

FILED

United States District Court

SEP 26 1991

FOR THE NORTHERN District of OKLAHOMA

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

(For Offenses Committed On or After November 1, 1987)

FILED

STEVEN JEFFREY DEVRIES

Case Number: 91-CR-033-003-B

SEP 26 1991

(Name of Defendant)

ROBERT MAYS (Retained) and RICHARD COUCH

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

Court-Appointed for the sentencing procedures. Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s)
was found guilty on count(s) One, Eighteen, Nineteen, Twenty and Twenty-One after a plea of not guilty.

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

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Number(s). Rows include Conspiracy, Wire Fraud, Mail Fraud, Causing a Criminal Act, Interstate Commerce to Sell Unregistered Securities, and Interstate Commerce for Purpose of Fraud in Sale of Securities.

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 \$ 250 for count(s) One, Eighteen, Nineteen, Twenty and Twenty-One, 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.: 481-66-8102

Defendant's Date of Birth: August 21, 1950

Defendant's Mailing Address: 6702 S. 28th W. Ave.

Tulsa, Oklahoma 74132

Defendant's Residence Address:

6702 S. 28th W. Ave.
Tulsa, Oklahoma 74132

September 24, 1991
Date of Imposition of Sentence

Signature of Judicial Officer

THOMAS R. BRETT, UNITED STATES DISTRICT JUDGE

Name & Title of Judicial Officer

September 26, 1991

Date

Defendant: DEVRIES, Steven Jeffrey  
Case Number: 91-CR-033-003-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 six (6) 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 2:00 p.m. at 11:00 a.m. on October 15, 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.
  - That the defendant shall, upon request, surrender and/or make available for review, any and all documents and records of any future business or enterprise in which he may maintain an interest, to the United States Probation Officer.
  - The defendant shall, upon request of the United States Probation Officer, authorize release of any and all financial information, to include income records, by execution of a Release of Financial Information form, or by any other appropriate means.
  - That the defendant pay restitution in the amount of \$877,617 to the victims identified in Attachment A of the Presentence Report, as directed 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; and
- 14) the defendant shall submit to random urinalysis testing as directed by the U. S. Probation Office.

Defendant: DEVRIES, Steven Jeffrey  
 Case Number: 91-CR-033-003-B

Judgment—Page 4 of 5

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

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

**Name of Payee**

**Amount of Restitution**

SEE ATTACHMENT A.

\$877,617

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: DEVRIES, Steven Jeffrey  
Case Number: 91-CR-033-003-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: 20

Criminal History Category: I

Imprisonment Range: 33 to 41 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 7,500 to \$ 5,265,702

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

Restitution: \$ 2,632,851.41

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

The defendant is ordered to pay only a partial amount of the total loss because there are two codefendants who will share in the responsibility to pay the remaining balance.

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): The Court finds that there exists a mitigating circumstance of a kind, or to a degree, in this defendant's case that was not adequately taken into consideration by the Sentencing Commission in formulating the guidelines. As set forth in Part F of the Presentence Report, the defendant's actions were not the sole cause of the loss involved in this conspiracy and the total loss overstates the defendant's actual conduct that contributed to the loss. The defendant did not participate in the preparation of false profit figures that resulted in his forwarding false profit statements to investors, and the defendant knew nothing of the codefendants' theft of investor funds. The Court departs downward to an offense level of 10 that provides a guideline range of 6 to 12 months when combined with his Criminal History Category of I.

**ATTACHMENT A  
TO PRESENTENCE REPORT OF  
STEVEN JEFFREY DEVRIES**

Restitution totals \$2,632,851.41, and is made payable as prescribed below:

<u>NAME</u>	<u>AMOUNT</u>
Guy L. and Rita Abbey 205 Richards Road LaGrange, TX 68945	\$ 500.00
Dr. John Abel 6117-A E. 21st Street Tulsa, OK 74114	90,927.64
Acadia Veterinary Hospital, Inc. Ralph W. Grogan Russell Grogan 5202 East 11th Street Tulsa, OK 74112	2,500.00
Bobby Adams Route 1, Box 557B9 LaGrange, TX 78945	2,000.00
Cyriac Alexander 841 Santa Florencia Solana Beach, CA 92071	10,000.00
Dr. Robert A. Anderson 10613 South Oxford Tulsa, OK 74136	110,000.00
W. E. (Bill) Anderson 2245 S. Indianapolis Tulsa, OK 74114	11,000.00
Don L. Asher 6705 S. Peach Broken Arrow, OK 74011	500.00
Mario Aus 6144-B S. Madison Place Tulsa, OK 74136	1,050.00
Richard and Doris Auten 2108 E. El Parque Tempe, AZ 85282	1,085.00

Auto Refinish L. C. Clark P. O. Box 169 Tulsa, OK 74101	5,000.00
Kenneth Banks P. O. Box 397 Schulenburg, TX 78956	10,000.00
Budelia R. Barnard 300 N. Fir Avenue Broken Arrow, OK 74012	2,000.00
Bonnie Bell 6210 Amogene Houston, TX 77074	500.00
Paul Bernius 10 Spring Creek Lane Broken Arrow, OK 74014	1,000.00
Ray and Pat Bethke P. O. Box 152 Fayetteville, TX 78940	5,000.00
Andrew T. Boyce 212 S. 276th East Avenue Catoosa, OK 74015	10,000.00
Donnie & Sandra Briner 7551 S. 234th East Avenue Broken Arrow, OK 74014	12,100.00
Jack and Polly Brent Route 2, Box 25-B Angleton, TX 77515	1,000.00
Christopher Brooke 10699 San Diego Mission Road, Apt. 201 San Diego, CA 92108	810.00
Rex Bronnenberg 368 W. Linden Avenue Burbank, CA 91506	500.00
Walter H. and Lydia Bryant 654 Spanish Oak Road Elon College, NC 27244	5,000.00
Hans Von Bussman 4101 E. 53rd Place Tulsa, OK 74135	2,000.00

Kirk Andrew Von Bussman 4101 E. 53rd Place Tulsa, OK 74135	3,500.00
Bill and Diane Butler 429 W. Quanah Street Broken Arrow, OK 74011	34,025.00
Wesley Butler 12626 S. 199th East Avenue Broken Arrow, OK 74011	79,190.00
Doris Caldwell 8210 E. 71st Street, Suite 286 Tulsa, OK 74133	1,055.00
Annette Capps 1101 West Huntsville Broken Arrow, OK 74011	25,000.00
Peggy Capps Route 3, Box 101 England, AR 72046	3,500.00
Enrico Chiarelli P. O. Box 1240 LaGrange, TX 78945	500.00
Don, Steve & Gladys Copeland 11222 E. Pine Street Tulsa, OK 74116	278,170.94
Deborah Cowden P. O. Box 20790 Oklahoma City, OK 73156	500.00
Tim or Monique Cowden 13 Coventry Court Edmond, OK 73034	1,000.00
Tom Cowden P. O. Box 20790 Oklahoma City, OK 73156	1,000.00
Christin Cox 5035 Shadow Mountain Road Las Cruces, NM 88001	1,055.00
Curtis Cox 2404 Margaret Street Sedalia, MO 75301	1,100.00

CRN Financial Group 3333 E. 38th Street, Suite 8 Tulsa, OK 74135	8,500.00
Dale E. and Doris M. Cox 413 S. First Street Grayville, IL 62844	2,500.00
James B. and Anita Cox 801 Bennett Box 85 Dumas, TX 79029-0085	1,000.00
Dr. Bob Daniel & Group 10446 S. 66th East Avenue Tulsa, OK 74133	355,000.00
Eleanor DeVries 10102 E. 26th Street Tulsa, OK 74129	1,250.00
Mary DeVries 10102 E. 26th ST Tulsa, OK 74129	500.00
Frank Draper 3229 Cypress Claremore, OK 74017	1,000.00
Harry M. Durham 5034 Libbey Houston, TX 77092	2,449.00
Debra Ellisor 307 Brenda Conroe, TX 77305	500.00
Rick Engles 7005 E. 100th Place South Tulsa, OK 74133	1,000.00
Charles H. Evans 16005 E. 83rd Street North Owasso, OK 74055	500.00
Charles A. Falke P. O. Box 103 Warda, TX 78960	2,500.00
Alva Fletcher 802 East Elgin Place Broken Arrow, OK 74012	1,000.00

Ronnie & Judy Fletcher Route 3, Box 510 Coweta, OK 74459	500.00
Mike Forehand 2637 East Marshall Tulsa, OK 74110-4757	4,060.00
Ernest W. Freeman 3809 E. 40th Street Tulsa, OK 74135	5,000.00
Cathy Garoutte 11826 E. 16th Street Tulsa, OK 74128	500.00
Marquerite M. Gavin 1319 Wildbriar Liberty, MO 64068	46,741.25
Glen Giddens 15420 N. 97th E. Avenue Collinsville, OK 74021	1,000.00
Williams and Pauline Giddens 3227 E. Woodrow Tulsa, OK 74110	1,000.00
Brenda Gordon P. O. Box 1503 Broken Arrow, Ok 74013	1,000.00
Charles Graham, Jr. 1861 Surrey Drive Pryor, OK 74361	500.00
Jeff Graves 1713 E. Broadway, No 311 Tempe, AZ 85282	2,500.00
David Greer & Associates, Inc. 13115 Via Suena Valley Center, CA 92082	2,000.00
Henry Gunn P. O. Box 488 LaGrange, TX 87945	3,000.00
Larry and Sandra Gunn P. O. Box 550 LaGrange, TX 78945	500.00

Pat Hallman 7658 E. 58th Place Tulsa, OK 74145	1,000.00
Doug Hardwick 7536 E. 28th Street Tulsa, OK 74129	500.00
James Hardwick 7536 E. 28th Street Tulsa, Ok 74129	1,000.00
Ronald J. and Linda K. Hart P. O. Box 111 Winchester, TX 78964	500.00
Ralph Hawash, M.D. 17235 Banwood Houston, TX 77090	500.00
Roland Hayes 9109 E. 131st North Collinsville, OK 74021	1,000.00
Charles, Lois and Vera Hebard 511 E. Earl Drive, #211 Scottsdale, AZ 85251	77,000.00
Keith Herron 7494 E. Earll Drive, #211 Scottsdale, AZ 85251	7,000.00
J. Michael Hess 1451 N. Fulton Tulsa, OK 74115	1,000.00
Charles Hewlett 1916 Crockett Court Irving, TX 74038	10,000.00
Riley M. Hill, M.D. 2003-A S. Elm Place Broken Arrow, Ok 74012	2,700.00
Grover Hillbolt Route 1, Box 109B Round Top, TX 78945	14,500.00
Gerald G. Himes 5318 S. 71st East Avenue Tulsa, OK 74145	8,000.00

