The defendant shall not commit any Federal, State, or local crimes.

The defendant shall participate in a substance abuse program as deemed necessary by the Department of Probation.

The defendant shall pay restitution as noted on page 4.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.

Defendant: DAVID WAYNE COLE  
Case Number: 91-CR-055-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Local America Bank Attn: Lee Bowers Assistant Vice President P. O. Box 3499 Tulsa, Oklahoma 74101	\$2,943.00

Payments of restitution are to be made to:

- the United States Attorney for transfer to the payee(s).
- the payee(s).

Restitution shall be paid:

- in full immediately.
- in full not later than \_\_\_\_\_.
- in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- in installments according to the following schedule of payments:

at the direction of the United States Probation Office

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

**FORFEITURE**

The defendant is ordered to forfeit the following property to the United States:

Defendant: DAVID WAYNE COLE  
Case Number: 91-CR-005-001-B

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 22

Criminal History Category: IV

Imprisonment Range: 63 to 78 months—Cts. One & Three (Total), followed by 5 yrs mandatory consecutive sentence for Ct. Two.

Supervised Release Range: 3 to 5 years—Ct. One, 2 - 3 yrs—Cts. Two and Three.

Fine Range: \$ 7,500 to \$ 75,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 2,943.00

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(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 H. Ouster  
Deputy

**FILED**

# United States District Court

AUG 21 1991 *mc*

NORTHERN District of OKLAHOMA

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

UNITED STATES OF AMERICA  
V.

OF ACQUITTAL  
**JUDGMENT/IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

DWAYNE BUFORD REED

Case Number: 91-CR-042-001-C

(Name of Defendant)

William D. Lunn

Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count(s) \_\_\_\_\_
- 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	Date Offense Concluded	Count Number(s)
18:2113(a) & (d)	Bank Robbery	2-21-91	1
18:924(c)	Possession of Firearm During Commission of a Crime of Violence	2-21-91	2

The defendant is sentenced as provided in pages 2 through \_\_\_\_\_ 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 of the Indictment and is discharged as to such count(s).
- Count(s) One of the Indictment (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ \_\_\_\_\_, for count(s) \_\_\_\_\_, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 443-72-4850

Defendant's Date of Birth: 1-20-73

Defendant's Mailing Address:

4143 N. Johnstown  
Tulsa, Oklahoma 74106

Defendant's Residence Address:

4143 N. Johnstown  
Tulsa, Oklahoma 74106

Date of Imposition of Sentence

Signature of Judicial Officer

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

Name & Title of Judicial Officer ( ) 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. M. [Signature]

# United States District Court

AUG 21 1991

NORTHERN District of OKLAHOMA

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

UNITED STATES OF AMERICA  
V.

OF ACQUITTAL  
**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)

JOHNATHON RAY THOMAS  
AKA JOHNATHON RAY PITTS  
(Name of Defendant)

Case Number: 91-CR-042-003-C

RICK DUNN

Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count(s) \_\_\_\_\_
- 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	Date Offense Concluded	Count Number(s)
18:2113(a) & (d)	Bank Robbery	2-21-91	1
18:924(c)	Possession of Firearm During Commission of a Crime of Violence	2-21-91	2

The defendant is sentenced as provided in pages 2 through \_\_\_\_\_ 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 of the Indictment and is discharged as to such count(s).
- Count(s) One of the Indictment (is) ~~are~~ dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ \_\_\_\_\_, for count(s) \_\_\_\_\_, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 444-72-8345

Defendant's Date of Birth: 5-4-63

Defendant's Mailing Address:  
3608 South Maplewood #A

Tulsa, Oklahoma

Defendant's Residence Address:

3608 South Maplewood #A

Tulsa, Oklahoma

Date of Imposition of Sentence

H. Dale Cook  
Signature of Judicial Officer  
The Honorable H. Dale Cook  
Chief, U.S. District Judge

Name & Title of Judicial Officer

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. Miller  
Deputy

Date

FILED

# United States District Court

AUG 20 1991

NORTHERN

District of

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

DELIALA D. MIDGET

(Name of Defendant)

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Case Number: 90-CR-045-002-B

WILLIAM HUGHES

Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:371	Conspiracy	4-14-89	1
18:1341 & 2	Mail Fraud, Aiding & Abetting	10-4-88	2
18:1341 & 2	Mail Fraud, Aiding & Abetting	3-5-89	5
18:1341 & 2	Mail Fraud, Aiding & Abetting	3-31-89	6
18:1341 & 2	Mail Fraud, Aiding & Abetting	4-14-89	7

The defendant is sentenced as provided in pages 2 through \_\_\_\_\_ 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) 1,2,5,6,7 of the Indictment and is discharged as to such count(s).
- Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ \_\_\_\_\_, for count(s) \_\_\_\_\_, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 443-70-5105

Defendant's Date of Birth: 7-25-61

Defendant's Mailing Address:

4649 N. Main  
Tulsa, Oklahoma 74126

Defendant's Residence Address:

4694 N. Main  
Tulsa, Oklahoma 74126

N/A  
Date of Imposition of Sentence

Thomas R. Brett  
Signature of Judicial Officer

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

Name & Title of Judicial Officer

Aug 20 1991  
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 O. Silver, Clerk

By [Signature]  
Deputy

FILED

# United States District Court

AUG 20 1991

NORTHERN

District of

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

MARIO ROBERTO GARCIA-EMANUEL

Case Number: 90-CR-092-001-B

(Name of Defendant)

T. Michael Martin  
Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- was found guilty on count(s) One, two, six and seven of the Superseding after a plea of not guilty. Indictment

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:846, 841(a)(1), 841(b)(1)(A)(ii)	Conspiracy to Possess with intent to Distribute Cocaine	December, 1988	1
21:848	Continuing Criminal Enterprise	December, 1988	2
26:7201	Income Tax Evasion	April 15, 1988	6
		April 15, 1989	7

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) 8 - 25 of the Superseding Indictment ~~is (are)~~ dismissed ~~on the motion of the United States~~ and all counts of the original Indictment were by the Court.
- It is ordered that the defendant shall pay a special assessment of \$ 200, for count(s) One, two, six and seven, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

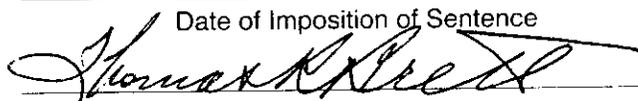
Defendant's Soc. Sec. No.: 042-58-1961

Defendant's Date of Birth: 4-24-48

August 19, 1991

Defendant's Mailing Address:

Mens Correctional Institute  
Hanswick, Georgia

  
Signature of Judicial Officer

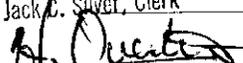
The Honorable Thomas R. Brett  
U.S. District Judge

Name & Title of Judicial Officer

Defendant's Residence Address:

10241 S. 215th East Avenue  
Broken Arrow, Oklahoma 74014

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

8-20-91  
Date

Defendant: Mario Roberto Garcia-Emanuel  
Case Number: 90-CR-092-001-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 292 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 United States 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: Mario Roberto Gallego-Emanuel  
Case Number: 90-CR-092-001-B

Judgment—Page 3 of 4

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
5 years

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). 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 report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.
- 14) the defendant shall submit to urinalysis as directed by the probation office.

Defendant: Mario Roberto Garcia-Emanuel  
Case Number: 90-CR-092-001-B

Judgment - Page 4 of 4

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 40

Criminal History Category: I

Imprisonment Range: 292 to 365 months

Supervised Release Range: Not less than 5 years to years

Fine Range: \$ 25,000 to \$ 4,000,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ N/A

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

A sentence of 292 months adequately addresses the objective of deterrence and punishment.

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

FILED

# United States District Court

AUG 20 1991

NORTHERN

DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

Mario Roberto Garcia-Emanuel  
10241 South 215th East Avenue  
Broken Arrow, Oklahoma

Case Number: 90-CR-092-001-B

(Name and Address of Defendant)

T. Michael Martin  
Attorney for Defendant

### THE DEFENDANT ENTERED A PLEA OF:

guilty  nolo contendere] as to count(s) \_\_\_\_\_, and  
 not guilty as to count(s) 3, 4 & 5 of the Superseding Indictment

### THERE WAS A:

finding  verdict] of guilty as to count(s) 3, 4 & 5 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:

Counts 3, 4, & 5 Income Tax Evasion, 26:7201

### IT IS THE JUDGMENT OF THIS COURT THAT:

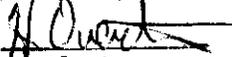
The defendant be placed in the custody of the Bureau of Prisons for a term of five (5) years.

Said sentence is to run concurrently with the sentence imposed for the counts that apply under the Sentencing Reform Act which is referenced under a separate Judgment and Commitment Order.

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 the Court.

Jack C. Silver, Clerk

By   
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 \$ 150.00 pursuant to Title 18, U.S.C. Section 3013 for count(s) 3, 4 & 5 as follows:

Count 3 \$50
Count 4 \$50
Count 5 \$50

IT IS FURTHER ORDERED THAT counts the Indictment is 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:

August 19, 1991
Date of Imposition of Sentence
Signature of Judicial Officer: Thomas R. Brett
The Honorable Thomas R. Brett
U.S. District Judge
Name and Title of Judicial Officer
8-20-91
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



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

FILED

AUG 19 1991

UNITED STATES OF AMERICA, }  
 }  
 Plaintiff, }  
 }  
 vs. }  
 }  
 LLOYD M. REID, }  
 }  
 Defendant. }

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

No. 89-CR-33-C

ORDER

Before the Court is the motion of the defendant, Lloyd M. Reid, for a new trial. Defendant files his motion within two years of the date of conviction pursuant to Rule 33 F.R.Cr.P. requesting a new trial based on newly discovered evidence.

Defendant contends that as part of pretrial discovery, he filed a motion for disclosure of inducements, promises, and payments to prospective witnesses. Government responded that it anticipated using Rhonda Grimmatt as a witness in its case-in-chief. Government stated there was no written plea agreement with Ms. Grimmatt but assurances were made that in return for her cooperation and testimony, the fact of her assistance with the federal government would be made known to her sentencing judge in state court. The case went to trial on June 21, 1989. During cross examination, upon inquiry, Ms. Grimmatt stated that she did not have an agreement with the Government nor had she received any promises from government in exchange for her testimony. Taken by

8-20  
C/S

surprise, defense counsel requested a bench conference. At the conference government's attorney assured the Court that there were no agreements with Ms. Grimmett or promises made to her in exchange for her testimony. Government admitted informing the defense in pretrial that it had anticipated an agreement, but no agreement was ever offered. Based on government's assurances and the consistent testimony of Ms. Grimmett, the Court determined that the defendant had not been prejudiced by the pretrial statement of the government. Additionally, that since no promises had been made to the witness, her testimony could not have been influenced by the prospect of receiving a benefit from the government.