Gerald L. Hinderman 214 W. Quanah Court Broken Arrow, OK 74011	4,350.00
Rosemary S. Hiss 432 N. Monroe Street LaGrange, TX 78945	3,000.00
Mark A. Hoffman Route 5, Box 120 LaGrange, TX 78945	1,000.00
Patrick Hoffman Route 5, Box 119 LaGrange, Tx 78945	5,000.00
Richard Hoffman Route 5, Box 1119 LaGrange, TX 78945	1,000.00
Raymond and Martha Holder 7364 E. 58th Court Tulsa, OK 74145	8,000.00
Bobbie and Judith Holland 312 Camelot Drive Collinsville, IL 62234	6,500.00
Clyde Hopping 11222 E. Pine Street Tulsa, OK 74116	1,000.00
William Howell 6121 Sylvia Avenue Reseda, CA 91335	500.00
Donald L. Imler 8722 Cedarspur Houston, TX 77055	22,481.00
JoAnn Ingram 25819 Oak Ridge Drive The Woodlands, TX	1,000.00
Vicki Jamison-Peterson Ministries P. O. Box 700030 Tulsa, OK 74170	20,000.00
Gary Jennings Jenco Fabricators, Inc. 1850 N. 170th E. Avenue Tulsa, OK 74416	7,500.00

Miles Johnson 7845 Park Avenue Broken Arrow, OK 74011	500.00
Larry and Mary Kahanek P. O. Box 522 LaGrange, Tx 78945	2,000.00
Russell and Janet Keirse 4322 S. Cincinnati Avenue Tulsa, Ok 74105	500.00
Frank T. Kennan, Jr. 14B Myrtle Court Wrightsville Beach, NC 28480	2,000.00
Raymond Kenney 3532 South Troost Tulsa, OK 74105	500.00
Patrick H. Kernan Kernan & Kernan 4500 S. Garnett, Suite 900 Tulsa, OK 74146	98,500.00
Mary Jo Klabzuba 8305 Meadowood Avenue Broken Arrow, OK 74011	1,500.00
J. C. and Caroline Kline P. O. Box 124 Roundtop, TX 78945	2,000.00
Leonard Klein 5628 Santa Cruz Drive Hanover Park, IL 60103	2,500.00
Howard W. Koester 6005 N. W. 23rd Street Oklahoma City, OK 73127-1253	1,000.00
Scott A. Koons 1526 East 71st Street, #405 Tulsa, OK 74136	1,500.00
Ruthe M. Lamb 2656 E. 69th Street Tulsa, OK 74136	5,000.00
Bill Lange P. O. Box 63 Wanda, TX 78960	500.00

Marion Lewis 11222 E. Pine Street Tulsa, OK 74116	1,000.00
Dr. Paul Liechty 3334 Town East Mesquite, TX 75150	160,000.00
Glen A. Lowe 1532 S. College Tulsa, OK 74104	500.00
Lauren C. Malewski 7237 E. Oak Street Scottsdale, AZ 85251	2,500.00
D. Allen Mandlebaum 3524 E. 70th Place Tulsa, OK 74136	500.00
Arthur and Margaret Mantz 2230 S. Piney Point, #114 Houston, TX 77063	2,425.00
Ronald L. Marsh (Image Designs) also for Julie Marsh, daughter John Marsh, son Tim Marsh, son 209 S. Indianwood Broken Arrow, Ok 74012	2,000.00 1,000.00 1,000.00 1,000.00
Steve Mathre Box 412 Nora Springs, Iowa	4,000.00
Jeania Mayer 125 N. 11th Street Broken Arrow, OK 74012	500.00
Ruth McCoy P. O Box 405 Broken Bow, OK 74728	5,000.00
G. M. McGrath 13951 Pequot Poway, CA 92064	10,000.00
Charles McGregor 12115 N. E Expressway Oklahoma City, OK 73131	2,500.00
Geraldine M. McKay 13769.5 Acorn Patch Road Poway, CA 92064	5,000.00

Stacy McMillan P. O. Box 20790 Oklahoma City, OK 73156	500.00
Charles Meadows 1601 S. 1st Place Broken Arrow, OK 74012	500.00
Helen Menning 1920 W. Oak Ridge Street Broken Arrow, OK 74012	69,000.00
Bill Middlebrook 4223 E. 97th Street, South Tulsa, OK 74137	150,000.00
Allan Milhan 124 Rebel Ridge Yukon, OK 73099	1,000.00
James W. Miller 17403 East 78th Street North Owasso, OK 74055	1,000.00
Jenna Miller Anna Miller 2905 S. Elm Street Broken Arrow, OK 74012	500.00
Sherry Miller 9960 E. 21st Street Tulsa, OK 74129	560.00
Sharon J. Montgomery 9901 E. 13th Street Tulsa, OK 74128	500.00
Warren V. Moore 7406 N. W. 36th Street Bethany, OK 73008	2,000.00
William Kirk Morgan, Trustee of the William Wade Morgan Trust P. O. Box 64 Plum, TX 78952	1,000.00
Maxine Morris 307 Brenda Conroe, TX 77305	1,000.00
Mike & Dorothy Mowdy 10710 S. Broadway Oklahoma City, OK 73170	2,500.00

N.B.T. Inc. 1101 S. Johnston Bartlesville, OK 74003	2,500.00
N & N Investments Box 517 Angleton, TX 77516	14,000.00
Deborah Noe 728 Noreda Angelton, TX 77515	6,000.00
Byron and Erica Northrup Route 2, Box 233 LaGrange, TX 78945	5,315.00
Mary Lou Ochs 3744 N. W. 33rd Street P. O. Box 12096 Oklahoma City, OK 73157	500.00
Steve Ochs 8300 N. W. 107th Oklahoma City, OK 73162	510.00
Jeff O'Connor 3266 E. Foxrun Way San Diego, CA 92111	500.00
Daniel R. and Myra Diane Odell 1515 Purdue Avenue, #14 W. Los Angeles, CA 90025	5,000.00
Earl G. and Elizabeth Odell 6918 Alderney Drive Houston, TX 77055	19,000.00
Mary Anna Oksenkrug 1901 White Rose Carrollton, TX 75007	5,125.00
Thomas D. Pendleton 3411 S. 27th Street Muskogee, OK 74401	2,000.00
Dr. and Mrs. Carl R. Peterson 3411 S. 27th Street Tulsa, Ok 74136	50,000.00
David Polasek Route 4, Box 28-D LaGrange, TX 78945	5,000.00

William Potts P. O. Box 1380 Edmond, OK 73080	2,060.00
Phillip A. Purpura 117 W. San Diego Street Broken Arrow, OK 74011	1,000.00
Leonard & Merle Quary P. O. Box 428 Brashear, TX 75420	50,000.00
Tim and Barbara Rackley Route 4, Box 381D LaGrange, TX 78945	3,000.00
Norman Ramsey 3235 S. 93rd East Avenue Tulsa, OK 74145	1,000.00
Fred Raschen 1638 E. 31st Place Tulsa, OK	1,000.00
Jerry L. Richards 3005 East Jackson Place Broken Arrow, OK 74014	500.00
Walter G. Richards 7912 Pecos Lane Scottsdale, AZ 85250	4,085.00
Randall Roberts 6605 S. Fifth Avenue Broken Arrow, OK 74011	2,000.00
James Rott 2500 S. Oak Place Broken Arrow, OK 74012	500.00
Michael Ruhbush Box 109 Spencer, WI 54479	1,060.00
Charles and Betty Russell 307 Brenda Conroe, Tx 77305	10,000.00
Randall Russell 307 Brenda Conroe, TX 77305	2,172.00

Robin Russell 307 Brenda Conroe, TX 77305	500.00
Royden M. Severson 12610 Brandywine Drive Sun City West, AZ 85375	50,000.00
Charles and LaRue Scheller 25903 Oak Ridge Drive Spring, TX 77380	5,000.00
Christine Scheller 27321 Blueberry Hill Conroe, TX 77385	1,000.00
Suzanne Schneider Box 283 LaGrange, TX 78945	900.00
Russell and Sylvia Schoenewe 1212 S. Sycamore Court Broken Arrow, OK 74012	9,000.00
Edward L. Seier E. L. Seier Associates 3201 Highfield Drive, Suite M Bethlehem, PA 18017	2,000.00
Charles Severson 2016 Lynn Avenue Los Gatos, CA 95032	5,045.00
Jim Severson 515 8th N.W. Nora Springs, IA 50458	10,000.00
Sam L. Smith c/o Carl Peterson P. O. Box 700023 Tulsa, OK 74170	500.00
Steven R. Smith 2211 E. 41st Street Tulsa, OK 74105	2,000.00
Bill Sowers 13793 Gull Way Clearwater, FL 34622	500.00
Jonathan Starling 4851 N. Johnstown Tulsa, OK 74126	1,000.00

Elra and Sharon M. Stine Daniel Stine and Kevin Stine 3158 S. 89th E. Avenue Tulsa, OK 74145	3,000.00
Robert Story 12320 E. 16th Place Tulsa, OK 74128	7,000.00
Michael Strayhorn 3325 Willow Creek Way Bedford, TX 76021	808.00
Raymond R. Streger 255 E. Fannin LaGrange, TX 77840	1,000.00
Robert R. and Frances J. Stricker 4009 S. Gum Avenue Broken Arrow, Ok 74011	500.00
Gene H. and Sharon Stromley 2505 Wedglea Drive, Suite 116 Dallas, TX 75211	500.00
Howard Stuart 11471 E. 6th Street Tulsa, OK 74128	2,000.00
William C. Sweeney 1359 Mt. Pleasant Dubuque, Iowa 52001	1,550.00
Jason Taylor 300 N. Fir Avenue Broken Arrow, OK 74012	20,000.00
Wilda Taylor 300 N. Fir Avenue Broken Arrow, OK 74012	5,000.00
James and Grace Tomey 1577 Madrid Drive Vista, CA 92083	3,000.00
Byron H. and Janet Thompson 9487 E. 139th Street Bixby, OK 74008	2,000.00
Ty Tonnessen 1007 Howard Avenue, Unit 55 Escondido, CA 92025	20,000.00

Stanley M. Townsend 6731 S. 66th E. Avenue Tulsa, OK 74133	5,000.00
Judy Upjohn 8619 S. Atlanta Tulsa, OK 74137	1,000.00
Fred VanEman Jarrid, Inc Box 702766 Tulsa, OK 74170	2,500.00
Brian and Peggy Varner 740 S. Remington Angleton, TX 77515	3,000.00
Phillips H. Viles, Jr. (for Amada Erin Viles, OUTMA) P. O. Box 518 Claremore, OK 74018-0518	5,000.00
L. David Vogel Route 3, Box 121E LaGrange, TX 78945	3,000.00
Carol Walker Women of Faith, International 1109 W. Huntsville Broken Arrow, OK 74011	3,000.00
Doris Walker c/o William A. Walker Nisen & Elliot 200 West Adams Street Chicago, IL 60606	500.00
Bob Waller 9960 S. Quebec Tulsa, OK 74137	2,000.00
Betty R. Wesolick 110 Sweet Gum Drive Conroe, TX 77304	2,500.00
Mary L. Wesolicik 529 Oak Knoll Montgomery, TX 77356	1,500.00
Clarence T. West, Jr. 1411 S. Pittsburg Avenue Tulsa, Ok 74112	2,000.00

Ronald E. White 4823 S. 71st East Avenue Tulsa, OK 74145	500.00
Bob and Gail Williams 1204 Honan Drive Manor House #2 South Bend, IN 46614	336,226.58
John F. and Debbie Williams 901 S. Redbud Broken Arrow, OK 74012	500.00
Robert and Dollie Jean Wolverton 9501 E. 13th Street Tulsa, OK 74128	3,500.00
Barbara Wright 5757 Guhn Road, #125 Houston, TX 77040	1,000.00
Dora Wyatt 307 Brenda Conroe, TX 73305	1,000.00
James M. Zoch Route 1, Box 73 Giddings, TX 78942	1,060.00
Roland S. Zock Route 1, Box 73 Giddings, TX 78942	5,000.00

FILED

United States District Court SEP 26 1991

NORTHERN

District of

OKLAHOMA

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V. FILED

(For Offenses Committed On or After November 1, 1987)

John Kenzie McFarlin SEP 26 1991

Case Number: 91-CR-33-01-B

(Name of Defendant) Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

John E. Dolkart

Defendant's Attorney

THE DEFENDANT:

- [X] pleaded guilty to count(s) I, II, III 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:

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Number(s). Rows include 18:371 Conspiracy (May, 1990), 18:1341 Mail Fraud (March 31, 1990), 18:1341 Mail Fraud (April 30, 1990).