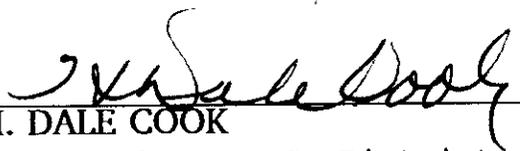
Defendant Reid was found guilty by a jury on June 29, 1989. His conviction was affirmed on appeal on August 20, 1990. In his motion for new trial, defendant asserts that on March 8, 1990 government's attorney sent a letter to Ms. Grimmett's state court sentencing judge advising of her cooperation and assistance in the Reid trial. Defendant contends that this letter is newly discovered evidence that government had an agreement with Ms. Grimmett at the time she testified, warranting a new trial.

In response the government asserts that at the time Ms. Grimmett testified against Reid she had testified truthfully that no promises had been made to her. This is so, even though government had advised at pretrial that it "anticipated" offering a benefit to Ms. Grimmett. After Reid's conviction, government did send a letter to the sentence judge (even though Ms. Grimmett had already been sentenced) advising the state court judge of her assistance and cooperation with government.

Defendant's motion for new trial is without merit in that the fact government chose to advise Ms. Grimmatt's sentencing judge of her cooperation after Reid's conviction, had no bearing on Ms. Grimmatt's testimony at the time of trial. Without Ms. Grimmatt's knowledge that she would receive a benefit from favorable testimony, her testimony could not have been affected at the time of trial. Defendant Reid has brought forth no evidence that Ms. Grimmatt had falsely testified at trial regarding this matter and therefore the fact that government sent a letter after Reid's conviction has not prejudiced Reid or denied him a fair trial.

Accordingly, defendant's motion for new trial is hereby denied.

*IT IS SO ORDERED* this 19<sup>th</sup> day of August, 1991.

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

# United States District Court

AUG 19 1991

Northern District of Oklahoma

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

UNITED STATES OF AMERICA

V.

JOHN DANIEL TROUTMAN

(Name of Defendant)

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Case Number: 91-CR-064-001-B

Stephen Greubel, F.P.D.  
Defendant's Attorney

### THE DEFENDANT:

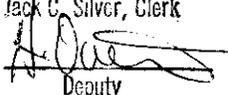
- pleaded guilty to count(s) One of the Indictment
- was found guilty on count(s) --- after a plea of not guilty.

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number (X)
18:656	Embezzlement by Bank Employee	04-16-91	One

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   
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) --- and is discharged as to such count(s).
- Count(s) --- (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of the Indictment, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 447-72-1643

Defendant's Date of Birth: May 16, 1952

Defendant's Mailing Address:

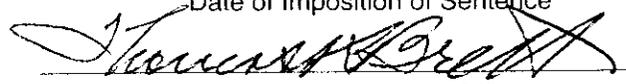
10528 North Memorial  
Owasso, Oklahoma 74055

Defendant's Residence Address:

10528 North Memorial  
Owasso, Oklahoma 74055

August 14, 1991

Date of Imposition of Sentence



Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

August 19, 1991

Date

Defendant: TROUTMAN, JOHN DANIEL  
Case Number: 91-CR-064-001-B

Judgment—Page 2 of 4**PROBATION**

The defendant is hereby placed on probation for a term of Two (2) years.

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). 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:

Pay restitution in the amount of \$1,500 to First National Bank and Trust Co. of Tulsa, as directed by the U. S. Probation Office.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.
- 15) the defendant shall not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

Defendant: TROUTMAN, JOHN DANIEL  
Case Number: 91-CR-064-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
First National Bank & Trust Co. of Tulsa P. O. Box 1 Tulsa, Oklahoma 74193	\$1,500.00

Payments of restitution are to be made to:

- the United States Attorney for transfer to the payee(s).
- the payee(s).

Restitution shall be paid:

- in full immediately.
- in full not later than \_\_\_\_\_.
- in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- in installments according to the following schedule of payments:  
as directed by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

**FORFEITURE**

- The defendant is ordered to forfeit the following property to the United States:

Defendant: TROUTMAN, JOHN DANIEL  
Case Number: 91-CR-064-001-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

**Guideline Range Determined by the Court:**

Total Offense Level: 6

Criminal History Category: I

Imprisonment Range: 0 to 6 months

Supervised Release Range: - to 5 years

Fine Range: \$ 800.00 to \$ 1,000,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 1,500.00

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

AUG 19 1991

# United States District Court

Northern District of Oklahoma

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

UNITED STATES OF AMERICA

V.

SHANNON DEWAYNE WALLACE

(Name of Defendant)

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Case Number: 91-CR-068-001-B

Jack E. Gordon, Jr.

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:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1029(a)(2) & (b)(1)	Use of Unauthorized Access Device	04-08-91	One

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.

By Jack C. Silver, Clerk  
[Signature]  
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) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) Two of the Indictment (is) (~~are~~) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50.00 for count(s) One of the Indictment, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 443-78-8283

Defendant's Date of Birth: June 27, 1971

Defendant's Mailing Address:  
105 West Fry Street  
Claremore, Oklahoma 74017

Defendant's Residence Address:  
105 West Fry Street  
Claremore, Oklahoma 74017  
sm

August 14, 1991

Date of Imposition of Sentence

[Signature]  
Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

August 19, 1991  
Date

Defendant: WALLACE, SHANNON DEWAYNE  
Case Number: 91-CR-068-001-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 four (4) 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 United States marshal.

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

- ~~XXXXXX~~ at 11:00 a.m. on 09-09-91
- 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: WALLACE, JANNON DEWAYNE  
 Case Number: 91-CR-068-001-B

Judgment—Page 3 of 4

### 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 not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). 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 report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.
- 15) the defendant shall participate in a mental health program approved 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.

Defendant: WALLACE, SHANNON DEWAYNE  
Case Number: 91-CR-068-001-B

Judgment—Page 4 of 4

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

**Guideline Range Determined by the Court:**

Total Offense Level: 8

Criminal History Category: II

Imprisonment Range: 4 to 10 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 1,000 to \$ 10,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

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

FILED

AUG 19 1991

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS L. WAUGH,

Defendant.

}  
}  
}  
}  
}  
}  
}  
}

No. 90-CR-95-C

ORDER

The motion of the plaintiff, United States of America, for the Court to reconsider its Order of July 24, 1991 and for stay is hereby denied.

Defendant has raised issues in its briefs which meet the standards for release as contained in 18 U.S.C. §3143(b)(B), in particular, whether the conduct complained of by the Government is a violation of federal law in view of the language contained in Williams v. United States, 458 U.S. 279 (1982).

Additionally the Court imposed a twelve month term of imprisonment as to each of Counts I through VII of the Indictment to run concurrently. In the event the Circuit Court were to find in favor of the defendant on any one of the issues raised on

*Chick*

appeal, the defendant would have unnecessarily served the sentence prior to issuance of the opinion of the Circuit Court.

Accordingly, plaintiff's motion to reconsider is denied.

*IT IS SO ORDERED* this 19<sup>th</sup> day of August, 1991.



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

# United States District Court

AUG 19 1991

Northern District of Oklahoma

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

UNITED STATES OF AMERICA

V.

KATHLEEN ANN WASHINGTON

(Name of Defendant)

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Case Number: 91-CR-024-004-B

Stephen J. Greubel, F.P.D.

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:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:371 & 1343	Wire Fraud Conspiracy	05-01-90	One

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.

By Jack C. Silver, Clerk  
[Signature]  
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) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) Two thru Fifteen of the Indictment  (are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of the Indictment, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 444-66-2599

Defendant's Date of Birth: August 11, 1959

Defendant's Mailing Address:

2436 Nottingham, Apt. 67

Moore, Oklahoma 73160

Defendant's Residence Address:

2436 Nottingham, Apt. 67

Moore, Oklahoma 73160

sm

August 14, 1991

Date of Imposition of Sentence

[Signature]  
Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

August 19, 1991

Date

Defendant: WASHINGTON, KATHLEEN ANN  
Case Number: 91-CR-024-004-B

Judgment—Page 2 of 4**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, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). 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:

Probationer shall spend the first three months of supervision in home detention.

**STANDARD CONDITIONS OF SUPERVISION**

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.
- 15) the defendant shall not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

Defendant: WASHINGTON, KATHLEEN ANN  
Case Number: 91-CR-024-004-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Mable E. Kluchesky 4515 West Powell Gresham, Oregon 97030	\$3,400.00 divided equally between each of the 6 victims, or \$566.66 each.
Bernice M. Nixon 424 Avenue D Snohomish, Washington	
Marion Miller 5656 East 30th Street Tucson, Arizona	Mary E. Thompson 1047 14th Street, Trailer No. 3 Oroville, California
Dorothy L. Peek 406 East Magnolia Centralia, Washington 98531	Jewel Walton 308 North Chestnut Bloomfield, New Mexico

Payments of restitution are to be made to:

- the United States Attorney for transfer to the payee(s).
- the payee(s).

Restitution shall be paid:

- in full immediately.
- in full not later than \_\_\_\_\_.
- in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.

in installments according to the following schedule of payments:

as directed by the U. S. Probation Officer.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

**FORFEITURE**

The defendant is ordered to forfeit the following property to the United States:

Defendant: WASHINGTON, KATHLEEN ANN  
Case Number: 91-CR-024-004-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

**Guideline Range Determined by the Court:**

Total Offense Level: 13

Criminal History Category: I

Imprisonment Range: 12 to 18 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 3,400 to \$ 80,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 43,567.08

Full restitution is not ordered for the following reason(s):

Defendant does not have ability to make full restitution.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):



in all respects both pretrial and during the trial, was professionally, zealously, and competently delivered.

3. The evidence adduced by the government during trial was substantial. It included a surveillance photograph of the defendant taken during the robbery, several eyewitness identifications, and circumstantial proof linking Mr. Cole to the automobile used in the robbery. Also, Mr. Cole was identified by a pawn shop owner as having been in the Broken Arrow pawn shop following the robbery, and having worn clothing identical to that worn by the robber.

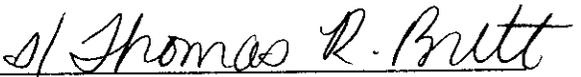
4. The court concludes, as a matter of law, that the movant has failed to state a colorable claim of ineffective assistance of counsel upon which relief may be granted, and that the movant has failed to adduce sufficient evidence to allow a conclusion that Mr. Couch's performance fell below an objective standard of reasonableness. The court further concludes that the outcome of the trial would not have been different had Mr. Couch called the so-called "rebuttal" (alibi) witnesses.