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).
[X] Count(s) IV - XVII of the Indictment (is)(are) dismissed on the motion of the United States.
[X] It is ordered that the defendant shall pay a special assessment of \$150 for count(s) I, II, and III of the Indictment, which shall be due [X] 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.: 441-42-8202

Defendant's Date of Birth: June 23, 1944

Defendant's Mailing Address: 5641 S. Quincy Avenue, Tulsa, OK 74105

Defendant's Residence Address: Same

September 24, 1991

Date of Imposition of Sentence

Signature of Judicial Officer (Handwritten Signature)

Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

September 26, 1991

Date

Richard M. Lawrence, Clerk
By: [Handwritten Signature]

Defendant: John Kenzie McFarlin

Judgment—Page 2 of 5

Case Number: 91-CR-33-01-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 30 months

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

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

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

at \_\_\_\_\_ a.m. / p.m. on \_\_\_\_\_.

as notified by the Marshal.

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

before 11:00 a.m. / ~~2:00 p.m.~~ on October 15, 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

Defendant: John Kenzie McFarlin  
 Case Number: 91-CR-33-01-B

Judgment— Page 3 of 5

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
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.  
 That the defendant participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol.

That the defendant is prohibited from incurring new credit charges or opening additional lines of credit without approval of the Probation Officer.

**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: John Kenzie McFarlin  
Case Number: 91-CR-33-01-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>
As described in Attachment A.	\$2,632,851.41

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:  
Restitution paid 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:

ATTACHMENT A  
TO PRESENTENCE REPORT OF  
JOHN KENZIE MCFARLIN

Restitution totals \$2,632,851.41, and is made payable as prescribed below:

<u>NAME</u>	<u>AMOUNT</u>
Guy L. and Rita Abbey 205 Richards Road LaGrange, TX 68945	\$ 500.00
Dr. John Abel 6117-A E. 21st Street Tulsa, OK 74114	90,927.64
Acadia Veterinary Hospital, Inc. Ralph W. Grogan Russell Grogan 5202 East 11th Street Tulsa, OK 74112	2,500.00
Bobby Adams Route 1, Box 557B9 LaGrange, TX 78945	2,000.00
Cyriac Alexander 841 Santa Florencia Solana Beach, CA 92071	10,000.00
Dr. Robert A. Anderson 10613 South Oxford Tulsa, OK 74136	110,000.00
W. E. (Bill) Anderson 2245 S. Indianapolis Tulsa, OK 74114	11,000.00
Don L. Asher 6705 S. Peach Broken Arrow, OK 74011	500.00
Mario Aus 6144-B S. Madison Place Tulsa, OK 74136	1,050.00
Richard and Doris Auten 2108 E. El Parque Tempe, AZ 85282	1,085.00

Auto Refinish L. C. Clark P. O. Box 169 Tulsa, OK 74101	5,000.00
Kenneth Banks P. O. Box 397 Schulenburg, TX 78956	10,000.00
Budelia R. Barnard 300 N. Fir Avenue Broken Arrow, OK 74012	2,000.00
Bonnie Bell 6210 Amogene Houston, TX 77074	500.00
Paul Bernius 10 Spring Creek Lane Broken Arrow, OK 74014	1,000.00
Ray and Pat Bethke P. O. Box 152 Fayetteville, TX 78940	5,000.00
Andrew T. Boyce 212 S. 276th East Avenue Catoosa, OK 74015	10,000.00
Donnie & Sandra Briner 7551 S. 234th East Avenue Broken Arrow, OK 74014	12,100.00
Jack and Polly Brent Route 2, Box 25-B Angleton, TX 77515	1,000.00
Christopher Brooke 10699 San Diego Mission Road, Apt. 201 San Diego, CA 92108	810.00
Rex Bronnenberg 368 W. Linden Avenue Burbank, CA 91506	500.00
Walter H. and Lydia Bryant 654 Spanish Oak Road Elon College, NC 27244	5,000.00
Hans Von Bussman 4101 E. 53rd Place Tulsa, OK 74135	2,000.00

Kirk Andrew Von Bussman 4101 E. 53rd Place Tulsa, OK 74135	3,500.00
Bill and Diane Butler 429 W. Quanah Street Broken Arrow, OK 74011	34,025.00
Wesley Butler 12626 S. 199th East Avenue Broken Arrow, OK 74011	79,190.00
Doris Caldwell 8210 E. 71st Street, Suite 286 Tulsa, OK 74133	1,055.00
Annette Capps 1101 West Huntsville Broken Arrow, OK 74011	25,000.00
Peggy Capps Route 3, Box 101 England, AR 72046	3,500.00
Enrico Chiarelli P. O. Box 1240 LaGrange, TX 78945	500.00
Don, Steve & Gladys Copeland 11222 E. Pine Street Tulsa, OK 74116	278,170.94
Deborah Cowden P. O. Box 20790 Oklahoma City, OK 73156	500.00
Tim or Monique Cowden 13 Coventry Court Edmond, OK 73034	1,000.00
Tom Cowden P. O. Box 20790 Oklahoma City, OK 73156	1,000.00
Christin Cox 5035 Shadow Mountain Road Las Cruces, NM 88001	1,055.00
Curtis Cox 2404 Margaret Street Sedalia, MO 75301	1,100.00

CRN Financial Group 3333 E. 38th Street, Suite 8 Tulsa, OK 74135	8,500.00
Dale E. and Doris M. Cox 413 S. First Street Grayville, IL 62844	2,500.00
James B. and Anita Cox 801 Bennett Box 85 Dumas, TX 79029-0085	1,000.00
Dr. Bob Daniel & Group 10446 S. 66th East Avenue Tulsa, OK 74133	355,000.00
Eleanor DeVries 10102 E. 26th Street Tulsa, OK 74129	1,250.00
Mary DeVries 10102 E. 26th ST Tulsa, OK 74129	500.00
Frank Draper 3229 Cypress Claremore, OK 74017	1,000.00
Harry M. Durham 5034 Libbey Houston, TX 77092	2,449.00
Debra Ellisor 307 Brenda Conroe, TX 77305	500.00
Rick Engles 7005 E. 100th Place South Tulsa, OK 74133	1,000.00
Charles H. Evans 16005 E. 83rd Street North Owasso, OK 74055	500.00
Charles A. Falke P. O. Box 103 Warda, TX 78960	2,500.00
Alva Fletcher 802 East Elgin Place Broken Arrow, OK 74012	1,000.00

Ronnie & Judy Fletcher Route 3, Box 510 Coweta, OK 74459	500.00
Mike Forehand 2637 East Marshall Tulsa, OK 74110-4757	4,060.00
Ernest W. Freeman 3809 E. 40th Street Tulsa, OK 74135	5,000.00
Cathy Garoutte 11826 E. 16th Street Tulsa, OK 74128	500.00
Marquerite M. Gavin 1319 Wildbriar Liberty, MO 64068	46,741.25
Glen Giddens 15420 N. 97th E. Avenue Collinsville, OK 74021	1,000.00
Williams and Pauline Giddens 3227 E. Woodrow Tulsa, OK 74110	1,000.00
Brenda Gordon P. O. Box 1503 Broken Arrow, Ok 74013	1,000.00
Charles Graham, Jr. 1861 Surrey Drive Pryor, OK 74361	500.00
Jeff Graves 1713 E. Broadway, No 311 Tempe, AZ 85282	2,500.00
David Greer & Associates, Inc. 13115 Via Suena Valley Center, CA 92082	2,000.00
Henry Gunn P. O. Box 488 LaGrange, TX 87945	3,000.00
Larry and Sandra Gunn P. O. Box 550 LaGrange, TX 78945	500.00

Pat Hallman 7658 E. 58th Place Tulsa, OK 74145	1,000.00
Doug Hardwick 7536 E. 28th Street Tulsa, OK 74129	500.00
James Hardwick 7536 E. 28th Street Tulsa, Ok 74129	1,000.00
Ronald J. and Linda K. Hart P. O. Box 111 Winchester, TX 78964	500.00
Ralph Hawash, M.D. 17235 Banwood Houston, TX 77090	500.00
Roland Hayes 9109 E. 131st North Collinsville, OK 74021	1,000.00
Charles, Lois and Vera Hebard 511 E. Earl Drive, #211 Scottsdale, AZ 85251	77,000.00
Keith Herron 7494 E. Earll Drive, #211 Scottsdale, AZ 85251	7,000.00
J. Michael Hess 1451 N. Fulton Tulsa, OK 74115	1,000.00
Charles Hewlett 1916 Crockett Court Irving, TX 74038	10,000.00
Riley M. Hill, M.D. 2003-A S. Elm Place Broken Arrow, Ok 74012	2,700.00
Grover Hillbolt Route 1, Box 109B Round Top, TX 78945	14,500.00
Gerald G. Himes 5318 S. 71st East Avenue Tulsa, OK 74145	8,000.00

Gerald L. Hinderman 214 W. Quanah Court Broken Arrow, OK 74011	4,350.00
Rosemary S. Hiss 432 N. Monroe Street LaGrange, TX 78945	3,000.00
Mark A. Hoffman Route 5, Box 120 LaGrange, TX 78945	1,000.00
Patrick Hoffman Route 5, Box 119 LaGrange, Tx 78945	5,000.00
Richard Hoffman Route 5, Box 1119 LaGrange, TX 78945	1,000.00
Raymond and Martha Holder 7364 E. 58th Court Tulsa, OK 74145	8,000.00
Bobbie and Judith Holland 312 Camelot Drive Collinsville, IL 62234	6,500.00
Clyde Hopping 11222 E. Pine Street Tulsa, OK 74116	1,000.00
William Howell 6121 Sylvia Avenue Reseda, CA 91335	500.00
Donald L. Imler 8722 Cedarspur Houston, TX 77055	22,481.00
JoAnn Ingram 25819 Oak Ridge Drive The Woodlands, TX	1,000.00
Vicki Jamison-Peterson Ministries P. O. Box 700030 Tulsa, OK 74170	20,000.00
Gary Jennings Jenco Fabricators, Inc. 1850 N. 170th E. Avenue Tulsa, OK 74416	7,500.00