5. Additionally, the court finds that Mr. Cole was fully and completely apprised by the court of his right to demand a full thirty days, between the return of the Superseding Indictment and the trial, in order to prepare for trial. The court finds that Mr. Cole discussed his options regarding the thirty day interval with his counsel, that Mr. Couch did not pressure the defendant into a waiver of his rights and that Mr. Cole was not confused at the time he elected to waive the thirty day time limit. The court

concludes that Mr. Cole made a knowing, informed, and voluntary waiver of the thirty day time period.

For the above-referenced reasons, and good cause having been shown, IT IS HEREBY ORDERED that the "Pro Se Petition" be denied in all parts, and that should the petition be regarded as a motion for new trial, that the motion is hereby overruled.

DONE this the 19<sup>th</sup> day of August 1991.

  
THOMAS R. BRETT  
United States District Judge

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

AUG 16 1991

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

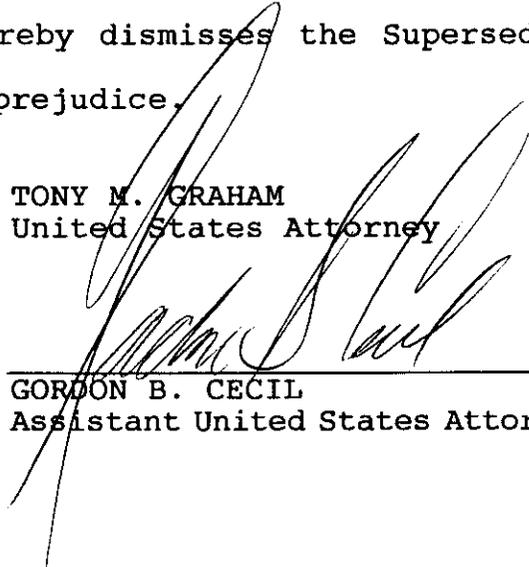
UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ELI A. MAGHE, JR., )  
 DEE PIATT MAGHE, )  
 GINA WILHITE, )  
 PATRICK SELVY, )  
 JACK MAYER, )  
 )  
 Defendants. )

No. 91-CR-41-E

DISMISSAL WITHOUT PREJUDICE

The United States Attorney for the Northern District of Oklahoma, with leave of Court, hereby dismisses the Superseding Indictment in this cause, without prejudice.

TONY M. GRAHAM  
United States Attorney

  
\_\_\_\_\_  
GORDON B. CECIL  
Assistant United States Attorney

United States District Court **FILED**

for

NORTHERN DISTRICT OF OKLAHOMA

AUG 13 1991  
Jack C. Silver, Clerk  
U.S. DISTRICT COURT

U.S.A. vs. Barbara Anderson Docket No. 86-CR-66-B

**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 Barbara Anderson who was placed on supervision by the Honorable Thomas R. Brett sitting in the court at Tulsa, Oklahoma, on the 17 day of September, 19 86 who fixed the period of supervision at five (5) years, and imposed the general terms and conditions theretofore adopted by the court and also imposed special conditions and terms as follows:

That the defendant pay \$45,581.62 restitution during the probation term.

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

(If short insert here; if lengthy write on separate sheet and attach)

Anderson has failed to satisfy her restitution due, in part, to her limited income and medical circumstances. The unpaid balance as of August 9, 1991, is \$9,627.62.

PRAYING THAT THE COURT WILL ORDER that the defendant's probation be allowed to expire on September 16, 1991, without further action being taken.

**ORDER OF COURT**

Considered and ordered this 13<sup>th</sup> day of August, 1991 and ordered filed and made a part of the records in the above case.

Thomas R. Brett  
U.S. District Judge

Respectfully,

Melvin J. Fields  
Probation Officer

Place Tulsa, Oklahoma

Date August 12, 1991

4

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

NOV 12 1991  
JACKSONVILLE, FLORIDA  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
DWAYNE BUFORD REED, )  
PHILLIP DWAYNE REED, )  
JOHNATHON RAY THOMAS a/k/a )  
JOHNATHON RAY PITTS, )  
 )  
Defendants. )

No. 91-CR-42-C

MOTION AND ORDER OF DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure, and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby moves to dismiss without prejudice Count One of the Indictment against DWAYNE BUFORD REED, PHILLIP DWAYNE REED, and JOHNATHON RAY THOMAS a/k/a JOHNATHON RAY PITTS, defendants.

TONY M. GRAHAM  
United States Attorney

  
Assistant United States Attorney

Leave of court is granted for the filing of the foregoing motion to dismiss and the Court hereby orders dismissal of Count One of the Indictment against DWAYNE BUFORD REED, PHILLIP DWAYNE REED, and JOHNATHON RAY THOMAS a/k/a JOHNATHON RAY PITTS, defendants.

  
UNITED STATES DISTRICT JUDGE

FILED

AUG - 8 1991

# United States District Court

FOR THE NORTHERN District of OKLAHOMA

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

UNITED STATES OF AMERICA

v.

BILLY RAY BRADSHAW

(Name of Defendant)

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Case Number: 91-CR-027-001-C

Richard Couch (Court Appointed)

Defendant's Attorney

### THE DEFENDANT:

pleaded guilty to count(s) One and 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:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:2113(a)(d)	Bank Robbery	02-11-91	One
18:924(c)(1)	Carrying a Firearm During the Commission of a Crime of Violence	02-11-91	Two

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.