Miles Johnson 7845 Park Avenue Broken Arrow, OK 74011	500.00
Larry and Mary Kahanek P. O. Box 522 LaGrange, Tx 78945	2,000.00
Russell and Janet Keirseay 4322 S. Cincinnati Avenue Tulsa, Ok 74105	500.00
Frank T. Kennan, Jr. 14B Myrtle Court Wrightsville Beach, NC 28480	2,000.00
Raymond Kenney 3532 South Troost Tulsa, OK 74105	500.00
Patrick H. Kernan Kernan & Kernan 4500 S. Garnett, Suite 900 Tulsa, OK 74146	98,500.00
Mary Jo Klabzuba 8305 Meadowood Avenue Broken Arrow, OK 74011	1,500.00
J. C. and Caroline Kline P. O. Box 124 Roundtop, TX 78945	2,000.00
Leonard Klein 5628 Santa Cruz Drive Hanover Park, IL 60103	2,500.00
Howard W. Koester 6005 N. W. 23rd Street Oklahoma City, OK 73127-1253	1,000.00
Scott A. Koons 1526 East 71st Street, #405 Tulsa, OK 74136	1,500.00
Ruthe M. Lamb 2656 E. 69th Street Tulsa, OK 74136	5,000.00
Bill Lange P. O. Box 63 Wanda, TX 78960	500.00

Marion Lewis 11222 E. Pine Street Tulsa, OK 74116	1,000.00
Dr. Paul Liechty 3334 Town East Mesquite, TX 75150	160,000.00
Glen A. Lowe 1532 S. College Tulsa, OK 74104	500.00
Lauren C. Malewski 7237 E. Oak Street Scottsdale, AZ 85251	2,500.00
D. Allen Mandlebaum 3524 E. 70th Place Tulsa, OK 74136	500.00
Arthur and Margaret Mantz 2230 S. Piney Point, #114 Houston, TX 77063	2,425.00
Ronald L. Marsh (Image Designs) also for Julie Marsh, daughter John Marsh, son Tim Marsh, son 209 S. Indianwood Broken Arrow, Ok 74012	2,000.00 1,000.00 1,000.00 1,000.00
Steve Mathre Box 412 Nora Springs, Iowa	4,000.00
Jeania Mayer 125 N. 11th Street Broken Arrow, OK 74012	500.00
Ruth McCoy P. O Box 405 Broken Bow, OK 74728	5,000.00
G. M. McGrath 13951 Pequot Poway, CA 92064	10,000.00
Charles McGregor 12115 N. E Expressway Oklahoma City, OK 73131	2,500.00
Geraldine M. McKay 13769.5 Acorn Patch Road Poway, CA 92064	5,000.00

Stacy McMillan P. O. Box 20790 Oklahoma City, OK 73156	500.00
Charles Meadows 1601 S. 1st Place Broken Arrow, OK 74012	500.00
Helen Menning 1920 W. Oak Ridge Street Broken Arrow, OK 74012	69,000.00
Bill Middlebrook 4223 E. 97th Street, South Tulsa, OK 74137	150,000.00
Allan Milhan 124 Rebel Ridge Yukon, OK 73099	1,000.00
James W. Miller 17403 East 78th Street North Owasso, OK 74055	1,000.00
Jenna Miller Anna Miller 2905 S. Elm Street Broken Arrow, OK 74012	500.00
Sherry Miller 9960 E. 21st Street Tulsa, OK 74129	560.00
Sharon J. Montgomery 9901 E. 13th Street Tulsa, OK 74128	500.00
Warren V. Moore 7406 N. W. 36th Street Bethany, OK 73008	2,000.00
William Kirk Morgan, Trustee of the William Wade Morgan Trust P. O. Box 64 Plum, TX 78952	1,000.00
Maxine Morris 307 Brenda Conroe, TX 77305	1,000.00
Mike & Dorothy Mowdy 10710 S. Broadway Oklahoma City, OK 73170	2,500.00

N.B.T. Inc. 1101 S. Johnston Bartlesville, OK 74003	2,500.00
N & N Investments Box 517 Angleton, TX 77516	14,000.00
Deborah Noe 728 Noreda Angelton, TX 77515	6,000.00
Byron and Erica Northrup Route 2, Box 233 LaGrange, TX 78945	5,315.00
Mary Lou Ochs 3744 N. W. 33rd Street P. O. Box 12096 Oklahoma City, OK 73157	500.00
Steve Ochs 8300 N. W. 107th Oklahoma City, OK 73162	510.00
Jeff O'Connor 3266 E. Foxrun Way San Diego, CA 92111	500.00
Daniel R. and Myra Diane Odell 1515 Purdue Avenue, #14 W. Los Angeles, CA 90025	5,000.00
Earl G. and Elizabeth Odell 6918 Alderney Drive Houston, TX 77055	19,000.00
Mary Anna Oksenkrug 1901 White Rose Carrollton, TX 75007	5,125.00
Thomas D. Pendleton 3411 S. 27th Street Muskogee, OK 74401	2,000.00
Dr. and Mrs. Carl R. Peterson 3411 S. 27th Street Tulsa, Ok 74136	50,000.00
David Polasek Route 4, Box 28-D LaGrange, TX 78945	5,000.00

William Potts P. O. Box 1380 Edmond, OK 73080	2,060.00
Phillip A. Purpura 117 W. San Diego Street Broken Arrow, OK 74011	1,000.00
Leonard & Merle Quarry P. O. Box 428 Brashear, TX 75420	50,000.00
Tim and Barbara Rackley Route 4, Box 381D LaGrange, TX 78945	3,000.00
Norman Ramsey 3235 S. 93rd East Avenue Tulsa, OK 74145	1,000.00
Fred Raschen 1638 E. 31st Place Tulsa, OK	1,000.00
Jerry L. Richards 3005 East Jackson Place Broken Arrow, OK 74014	500.00
Walter G. Richards 7912 Pecos Lane Scottsdale, AZ 85250	4,085.00
Randall Roberts 6605 S. Fifth Avenue Broken Arrow, OK 74011	2,000.00
James Rott 2500 S. Oak Place Broken Arrow, OK 74012	500.00
Michael Ruhbush Box 109 Spencer, WI 54479	1,060.00
Charles and Betty Russell 307 Brenda Conroe, Tx 77305	10,000.00
Randall Russell 307 Brenda Conroe, TX 77305	2,172.00

Robin Russell 307 Brenda Conroe, TX 77305	500.00
Royden M. Severson 12610 Brandywine Drive Sun City West, AZ 85375	50,000.00
Charles and LaRue Scheller 25903 Oak Ridge Drive Spring, TX 77380	5,000.00
Christine Scheller 27321 Blueberry Hill Conroe, TX 77385	1,000.00
Suzanne Schneider Box 283 LaGrange, TX 78945	900.00
Russell and Sylvia Schoenewe 1212 S. Sycamore Court Broken Arrow, OK 74012	9,000.00
Edward L. Seier E. L. Seier Associates 3201 Highfield Drive, Suite M Bethlehem, PA 18017	2,000.00
Charles Severson 2016 Lynn Avenue Los Gatos, CA 95032	5,045.00
Jim Severson 515 8th N.W. Nora Springs, IA 50458	10,000.00
Sam L. Smith c/o Carl Peterson P. O. Box 700023 Tulsa, OK 74170	500.00
Steven R. Smith 2211 E. 41st Street Tulsa, OK 74105	2,000.00
Bill Sowers 13793 Gull Way Clearwater, FL 34622	500.00
Jonathan Starling 4851 N. Johnstown Tulsa, OK 74126	1,000.00

Elra and Sharon M. Stine Daniel Stine and Kevin Stine 3158 S. 89th E. Avenue Tulsa, OK 74145	3,000.00
Robert Story 12320 E. 16th Place Tulsa, OK 74128	7,000.00
Michael Strayhorn 3325 Willow Creek Way Bedford, TX 76021	808.00
Raymond R. Streger 255 E. Fannin LaGrange, TX 77840	1,000.00
Robert R. and Frances J. Stricker 4009 S. Gum Avenue Broken Arrow, Ok 74011	500.00
Gene H. and Sharon Stromley 2505 Wedglea Drive, Suite 116 Dallas, TX 75211	500.00
Howard Stuart 11471 E. 6th Street Tulsa, OK 74128	2,000.00
William C. Sweeney 1359 Mt. Pleasant Dubuque, Iowa 52001	1,550.00
Jason Taylor 300 N. Fir Avenue Broken Arrow, OK 74012	20,000.00
Wilda Taylor 300 N. Fir Avenue Broken Arrow, OK 74012	5,000.00
James and Grace Tomey 1577 Madrid Drive Vista, CA 92083	3,000.00
Byron H. and Janet Thompson 9487 E. 139th Street Bixby, OK 74008	2,000.00
Ty Tonnessen 1007 Howard Avenue, Unit 55 Escondido, CA 92025	20,000.00

Stanley M. Townsend 6731 S. 66th E. Avenue Tulsa, OK 74133	5,000.00
Judy Upjohn 8619 S. Atlanta Tulsa, OK 74137	1,000.00
Fred VanEman Jarrid, Inc Box 702766 Tulsa, OK 74170	2,500.00
Brian and Peggy Varner 740 S. Remington Angleton, TX 77515	3,000.00
Phillips H. Viles, Jr. (for Amada Erin Viles, OUTMA) P. O. Box 518 Claremore, OK 74018-0518	5,000.00
L. David Vogel Route 3, Box 121E LaGrange, TX 78945	3,000.00
Carol Walker Women of Faith, International 1109 W. Huntsville Broken Arrow, OK 74011	3,000.00
Doris Walker c/o William A. Walker Nisen & Elliot 200 West Adams Street Chicago, IL 60606	500.00
Bob Waller 9960 S. Quebec Tulsa, OK 74137	2,000.00
Betty R. Wesolick 110 Sweet Gum Drive Conroe, TX 77304	2,500.00
Mary L. Wesolicik 529 Oak Knoll Montgomery, TX 77356	1,500.00
Clarence T. West, Jr. 1411 S. Pittsburg Avenue Tulsa, Ok 74112	2,000.00

Ronald E. White 4823 S. 71st East Avenue Tulsa, OK 74145	500.00
Bob and Gail Williams 1204 Honan Drive Manor House #2 South Bend, IN 46614	336,226.58
John F. and Debbie Williams 901 S. Redbud Broken Arrow, OK 74012	500.00
Robert and Dollie Jean Wolverton 9501 E. 13th Street Tulsa, OK 74128	3,500.00
Barbara Wright 5757 Guhn Road, #125 Houston, TX 77040	1,000.00
Dora Wyatt 307 Brenda Conroe, TX 73305	1,000.00
James M. Zoch Route 1, Box 73 Giddings, TX 78942	1,060.00
Roland S. Zock Route 1, Box 73 Giddings, TX 78942	5,000.00

Defendant: John Kenzie McFarlin  
Case Number: 91-CR-33-01-B

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: 19

Criminal History Category: I

Imprisonment Range: 30 to 37 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 6,000 to \$ 5,265,702

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

Restitution: \$ 2,632,851.41

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

SEP 24 1991

FOR THE NORTHERN District of OKLAHOMA

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

ALMETRA RENEE EDWARDS

(Name of Defendant)

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

Case Number: 91-CR-059-001-B

Jackson Zanerhaft (Retained)

Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- was found guilty on count(s) One, Two, Three, Four, Five, Six, Seven and Eight 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)
21:841(a)(1)	Distribution of Cocaine Base	April 16, 1991	I, II, and III
21:846	Attempted Possession of Cocaine With Intent to Distribute	April 16, 1991	IV
18:924(c)	Carrying Firearm During Drug Offense	April 16, 1991	V
21:843(b)	Use of Communication Facility in Felony Distribution of Cocaine Base	April 16, 1991	VI, VII, and VIII

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 \$ 400 (total), for count(s) One, Two, Three, Four, Five, Six, Seven and Eight, 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.: 445-70-8770

Defendant's Date of Birth: May 26, 1971

Defendant's Mailing Address:

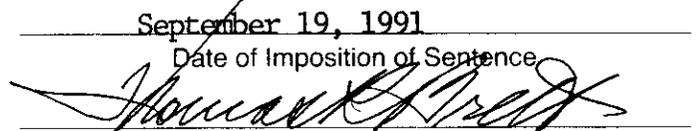
Tulsa County Jail  
500 S. Denver  
Tulsa, Oklahoma 74103

Defendant's Residence Address:

Tulsa County Jail  
500 S. Denver  
Tulsa, Oklahoma 74103

September 19, 1991

Date of Imposition of Sentence



Signature of Judicial Officer

THOMAS R. BRETT, UNITED STATES DISTRICT JUDGE

Name & Title of Judicial Officer

September 19, 1991

Date

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.

Richard M. Lawrence, Clerk

By [Signature]  
Deputy

Defendant: EDWARDS, Almetra Renee  
Case Number: 91-CR-059-001-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~~ as follows:

- In Counts I, II, III and IV: 63 months on each count to run concurrently with each other and Counts VI, VII, and VIII.
- In Counts VI, VII and VIII: 48 months on each count to run concurrently with each other and Counts I, II, III, and IV.
- In Count V: 5 years consecutively to the sentences imposed in Counts I, II, III, IV, VI, VII, and VIII.

(For a Total of 123 months)

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

That the defendant be given credit for all jail time served in detention prior to sentencing.

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 ~~XX~~ as follows:  
In Counts I, II, III, and IV: 4 years on each count concurrently with each other and all other counts of conviction.

In Count V: 3 years concurrently with all other counts.

In Counts VI, VII, and VIII: 1 year on each count concurrently with each other and all other counts of conviction.  
(For a total of 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.

**Special Condition:**

That the defendant submit to drug testing and, if necessary, counseling, both as directed 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; and
- 14) the defendant shall submit to random urinalysis testing as directed by the U.S. Probation Office.

Defendant: EDWARDS, Almetra Renee  
Case Number: 91-CR-059-001-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):

Note 1: Guideline Imprisonment Range:

In Counts I, II, III, and IV: 63 to 78 months on each count to run concurrently with each other and Counts VI, VII, and VIII.

In Count V: 5 years consecutive to any other term of imprisonment.

In Counts VI, VII, and VIII: 48 months on each count to run concurrently with each other and Counts, I, II, III and IV.

Note 2: Guideline Supervised Release Range:

In Counts, I, II, III, and IV: At least 3 years but not more than 5 years on each count, concurrent w/each and all other Cts  
In Count V: At least 2 years but not more than 3 years, concurrently with all other counts.

In Counts VI, VII, and VIII: 1 year on each count, concurrent w/each and all other counts.

**Guideline Range Determined by the Court:**

Total Offense Level: 26

Criminal History Category: I

See Note 1.

Imprisonment Range: /~~xxxxxxx months~~

See Note 2.

Supervised Release Range: /~~xxxxxxxx years~~

Fine Range: \$ 12,500 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):

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

**FILED**  
**SEP 24 1991**

NORTHERN DISTRICT OF OKLAHOMA

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA  
V.

## JUDGMENT IN A CRIMINAL CASE

Brenda Gainer  
138 West 50th Court North  
Tulsa, Oklahoma 74126

Case Number: 91-CR-063-C

(Name and Address of Defendant)

Richard Couch

Attorney for Defendant

### THE DEFENDANT ENTERED A PLEA OF:

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

### THERE WAS A:

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

### THERE WAS A:

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

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

False Statements to Obtain Federal Rental Housing Assistance  
Title 18, United States Code, Sections 1001 & 2.

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

Imposition of sentence be suspended and defendant placed on five years probation.

The defendant shall pay restitution in the amount of \$7,360, as directed by the U.S. Probation Office, to the Tulsa Housing Authority, c/o J.D. Foster, 415 East Independence, Tulsa, Oklahoma 74106

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.

Richard M. Lawrence, Clerk

By: R. Miller  
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 \$ 50 pursuant to Title 18, U.S.C. Section 3013 for count(s) One as follows:

Count One \$50

IT IS FURTHER ORDERED THAT counts Two through Six 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:

September 19, 1991

Date of Imposition of Sentence

*H. Dale Cook*

Signature of Judicial Officer

The Honorable H. Dale Cook

Chief, U.S. District Judge

Name and Title of Judicial Officer

Date

RETURN

I have executed this Judgment as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_ Date

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

United States Marshal

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

FILED

United States District Court

SEP 24 1991

NORTHERN

District of

OKLAHOMA

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

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

Anita Louise Maxey

Case Number: 91-CR-059-002-B

(Name of Defendant)

Jackson M. Zanerhaft
Defendant's Attorney

THE DEFENDANT:

[ ] pleaded guilty to count(s)
[X] was found guilty on count(s) Four and Five of the Indictment after a plea of not guilty.

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

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Number(s). Rows include 'Attempt to Possess Cocaine with the Intent to Distribute' and 'Use of a Firearm During Commission of a Felony'.

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..

[X] The defendant has been found not guilty on count(s) Two and Three of the Indictment and is discharged as to such count(s).
[ ] Count(s) (is)(are) dismissed on the motion of the United States.
[X] It is ordered that the defendant shall pay a special assessment of \$ 100.00 for count(s) Four and Five of the Indictment which shall be due [X] 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.: 448-68-3163

Defendant's Date of Birth: 4-19-64

Defendant's Mailing Address:
Tulsa County Jail
500 South Denver
Tulsa, Oklahoma 74103

Defendant's Residence Address:
Same

September 19, 1991
Date of Imposition of Sentence

[Signature]
Signature of Judicial Officer

The Honorable Thomas R. Brett
U.S. District Judge
Name & Title of Judicial Officer

9-24-91
Date

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.

Richard M. Lawrence, Clerk

By [Signature] Deputy

Defendant: Maxey, Anita Louise  
Case Number: 91-CR-059-002-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 123 months

Count 4 63 months  
Count 5 60 months to run consecutive to Count 4.

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 \_\_\_\_\_

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 U.S. Probation Office.

Defendant: Maxey, Anita Louise  
Case Number: 91-CR-059-002-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: 28

Criminal History Category: III

Imprisonment Range: 97 to 121 months in Count 4. Count 5, 5 year mandatory sentence to run consecutive with Count 4.

Supervised Release Range: up to 3 years At least 3 years Count 4, Count 5,

Fine Range: \$ 12,500 to \$ 1,000,000

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):

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): The Court finds that there exists mitigating circumstances that were not adequately taken into consideration by the Sentencing Commission and imposes a downward departure from the recommended guidelines. Evidence at trial reflected that the defendant was less culpable in the instant offenses and the jury substantiated this by convicting the defendant of just two counts, as opposed to the codefendant who was convicted on eight counts. The Court departs downward to the same offense level as the codefendant. Thus, resulting in a base offense level of 24, a Criminal History Category of III, and a guideline range of 63 to 78 months.

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

UNITED STATES OF AMERICA )

v. )

RENALDO J. GAMBLE, )

Movant. )

90-C-1009-B

(89-CR-101-B)

**FILED**

SEP 23 1991

ORDER

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

This matter comes on for consideration upon a Motion pursuant to 28 U.S.C. §2255 filed by Renaldo J. Gamble, Movant.

Movant, Renaldo J. Gamble (Gamble), entered a plea of guilty, pursuant to a plea agreement entered into October 10, 1989, to a single count Indictment charging under 21 U.S.C. § 846, 841 (a)(1), 841(b)(1)(A)(iii) and 853, a conspiracy to possess with intent to distribute and to distribute 50 grams or more of cocaine-base. Movant was sentenced to eight years imprisonment followed by sixty months of supervised release and a special assessment of \$50.

Pursuant to 18 U.S.C. § 3742, Gamble appealed the sentence imposed, contending that as a part of his plea agreement the United States Attorney had advised him that he would not be imprisoned for more than four years. Gamble asked the appellate court to order "specific performance" and direct this Court to vacate its sentence and impose a four-year sentence. Alternatively, Gamble asked the appellate court to be allowed to withdraw his plea of guilty or,

minimally, direct this Court to hold an evidentiary hearing on his claim that the United States Attorney promised him that he would not be sentenced to more than four years imprisonment.

After a lengthy review of the entire plea and sentence proceeding, including a review of the plea agreement itself, the appellate court affirmed this Court's judgment and sentence imposed in this matter.

Movant now complains by motion under §2255 that his lawyer, Ron Wallace and Assistant U.S. Attorney John Morgan had come to an agreement, prior to his plea agreement, that Gamble would receive no more than a four year sentence. The parties to this alleged agreement, Wallace and Morgan, have, by written statement, denied the existence of such agreement.

Specifically, Gamble complains of ineffective assistance of counsel, the exact charge being:

"My lawyer told me that he'd worked out a "deal" with the U.S. wherein I would "cooperate" with him (the U.S. Attorney) and in return, or as compensation, the U.S. Attorney, or his Ass't. would make such known to the Judge at the time of sentencing and do his utmost to have a period of no more than 4 yrs. imprisonment imposed in lieu of the ("cooperation") and my plea of guilty. (This did not occur.) My lawyer told me that I should understand that although the sentencing Judge would ask me if I were told of any "deals" that he did not mean the so-called "arrangement" with the prosecutor one and I should tell the Judge I have not been given any promises of leniency or a reduced period of imprisonment - that the U.S. Attorney would take care of the Reduction he'd promised and I shouldn't go into detail with the Judge as it was a waste of time. My lawyer also told me that the Judge is required to tell everyone that they face the maximum sentence but that according to the new law (C.C.C.A.) I would never receive the "maximum" sentence of 20 years, but that I would receive the FOUR as promised by the U.S. Attorney's Office. I eventually received EIGHT years.

Because Movant is proceeding *pro se* the Court will interpret his pleadings as liberally as possible. Downing v. New Mexico State Supreme Court, 339 F.2d 435 (10th Cir. 1964).

The gravamen of Movant's § 2255 motion (Conviction obtained without understanding of consequences of plea of guilty) is that Movant expected a lighter sentence than what he received. Movant entered a guilty plea as a result of a plea agreement with the government. The agreement was embodied in a letter prepared by and signed by the Assistant U.S. Attorney involved herein, John S. Morgan. The agreement was also signed by Gamble and his attorney, Ron Wallace. In the plea agreement Movant was advised that the punishment provided for by the applicable statute was not less than 10 years or more than life imprisonment, a \$4,000,000 fine, a \$50.00 special assessment, and a minimum term of five years supervised release. Movant was further advised he would be sentenced in accord with the Sentencing Guidelines. Gamble was also advised that after an offense level was determined, "additional calculations, whether reductions or increases, will be left solely to the determination of the sentencing judge." Gamble was advised that timely acceptance of responsibility would allow a two-point reduction of the offense level but that the sentencing judge (this Court) would make the determination of whether there had been such "timely acceptance". The agreement further provided:

Accordingly, the government is willing to enter into the following agreement with your client, Renaldo J. Gamble, concerning investigations being conducted by various law enforcement agencies. In return for your client's cooperation and truthful testimony before any federal

grand jury investigating illegal matters, as well as truthful testimony in any trial, including the current charge, against any defendant, or in any trial that may arise out of any case or any investigation or related investigations in other federal districts, and his plea of guilty to the above referenced Indictment, the government will not subject him to additional federal criminal prosecutions for any criminal acts he committed in connection with such conspiracy, and will grant him immunity for the use of his disclosures and testimony. Additionally, the government agrees to advise the sentencing court, by motion before sentencing and/or after sentencing pursuant to Rule 35(b), F.R.C.P., that the defendant has made a good faith effort to provide substantial assistance (§5K1.1), if he has in fact done so, thereby allowing the court to a downward departure from the guidelines, which may in fact go below the 10 year minimum sentence.

The actual sentence rendered by the district court following your client's plea of guilty remains in the sole discretion of the trial judge and the government cannot predetermine what would be the final result of the court's evaluation and decision after all factors are considered.

At the hearing when Gamble changed his plea to one of guilty, the plea agreement, with the above language therein, was presented to this Court. It is the consistent practice of this Court to make inquiry whether such agreement was the extent of the defendant's agreement with the government and such was done in this case. It is the further consistent practice of this Court to advise plea-agreement defendants that the ultimate determination of the sentence would be up to the Court, the Court not having to follow any recommendation of the government. That also was done in this case and Gamble acknowledged his understanding thereof.<sup>1</sup>

At sentencing, the government made a motion pursuant to Guideline § 5K1.1, advising this Court that Gamble had given

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<sup>1</sup> United States v. Gamble, 917 F.2d 1280, at 1281.

substantial assistance to the government in its investigation and prosecution of others who have committed federal offenses. It was agreed the guideline range was from 188 months to 235 months. Because of Gamble's assistance to the Government this Court departed downward and imposed a sentence of 96 months followed by 60 months of supervised release. Gamble said nothing at the hearing to indicate that he had been promised by the government, or anyone else, that he would receive a lesser sentence than that received.

Plea agreements are in essence contracts between parties and contract law analogies are appropriate. United States v. Calabrese, 645 F.2d 1379 (10th Cir. 1981) *cert.den.* 451 U.S. 1018, and *cert.den.* 454 U.S. 831; United States v. Stemm, 847 F.2d 636 (10th Cir. 1988); United States v. Reardon, 787 F.2d 512 (10th Cir. 1986). It is black letter contract law that the terms of a clear and unambiguous written contract cannot be changed by parol evidence. Schwartz v. Slawter, 751 F.2d 317 (10th Cir. 1984); Percival Constr. Co. v. Miller & Miller Auctioneers, 532 F.2d 166 (10th Cir. 1976). Plea agreements have been encompassed within that fundamental rule of contract law. United States v. Rutledge, 900 F.2d 1127 (7th Cir. 1990) *cert. den.* 1115 S.Ct. 203; United States v. Fry, 831 F.2d 664 (6th Cir. 1987); Hartman v. Blankenship, 825 F.2d 26 (4th Cir. 1987); Baker v. United States, 781 F.2d 85 (6th Cir., 1986) *cert. den.* 479 U.S. 1017 (1986); Blackledge v. Allison, 431 U.S. 63 (1977).

In Blackledge, the Supreme Court held that written contract provisions declaring that the contract contains the complete agreement of the parties, and that no prior or outside agreements

exist, do not absolutely bar later proof that such additional agreements exist and should be validated. The Supreme Court concluded such provisions carry great weight but can and should be set aside on grounds of fraud, mistake, duress or any other sufficient ground for setting aside contracts. The instant matter does not fit within any Blackledge exception.

The Court concludes Gamble's claim is completely refuted by the plea agreement itself and the records of the guilty-plea and sentencing proceedings.<sup>2</sup> Movant cannot vary the plea agreement by self-serving parole evidence. The Court further concludes Gamble's charge of ineffective assistance of counsel raises the same issue already raised by him on appeal, decided adversely to him. The Court further concludes there is no need to hold an evidentiary hearing in this matter. United States v. Gamble, *supra*.<sup>3</sup>

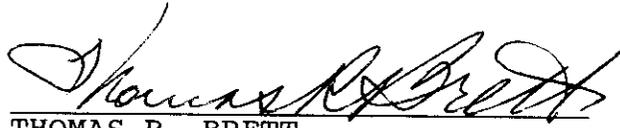
It is the conclusion of the Court that Gamble's §2255 Motion should be and the same is hereby DENIED.

---

<sup>2</sup> Gamble entered a plea of guilty on October 10, 1989, and was sentenced on March 12, 1990.

<sup>3</sup> The Court has reviewed the transcriptions of tape recorded conversations Gamble has had with Kay Orndorff (Tulsa Police Department), Paul Bruton (sic) (Attorney) Gilbert Reynolds (co-defendant) and Patrick Lynch (F.B.I. Agent) since the entry of his plea of guilty and imposition of sentence. These transcriptions, in the main, consist of Gamble's self-serving statements relative to the alleged promise of a four year sentence rather than the eight year sentence received. The Court considers these transcriptions to have no probative value.

IT IS SO ORDERED this 23<sup>rd</sup> day of September, 1991.

A handwritten signature in cursive script, appearing to read "Thomas R. Brett". The signature is written in dark ink and is positioned above a horizontal line.

THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

SEP 20 1991

United States District Court

NORTHERN District of OKLAHOMA

Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

GARY LEE HUFSTEDLER

(Name of Defendant)

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

Case Number: AMENDED
91-CR-116-001-B
90

F.L. Dunn III (Retained)
Defendant's Attorney

THE DEFENDANT:

- [X] pleaded guilty to count(s) One, Two and Three 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:

Table with 4 columns: Title & Section, Nature of Offense, Date Offense Concluded, Count Number(s). Row 1: 18:1029(a)(2), Use of An Unauthorized Access Device to obtain Items Worth More than \$1,000, 1/89, 1,2,3

United States District Court )
Northern District of Oklahoma ) SS

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

Richard M. Lawrence, Clerk
By: [Signature]
9 July

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).
[X] Count(s) Four through sixteen of Indictment (are) dismissed on the motion of the United States.
[X] It is ordered that the defendant shall pay a special assessment of \$ 150 for count(s) One, Two, Three of Indictment, which shall be due [X] 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.: 445-52-8973

Defendant's Date of Birth: 1-23-47

Defendant's Mailing Address:
4617 S. Maplewood
Tulsa, Oklahoma

Defendant's Residence Address:
Same

July 23, 1991

Date of Imposition of Sentence

[Signature of Thomas R. Brett]

Signature of Judicial Officer

The Honorable Thomas R. Brett
United States District Judge

Name & Title of Judicial Officer

Sept. 20, 1991
Date

Defendant: Gary Lee Hufstedler  
Case Number: 90-CR-116-001-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 Sixteen months for each Count, to run concurrently.

Defendant will receive credit for time served in confinement during study and observation.

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 \_\_\_\_\_

Thirty-six months

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 provide Probation Office access to any financial information.

The defendant shall be prohibited from applying for new lines of credit, and from using any type of credit card.

The defendant shall make restitution as directed by the probation office (See 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) the defendant shall submit to urinalysis as directed by the U.S. Probation Office.

Defendant: Gary Lee Hufstedler  
 Case Number: 90-CR-116-001-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>
First Chicago National Bank Post Office Box 2003, C-5 Elgin, Illinois 60121 Attn: Joy Button	\$ 4,330.62
First Data Resources 6922 North 97th Circle Omaha, Nebraska Attn: Gene Parmenter	\$20,948.17
	<u>\$25,278.79</u>

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 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: Gary Lee Hufstedler  
Case Number: 90-CR-116-001-B

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: 13

Criminal History Category: I

Imprisonment Range: 12 to 18 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 72,470 to \$ 144,940

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

Restitution: \$ 25,278.79

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

SEP 20 1991

NORTHERN District of OKLAHOMA

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA  
V.

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

Case Number: 91-CR-077-B

BRENDA BROWN  
(Name of Defendant)

Jim Hesler  
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)
42:408 (g) (2) and 18:2	Fraudulent Use of Social Security Number and Aiding and Abetting	7-24-89	1

I hereby certify that the foregoing is a true and correct copy of the judgment in this Court.  
Richard M. Lawrence, Clerk  
By *[Signature]*

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) One 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.: 447-66-4257

Defendant's Date of Birth: 2-26-60

Defendant's Mailing Address:  
2197 West Jasper, #A-7  
Broken Arrow, OK 74012

Defendant's Residence Address:  
2197 W. Jasper, A-7  
Broken Arrow, OK 74012

9-18-91  
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

Sept 20th, 1991  
Date

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

UNITED STATES OF AMERICA, )  
 )  
 ) Plaintiff, ) 88-CR-3-E  
 )  
 v. ) 91-C-462-E  
 )  
 ) CALVIN J. JUMP, JR. and )  
 ) CARLA KAY JUMP, )  
 )  
 ) Defendants. )

**FILED**

SEP 18 1991

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ORDER

This order pertains to Defendants' Motion to Vacate Sentence (Docket #101)<sup>1</sup>.

On June 27, 1988, Defendants were convicted of willfully failing to file federal income tax returns Forms 1040 for the years 1982, 1983 and 1984, in violation of 26 U.S.C. § 7203, and Calvin Jump was sentenced to one year in prison and five years of probation and a fine, while Carla Jump was sentenced to six months in prison and five years of probation and a fine. Their convictions were upheld on appeal to the Tenth Circuit Court of Appeals.

The Defendants ask this court to vacate and set aside their sentences pursuant to 28 U.S.C. § 2255. They claim that the IRS failed to comply with provisions of the Paperwork Reduction Act ("PRA"), and therefore, the United States is deprived of jurisdiction to penalize them for failing to file federal income tax returns. They contend that the requirement to file federal income tax returns is a regulatory requirement, rather than a statutory requirement, codified at 26 CFR §§ 1.6001-1, 1.6011-1 and 1.6012-1, and

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<sup>1</sup> "Docket numbers" refer to numerical designations assigned sequentially to each pleading, motion, order, or other filing and are included for purposes of record keeping only. "Docket numbers" have no independent legal significance and are to be used in conjunction with the docket sheet prepared and maintained by the United States Court Clerk, Northern District of Oklahoma.

that the tax regulations and instructions constituted "information collection requests" which had to bear Office of Management and Budget ("OMB") numbers during the years under prosecution, 1982, 1983 and 1984. The Defendants admit that some of the pertinent regulations now display OMB control numbers, and that the Forms 1040 for the relevant tax years appropriately displayed them.

The PRA, 44 U.S.C. §§ 3501-20, requires that federal agencies submit all "information collection requests" to the Director of the OMB for review. The OMB director approves the information collection required, and assigns it a control number. An agency may not conduct or sponsor the collection of information unless the information collection request has been submitted to, and approved by, the director and given a control number to be displayed upon the information collection request. No person is subject to any penalty for failing to provide information to an agency if the information collection request involved was made after December 31, 1981, and does not display a current control number or state that such request is not required. 44 U.S.C. § 3512.<sup>2</sup>

Defendants rely on the assertion that the requirement to file a tax return is an agency requirement imposed by regulations, but, in fact, the requirement to file tax returns is mandated by statute. 26 U.S.C. § 6012.<sup>3</sup> Tax forms displaying OMB numbers are

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<sup>2</sup> 44 U.S.C. § 3512 states:

Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the information collection request involved was made after December 31, 1981, and does not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

<sup>3</sup> 26 U.S.C. § 6012 states in part:

(a) General rule. - Returns with respect to income taxes under subtitle A shall be made by the following:

(1)(A) Every individual having for the taxable year gross income which equals or exceeds the exemption amount . . .

provided by the IRS to facilitate taxpayers compliance with this statute. Defendants were required to make a return of income for 1982, 1983 and 1984 if they earned in excess of the amounts set forth in the statute by the 15th day of April following the close of the calendar year. 26 U.S.C. § 6072(a).<sup>4</sup> Willful failure to file a timely return constitutes a misdemeanor under the law. 26 U.S.C. § 7203.<sup>5</sup> The presence of tax regulations does not affect a taxpayer's exposure to criminal liability under § 7203. In United States v. Wunder, 919 F.2d 34, 38 (6th Cir. 1990), the court held that the relevant tax return displayed an appropriate control number, that the regulations did not need a number because the requirement to file a tax return was mandated by statute, not by regulation, and that the defendant was not convicted of violating a regulation, but rather a statute which required him to file an income tax return. The United States Tax Court has summarily dismissed similar challenges to the tax laws for failure to comply with the PRA. See Taylor v. Commissioner, 1987 WL 40328 (T.C. 1987); and Wilcox v. Commissioner, 1985 WL 14871 (T.C. 1985).

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<sup>4</sup> 26 U.S.C. § 6072(a) states:

(a) General rule. - In the case of returns under section 6012, 6013, 6017, or 6031 (relating to income tax under subtitle A), returns made on the basis of the calendar year shall be filed on or before the 15th day of April following the close of the calendar year and returns made on the basis of a fiscal year shall be filed on or before the 15th day of the fourth month following the close of the fiscal year, except as otherwise provided in the following subsections of this section.

<sup>5</sup> 26 U.S.C. § 7203 states in part:

Any person required under this title to pay any estimated tax or tax, or required by this title or by regulations made under authority thereof to make a return, keep any records, or supply any information, who willfully fails to pay such estimated tax or tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$25,000 (\$100,000 in the case of a corporation), or imprisoned not more than 1 year, or both, together with the costs of prosecution.

Defendants were not convicted of violating a tax regulation, but rather, charged with a statutory violation. Defendants do not claim that the statutes are "information collection requests" which must display OMB numbers. Thus whether tax regulations properly display the OMB control numbers is irrelevant to their conviction for violation of the statute.

The court also notes that the regulations cited by Defendants did not violate the PRA during the relevant years under prosecution. The tax regulations at issue had been promulgated prior to the effective date of the PRA of 1980. The PRA defined "information collection request," in its original enactment, to mean "a written report form, application form, schedule, questionnaire, reporting or recordkeeping requirement, or other similar method calling for the collection of information." 44 U.S.C. § 3502(11) (1980) (amended 1986). Congress in 1986 amended the definition to include "collection of information requirements." 44 U.S.C. § 3502(11) (1986).

Congress adopted this amendment of § 3502(11) as part of a general reauthorization of Title VIII (the "Paperwork Reduction Reauthorization" provisions of Pub. L 99-500 and Pub. L 99-591, respectively) that sought to "clarify the applicability of chapter 35 of title 44 to reporting and recordkeeping requirements contained in rules that were in effect at the time of the Paperwork Reduction Act's enactment." S. Rep. No. 99-347, 99th Cong. 2d Sess. 52 (1986). The Senate Report stated that the term "collection of information requirements" should be construed "as a subset of 'information collection requests'", and further, that as a result of this clarification, "the public protection clause" would apply to "collection of information requirements". *Id.* The Paperwork Reduction

Reauthorization Act of 1986, however, was expressly made effective on the date of its enactment, October 18, 1986, the date the President signed the Act, by Section 833 of Pub. L. 99-500 and Pub. L. 99-591. The statutory language and the legislative history indicated that Congress did not intend the amendment to apply retroactively. Bowen v. Georgetown University Hospital, 488 U.S. 204 (1988) ("congressional enactments and administrative rules will not be construed to have retroactive effect unless their language requires this result.")

Thus prior to 1986, regulations were not "information collection requests" for purposes of the PRA, and did not require OMB control numbers. The public protection provision, § 3512, was inapplicable, and Defendants were required to comply with the requirements. 26 CFR § 1.6091-1, was last amended, published, and "made" on October 29, 1975; § 1.6091-2, on December 18, 1978; § 1.6091-3 on January 31, 1980. Similarly, 26 CFR § 1.6011-1, was last amended, published, and "made" on June 17, 1967, and § 1.6012-1 and § 1.6012.2 were published and "made" on November 26, 1960. Thus, 44 U.S.C. § 3512 does not apply to these regulations in effect during the prosecution period, because they were not "made" after December 31, 1981.

Additionally, 44 U.S.C. § 3504(h), which sets forth the requirements to obtain OMB approval, deals with proposed rulemaking only and does not require approval for pre-existing regulations.

The Defendants' argument that Form 1040 instructions require the display of OMB control numbers also has no merit. The PRA, even as amended in 1986, does not require that instructions that accompany IRS Forms 1040 and related schedules display OMB

control numbers. The court agrees with the reasoning in United States v. Crocker, 753 F. Supp. 1209, 1216 (D. Del. 1991):

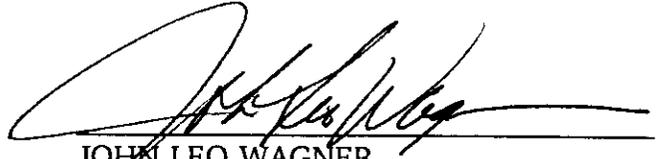
Not only do instruction booklets fail to appear on this list, [of "information collection requests" as defined in 44 U.S.C. § 3502(11)], but they do not fit in the catchall category of a "method calling for the collection of information." Rather, the IRS requests all the information it seeks through the 1040 form itself, and the instructions do not ask that any additional information be supplied.

The Supreme Court recently addressed the meaning of "information collection request" under the PRA in Dole v. United Steelworkers of America, \_\_\_ U.S. \_\_\_, 110 S.Ct. 929, 108 L.Ed.2d 23 (1990). The Court found that most items in the statutory definition are "forms for communicating information to the party requesting that information," and held that the "reporting and recordkeeping requirement" category is limited to "only rules requiring information to be sent or made available to a federal agency, [and] not disclosure rules." *Id.* 110 S.Ct. at 935. IRS instruction booklets are neither "forms for communicating information" to the IRS nor "rules requiring information to be sent." They are simply publications designed to assist taxpayers to complete tax forms and more easily comply with an "information collection request."

In addition, classifying instruction booklets as "information collection requests" would not further any of the statutory purposes of the PRA set forth in 44 U.S.C. § 3501 (1988). For example, including form 1040 instruction booklets under the PRA would not "minimize the Federal paperwork burden for individuals" under Section 3501(1), since the tax forms themselves are already covered by the Act and individuals are already required to complete them. Moreover, OMB reviews under the PRA are limited to "determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency." *Id.* at § 3504(c)(2). Since OMB has previously determined that 1040 forms themselves are necessary for the IRS's functions and the instructions do not generate any additional information, no benefit would be gained from an OMB review of the instruction booklets. As the Supreme Court stated in Dole, if none of Congress' listed purposes for the PRA would be served by including an item under the Act's coverage, this is "strong evidence that Congress did not intend the Act to authorize OMB review" of the item. 110 S.Ct. at 936.

Defendants' Motion to Vacate Sentence is therefore denied.

Dated this 17<sup>th</sup> day of September 1991.

A handwritten signature in black ink, appearing to read "John Leo Wagner", written over a horizontal line.

JOHN LEO WAGNER  
UNITED STATES MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

SEP 17 1991

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 MARJORIE JANETTE HULL, )  
 )  
 Defendant. )

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

No. 91-CR-23-E<sup>-04-</sup>

ORDER OF DISMISSAL

Now on this 4th day of September, 1991, pursuant to a motion made by the plaintiff, the United States of America, and for good cause shown, the Court orders that defendant Marjorie Janette Hull be dismissed as a defendant from the case of United States of America v. Marjorie Janette Hull, No. 91-CR-23-E.

  
\_\_\_\_\_  
JAMES O. ELLISON  
U.S. District Judge

FILED

# United States District Court

SEP 17 1991

NORTHERN District of OKLAHOMA

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

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

DAROLD DEAN SCHELL

(Name of Defendant)

Case Number: 90-CR-155-001-B

Ron Daniels

Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1344	BANK FRAUD	06-05-90	Four

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.

Richard M. Lawrence, Clerk

By [Signature]  
Deputy

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) One through Three & Five through Twelve (are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50, for count(s) Four 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.: 489-66-2290

Defendant's Date of Birth: 09-08-57

Defendant's Mailing Address:

7339 E. 76th Street

Tulsa, OK

Defendant's Residence Address:

7339 E. 76th Street

Tulsa, OK

September 12, 1991

Date of Imposition of Sentence

[Signature]

Signature of Judicial Officer

The Honorable Thomas R. Brett

U. S. District Judge'

Name & Title of Judicial Officer

9-17-91

Date

Defendant: DAROLD DEAN SCHELL  
Case Number: 90-CR-155-001-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 12 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 ~~xxxxxx~~ 11:00 a.m. on October 3, 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 \_\_\_\_\_  
36 months

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 make restitution as noted on page four of this Judgment.

### 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: DAROLD DEAN SCHELL  
 Case Number: 90-CR-155-001-B

Judgment—Page 4 of 5

**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>
Citizens Security Bank & Trust 109 N. Armstrong Bixby, OK 74008 Attn: Ronnie Phillips	\$2,310.94

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: DAROLD DEAN SCHELL  
Case Number: 90-CR-155-001-B

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): **See attached.**

**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: \$ 185,269 to \$ 555,807

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

Restitution: \$ 2,310.94

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):

Defendant: DAROLD DEAN SCHELL  
Case Number: 90-CR-155-001-B

1. The Court determined that the loss involved was between \$120,000 and \$200,000, resulting in an increase of seven points over the base offense level of six. This is in contrast to the presentence report, which reflected a loss of more than \$200,000 resulting in an increase of eight points over the base offense level.
2. The Court found that no obstruction of justice occurred, as evidence failed to establish this enhancement according to the preponderance of evidence standard.
3. The Court found that, since the defendant pled guilty, he should be given a two point reduction for acceptance of responsibility.

# United States District Court

NORTHERN District of OKLAHOMA

UNITED STATES OF AMERICA

V.

CAFFERY, James Edward

(Name of Defendant)

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

Case Number: 91-CR-045-001-C

Richard Amatucci

Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
42:408(g)(2)	Fraudulent Use of a Social Security Number	10-06-89	One

# FILED

## SEP 17 1991

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

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 \$ 50.00, for count ~~(x)~~ One of the Information, 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.: 460-82-3725

Defendant's Date of Birth: 12-06-52

Defendant's Mailing Address:

Connors Correctional Center

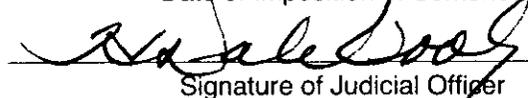
P.O. Box 220 - Hominy, Oklahoma 74035

Defendant's Residence Address:

Same

September 10, 1991

Date of Imposition of Sentence



Signature of Judicial Officer

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

Name & Title of Judicial Officer

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

Richard M. Lawrence, Clerk

Date

By R. Umde  
Deputy

Defendant: CAFFERY, James Edward  
Case Number: 91-CR-045-001-C

Judgment—Page 2 of 5

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 months

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

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

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

at \_\_\_\_\_ a.m.  
 at \_\_\_\_\_ p.m. on \_\_\_\_\_.

as notified by the Marshal.

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

before 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 \_\_\_\_\_  
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.

As a Special Condition, the defendant shall pay restitution as set forth on Page 4 of the Judgment.

### 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: CAFFERY, James Edward  
 Case Number: 91-CR-045-001-C

**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>
Dillard's Department Store 4169 So. Yale Tulsa, Oklahoma 74135	\$321.00
Mission Jewelers 111 West Lemon Ave. Monrovia, California 91016	\$4,100.00

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:

In such amounts 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: CAFFERY, James Edward  
Case Number: 91-CR-045-001-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: 6

Criminal History Category: VI

Imprisonment Range: 12 to 18 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 500.00 to \$ 5,000.00

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

Restitution: \$ 4,421.00

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**

**SEP 16 1991**

**Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA**

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 JEFFREY SCOTT BAKER, )  
 )  
 Defendant. )

No. 90-CR-158-02-E

O R D E R

Now on this 13<sup>th</sup> day of September, 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

SEP 16 1991

United States District Court

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

NORTHERN District of OKLAHOMA

UNITED STATES OF AMERICA

V.

GARY BRYANT HOBBS

(Name of Defendant)

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

Case Number: 91-CR-018-E

Larry A. Gullekson

Defendant's Attorney

THE DEFENDANT:

Group One, Counts A - J; Group Three, Count A; and

pleaded guilty to count(s) Group Four, Counts B, C, O, S, T, U, & V  
 was found guilty on count(s) \_\_\_\_\_ after a plea of not guilty.

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1344 & 2	BANK FRAUD & CAUSING CRIMINAL ACT (10 Counts)	May, 1989	Group I, A - J
18:641 & 2	EMBEZZLEMENT OF PUBLIC MONEY & CAUSING CRIMINAL ACT (1 Count)	April 12, 1989	Group III, A
18:1957 & 2	MONEY LAUNDERING & CAUSING CRIMINAL ACT (7 Counts)	April 4, 1989	Group IV, B, C, O, S, T, U, & V

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) Ct Group 2, A-C; Ct Group 3, B-J (is)(are) dismissed on the motion of the United States.

It is ordered that the defendant shall pay a special assessment of \$ 9.00 for count(s) Group One, Cts. A-J, Group Three, which shall be due  immediately  as follows: within 30 days. Count A; & Group Four, Counts B, C, O, S, T, U, & V

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.: 446-44-9379

Defendant's Date of Birth: 08/26/50

Defendant's Mailing Address:  
7505 S. 70th E. Avenue  
Tulsa, OK 74133

Defendant's Residence Address:  
7505 S. 70th E. Avenue  
Tulsa, OK 74133

August 10, 1991

Date of Imposition of Sentence

*James O. Ellison*  
Signature of Judicial Officer

The Honorable James O. Ellison  
U. S. District Judge

Name & Title of Judicial Officer

9/16/91

Date

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 BM Cullough  
Deputy

Defendant: GARY BRYANT HOBBS  
Case Number: 91-CR-018-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 90 months as to Count Groups I, III, & IV

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

The Court recommends defendant be confined at the Federal Prison Camp,  
Millington, TN

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

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

before 12:00

~~XXXXXXXXXX~~ p.m. on October 15, 1991

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 \_\_\_\_\_  
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 testing at random as directed by the U. S. Probation Officer.

Defendant: GARY BRYANT HOBBS  
Case Number: 91-CR-018-E

**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>
Resolution Trust Corp. as Receiver for Cross Roads Savings & Loan Association Tulsa Consolidated Attn: Debbie Bush P. O. Box 2269 Tulsa, Oklahoma 74131-2269	\$8,141,350.97
Government National Mortgage Association 451 Seventh Street, S.W. Washington, D.C. 20410-9000 ATTN: Joseph Wagner, Assistant Vice-President	\$2,157,239.12

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:  
 Any restitution balance beginning upon release to the term of supervised release shall be made 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: GARY BRYANT HOBBS  
Case Number: 91-CR-018-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: 29

Criminal History Category: I

Imprisonment Range: 87 to 108 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 15,000 to \$ 24,522,000

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

Restitution: \$ 10,298,590.

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

**FILED**  
SEP 13 1991  
Richard M. Lawrence, Clerk  
U.S. District Court  
Northern District of Oklahoma

UNITED STATES OF AMERICA

V.

Thomas Anthony Morquecho

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

Case Number: 91-CR-040-001-B

(Name of Defendant)

Allen Smallwood  
Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) I, II, and III 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)
21:846 and 841(b)(1)(C)	Conspiracy to Distribute Cocaine	Dec. 13, 1990	I
21:841(a)(1) and 841(b)(1)(C)	Possession With Intent to Distribute Cocaine	Dec. 13, 1990	II
18:924(c)	Carrying a Firearm During a Drug Felony	Dec. 13, 1990	III

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 \$ 150, for count(s) I, II, and III 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.: 448-72-8035

Defendant's Date of Birth: 04-11-63

Defendant's Mailing Address:

318 W. 7th  
Bristow, OK 74010

Defendant's Residence Address:

Same

September 12, 1991

Date of Imposition of Sentence

*Thomas R. Brett*  
Signature of Judicial Officer

United States District Court )  
Northern District of Oklahoma ) SS

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

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

Richard M. Lawrence, Clerk

By R. Miller  
Deputy

Date

Defendant: Thomas Anthony Morquecho  
Case Number: 91-CR-40-001-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 30 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 ~~2:00 p.m.~~ 11:00 a.m. on October 3, 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 \_\_\_\_\_

36 months

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 substance abuse program as deemed necessary by the 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.

Defendant: MORQUECHO, Thomas Anthony  
Case Number: 91-CR-040-001-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): 1. The Court determined that the guideline calculation did not consider the entire amount of cocaine discovered during the investigation, and therefore, another one-half ounce should be added to 41.645 grams of cocaine listed in the offense version, moving the base level from 14 to 16. 2. A reduction of two points was awarded the defendant for acceptance of responsibility.

Guideline Range Determined by the Court:

Total Offense Level: 14

Criminal History Category: I

Imprisonment Range: 15 to 21 months followed by 60 months mandatory consecutive sentence.

Supervised Release Range: 2 to 3 years

Fine Range: \$ 4,000 to \$ 2,000,000

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

Restitution: \$ None

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**

SEP 13 1991

# United States District Court

NORTHERN

District of

OKLAHOMA

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

VIRGINIA ANN HUDSPETH

(Name of Defendant)

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

Case Number: 91-CR-065-001-B

TOM R. GANN

Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) One of the Indictment 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)
18:1341	Mail Fraud	October 24, 1989	1

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.

Richard M. Lawrence, Clerk  
By [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 \$ 50, for count(s) One, 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.: 444-40-4522

Defendant's Date of Birth: 10-28-35

Defendant's Mailing Address:  
7500 East 151st Street  
Bixby, Oklahoma 74005

Defendant's Residence Address:  
7500 East 151st Street  
Bixby, Oklahoma 74005

September 11, 1991

Date of Imposition of Sentence

[Signature]

Signature of Judicial Officer

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

Name & Title of Judicial Officer

Sept 13, 1991

Date

Defendant: Virginia Ann Hudspeth  
Case Number: 91-CR-065-001-B

Judgment—Page 2 of 4

**PROBATION**

The defendant is hereby placed on probation for a term of Four 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:

The defendant shall be placed in community confinement for the first two months of probation, beginning September 18, 1991, with two months of home confinement to follow.

**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 U.S. Probation Office.

Defendant: Virginia Ann Hudspeth  
 Case Number: 91-CR-065-001-B

Judgment—Page 3 of 4

**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>
Commercial Bank & Trust Company Post Office Box 2239 Tulsa, Oklahoma 74101-2239 Attn: Larry Shafer	\$ 10,061.78

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:

The defendant agrees to make initial monthly installment payments of \$150 per month, with the understanding that the remaining balance be paid by the end of her probationary sentence.

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: Virginia Ann Hudspeth  
Case Number: 91-CR-065-001-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: 9

Criminal History Category: I

Imprisonment Range: 4 to 10 months

Supervised Release Range: 2 to 3 years Optional

Fine Range: \$ 1,000 to \$ 30,185.34

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

Restitution: \$ 10,061.78

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):

**F I L E D**

# United States District Court

SEP 13 1991

Northern District of Oklahoma

UNITED STATES OF AMERICA

V.

CHRISTOPHER S. ARUTUNOFF

(Name of Defendant)

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

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

Case Number: 91-CR-033-002-B

Kevin C. Leitch

Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:371 & 15:77g(a)(2) & 3	Conspiracy, Security Fraud	May, 1990 United States District Court ) Northern District of Oklahoma )	One SS

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

Richard M. Lawrence, Clerk  
By [Signature]  
Deputy

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) Two through Seventeen 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 \$ 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.: 447-46-9425

Defendant's Date of Birth: November 10, 1949

Defendant's