By Jack C. Silver Clerk  
[Signature]  
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) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 100, for count(s) One and Two, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 431-21-6561

Defendant's Date of Birth: 02-18-58

Defendant's Mailing Address:  
4805 Cypress  
North Little Rock, Arkansas 72116

Defendant's Residence Address:  
4805 Cypress  
North Little Rock, Arkansas 72116

August 5, 1991

Date of Imposition of Sentence

[Signature]  
Signature of Judicial Officer

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

Name & Title of Judicial Officer

August 5, 1991

Date

Defendant: BRADSHAW, Billy Ray  
Case Number: 91-CR-027-001-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 ninety-three (93) months

Count One - 33 months

Count Two - 60 months to run consecutive to Count One.

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 United States 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

### 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 not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). 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 report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.
- 14) the defendant shall submit to random urinalysis testing as directed by the U. S. Probation Office.

Defendant: BRADSHAW, Billy Ray  
Case Number: 91-CR-027-001-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 20

Criminal History Category: I

Imprisonment Range: 33 to 41 months as to Count One; 60 mos. consecutive as to Count Two.

Supervised Release Range: 3 to 5 years

Fine Range: \$ 7,500 to \$75,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$

Full restitution is not ordered for the following reason(s): The defendant does not, and in all likelihood will not, have the ability to pay restitution.

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

FILED

AUG 03 1991

# United States District Court

NORTHERN

District of

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

LAURA D. FARMER

Case Number: 91-CR-030-001-E

(Name of Defendant)

Steve Greubel

Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) Count I of a single count 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:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
42:USC:408(e)	Conversion of Funds from the Social Security Administration	November 3, 1989	One

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.
- It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of a single count Indictment, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 447-36-1875

Defendant's Date of Birth: 07-08-36

July 29, 1991

Date of Imposition of Sentence

Defendant's Mailing Address:

*James O. Ellison*  
Signature of Judicial Officer

2036 E. Xyler  
Tulsa, Oklahoma 74110

James O. Ellison, U.S. District Judge

Defendant's Residence Address:

Same as above

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.

Name & Title of Judicial Officer

Jack C. Silver, Clerk

8/2/91

Date

By *[Signature]*  
Deputy

Defendant: FARMER, Laura D.  
Case Number: 91-CR-030-001-E

Judgment—Page 2 of 4

### PROBATION

The defendant is hereby placed on probation for a term of five (5) years

While on probation, the defendant shall not commit another Federal, state, or local crime, shall not illegally possess a controlled substance, and shall not possess a firearm or destructive device. The defendant also shall comply with the standard conditions that have been adopted by this court (set forth below). 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. The defendant shall not open any new lines of credit, except for medical treatment, unless approved by the U.S. Probation Office.
2. The defendant shall be detained at her home during the first two (2) months of probation, except on those occasions for medical treatment, or upon permission by the U.S. Probation Office.
3. The defendant shall pay restitution as set forth on page 3 of Judgment.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.
- 14) The defendant shall not possess a firearm or destructive device.
- 15) The defendant shall submit to urinalysis as directed by the U.S. Probation Office.

Defendant: FARMER, Laura D.  
 Case Number: 91-CR-030-001-E

Judgment—Page 3 of 4

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Department of Justice Lock Box Account Citizen & Southern National Bank P. O. Box 100573 Atlanta, Georgia 30384	\$4,952.27

Payments of restitution are to be made to:

- the United States Attorney for transfer to the payee(s).
- the payee(s).

Restitution shall be paid:

- in full immediately.
- in full not later than \_\_\_\_\_.
- in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- in installments according to the following schedule of payments:

As directed by the U.S. Probation Office

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

**FORFEITURE**

The defendant is ordered to forfeit the following property to the United States:

Defendant: FARMER, Laura D.  
Case Number: 91-CR-030-001-E

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

**Guideline Range Determined by the Court:**

Total Offense Level: 8

Criminal History Category: I

Imprisonment Range: 2 to 8 months

Supervised Release Range: 2 to 3 years (Optional)

Fine Range: \$ 4,952.27 to \$ 10,000.00

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 4,952.27

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

FILED

# United States District Court

AUG 03 1991

Northern District of Oklahoma

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

UNITED STATES OF AMERICA  
V.

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1987)

Case Number: 91-CR-013-001-E

STEPHANIE ANN REDDELL  
(Name of Defendant)

Ron Daniels  
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:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1001 & 2	False Statement, Welfare Fraud	09-17-89	One

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) Two (is) ~~(are)~~ dismissed on the motion of the United States.

It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of the Indictment, which shall be due  immediately  as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 443-62-8066

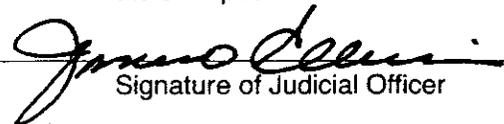
Defendant's Date of Birth: 04-06-57

July 30, 1991

Date of Imposition of Sentence

Defendant's Mailing Address:

1023 East 41st Street, Apt. 8  
Tulsa, Oklahoma 74105

  
Signature of Judicial Officer

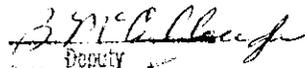
Defendant's Residence Address:

1023 East 41st Street, Apt. 8  
Tulsa, Oklahoma 74105  
sm(jw)

United States District Court  
Northern District of Oklahoma  
In and for the Southern District of Oklahoma  
In this Court.  
James O. Ellison, U. S. District Judge  
Name & Title of Judicial Officer

Jack C. Silver, Clerk

Date

By   
Deputy

Defendant: REDDELL, STEPHANIE ANN  
Case Number: 91-CR-013-001-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 eleven (11) months

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

That the defendant participate in a mental health program approved by 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 United States 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: REDDELL, ST. HANIE ANN  
Case Number: 91-CR-013-001-E

Judgment—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
Two (2) years

While on supervised release, the defendant shall not commit another federal, state, or local crime and shall not illegally possess a controlled substance. The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). 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 report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

The defendant shall participate in a mental health program pertaining to the instant offense approved by the U. S. Probation Office.

### STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this judgment, the defendant shall not commit another federal, state or local crime. In addition:

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) 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;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) 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;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) 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;
- 10) 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;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) 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;
- 13) 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.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.
- 15) the defendant shall not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

Defendant: REDDELL, STEPHANIE ANN  
Case Number: 91-CR-013-001-E

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution to the following persons in the following amounts:

**Name of Payee**

**Amount of Restitution**

Oklahoma Department of Human Services	\$2,209.00
Attention: Finance Department	
P. O. Box 25352	
Oklahoma City, OK 73125	

Payments of restitution are to be made to:

- the United States Attorney for transfer to the payee(s).
- the payee(s).

Restitution shall be paid:

- in full immediately.
- in full not later than the expiration of supervised release
- in equal monthly installments over a period of \_\_\_\_\_ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- in installments according to the following schedule of payments:

to be arranged on a monthly payment schedule, as determined by the U. S. Probation Office.

Any payment shall be divided proportionately among the payees named unless otherwise specified here.

**FORFEITURE**

The defendant is ordered to forfeit the following property to the United States:

Defendant: REDDELL, STEPHANIE ANN  
 Case Number: 91-CR-013-001-E

Judgment—Page 5 of 5

### STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report.

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

#### Guideline Range Determined by the Court:

Total Offense Level: 7

Criminal History Category: IV

Imprisonment Range: 8 to 14 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 500 to \$ 5,000

Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$ 2,209.00

Full restitution is not ordered for the following reason(s):

The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

OR

The sentence departs from the guideline range

upon motion of the government, as a result of defendant's substantial assistance.

for the following reason(s):

**FILED**

# United States District Court

AUG 1 1991

NORTHERN

DISTRICT OF

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

**JUDGMENT IN A CRIMINAL CASE**

Mark D. Smith  
1310 S. 123rd E. Ave.  
Tulsa, Oklahoma 74128

Case Number: 91-CR-009-006-E

(Name and Address of Defendant)

Rabon Martin  
Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

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

THERE WAS A:

finding  verdict] of guilty as to count(s) \_\_\_\_\_.

THERE WAS A:

finding  verdict] of not guilty as to count(s) One of the Indictment  
 judgment of acquittal as to count(s) One of the Indictment

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

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

IT IS THE JUDGMENT OF THIS COURT THAT:

The defendant is discharged from the proceedings in this matter.

U.S. District Court  
Tulsa, Oklahoma  
I have reviewed the foregoing  
is a true and correct copy of the  
in this Court.

Jack C. Silver, Clerk

By *Rabon Martin*  
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 \$ \_\_\_\_\_ pursuant to Title 18, U.S.C. Section 3013 for count(s) \_\_\_\_\_ as follows:

IT IS FURTHER ORDERED THAT counts \_\_\_\_\_ are DISMISSED on the motion of the United States.

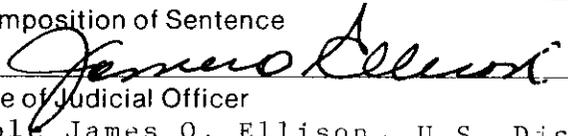
IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments 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 17, 1991 \_\_\_\_\_

Date of Imposition of Sentence



Signature of Judicial Officer

Honorable James O. Ellison, 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

**FILED**

# United States District Court

AUG 1 1991

NORTHERN DISTRICT OF OKLAHOMA

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

UNITED STATES OF AMERICA

V.

## JUDGMENT IN A CRIMINAL CASE

Rebecca A. Brewer  
Post Office Box 117, Rt H41  
Skiatook, Oklahoma 74070

Case Number: 91-CR-009-007-E

(Name and Address of Defendant)

Mark Warman and Larry Oliver  
Attorney for Defendant

### THE DEFENDANT ENTERED A PLEA OF:

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

### THERE WAS A:

finding  verdict] of guilty as to count(s) \_\_\_\_\_

### THERE WAS A:

finding  verdict] of not guilty as to count(s) One of the Indictment

judgment of acquittal as to count(s) One of the Indictment

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

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

### IT IS THE JUDGMENT OF THIS COURT THAT:

The defendant is discharged from the proceedings in this matter.

U.S. District Court  
Skiatook, Oklahoma  
1991  
*B. M. Lough*

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 \$ \_\_\_\_\_ pursuant to Title 18, U.S.C. Section 3013 for count(s) \_\_\_\_\_ as follows:

IT IS FURTHER ORDERED THAT counts \_\_\_\_\_ are DISMISSED on the motion of the United States.

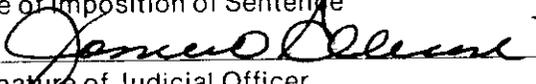
IT IS FURTHER ORDERED that the defendant shall pay to the United States attorney for this district any amount imposed as a fine, restitution or special assessment. The defendant shall pay to the clerk of the court any amount imposed as a cost of prosecution. Until all fines, restitution, special assessments 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 17, 1991

Date of Imposition of Sentence

  
Signature of Judicial Officer

Honorable James O. Ellison, 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

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

**F I L E D**

**AUG 1 1991**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARIO R. GARCIA-EMANUEL,

Defendant.

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

No. 90-CR-92-B

O R D E R

Before the Court is the Motion for Judgment of Acquittal filed by the defendant, Mario Garcia-Emanuel, pursuant to Fed.R.Crim.P. 29(c). The defendant was convicted by a jury on April 1, 1991 of all twenty-five counts set forth in the superseding indictment. The defendant moves the Court to enter a judgment of acquittal of Count 1 (Conspiracy to possess with intent to distribute cocaine), Count 2 (Operating a continuing criminal enterprise), Count 8 (Conspiracy to launder money) and Counts 9-25 (Specific acts of money laundering).

In considering a Rule 29(c) motion, the Court must weigh all the evidence in the light most favorable to the government to determine whether a reasonable jury might find the defendant guilty beyond a reasonable doubt. United States v. Hooks, 780 F.2d 1526, 1531 (10th Cir. 1986), cert. denied, 475 U.S. 1128 (1986). Having applied this standard of review to the evidence in this case, the Court concludes that there is ample evidence to sustain the defendant's conviction of Counts 1 and 2 of the superseding indictment, but the evidence fails to support the defendant's

conviction of Counts 8-25 of the superseding indictment.

Counts 9-25 of the superseding indictment allege specific violations of the laundering of monetary instruments statute, 18 U.S.C. §1956(a)(1)(B)(i), which states in pertinent part the following:

(a)(1) Whoever, knowing that the property involved in a financial transaction represents the proceeds of some form of unlawful activity, conducts or attempts to conduct such a financial transaction which in fact involves the proceeds of specified unlawful activity -

. . . .  
(B) knowing that the transaction is designed in whole or in part -  
(i) to conceal or disguise the nature, the location, the source, the ownership, or the control of the proceeds of specified unlawful activity; . . .

shall be sentenced to a fine . . . or imprisonment for not more than twenty years, or both.

In United States v. Sanders, 929 F.2d 1466 (10th Cir. 1991), the Tenth Circuit Court of Appeals stated that the purpose of the statute is "to reach commercial transactions intended (at least in part) to disguise the relationship of the item purchased with the person providing the proceeds and that the proceeds used to make the purchase were obtained from illegal activities." Id. at 1472. Citing the legislative history in Senate Report No. 99-433 as support, the Court of Appeals concluded that a design to disguise or conceal the "source or nature of the proceeds" is a necessary element of a money laundering conviction. In reaching this conclusion, the Court of Appeals equated the disguise or concealment of "source or nature of the proceeds" with the disguise

or concealment of the identity of the person providing the illicit proceeds. The Court of Appeals reasoned that to interpret the statute more broadly would "encompass all transactions, however ordinary on their face, which involve the proceeds of unlawful activity," and would "turn the money laundering statute into a 'money spending statute.'" <sup>1</sup>

Consistent with the interpretation of the money laundering statute in Sanders, the Court finds that the specific transactions in Counts 9-25 of the superseding indictment are not violations of the statute because they involve the conversion of cash without any apparent attempt to conceal the identity of the defendant. In fact, in the government's brief in opposition to the defendant's motion, the government concedes that the "money laundering conspiracy between Mario and Marina Garcia did not include using other individuals to make purchases, establishing secret financial accounts or placing assets in nominee names other than Marinas (sic)," any of which would have met the concealment requirement of

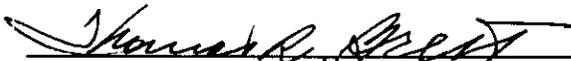
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<sup>1</sup> Although the Court agrees that the statute could be broadly interpreted to characterize any monetary transaction made with proceeds from illegal activity as money laundering, the Court believes that the Court of Appeals' interpretation is too narrow. While the language of the statute clearly states that money laundering includes monetary transactions designed to conceal or disguise either "the nature, the location, the source, the ownership, or the control" of the proceeds from illegal activity, Sanders appears to select only one of the disjunctive nouns, "ownership," as the essential element of the violation. When illicit drug proceeds are converted from the actual cash to a specific asset, such as a horse or real property, a fact question arises concerning whether the nature and/or source and/or location of the proceeds are concealed or disguised. The Court, however, is guided by the pronouncements of the Tenth Circuit Court of Appeals.

Sanders. (Objection to Motion for Judgment of Acquittal p. 13). The government instead argues that the "key to [the defendant's] scheme was to have others believe the source of his income was the Guadalajara Restaurant." (Objection to Motion for Judgment of Acquittal p. 13). This argument is unpersuasive. The Guadalajara Restaurant, for our purposes here, was Mario Garcia. Mario Garcia was doing business as the Guadalajara Restaurant, and all the subject checks written on the Guadalajara Restaurant account were signed by Mario Garcia. The evidence fails to show that the defendant conducted the commercial transactions set forth in Counts 9-25 for the purpose of concealing his identity.

As the Court concludes that the evidence is insufficient to find the defendant guilty of any of the substantive violations of the money laundering statute, the Court cannot find the defendant guilty of conspiracy to launder money under Count 8. The Court, therefore, grants judgment of acquittal for Counts 8-25, but finds the defendant guilty of Counts 1-7. Sentencing will proceed as scheduled on August 5, 1991, at 1:45 P.M.

IT IS SO ORDERED, this 1 day of August, 1991.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE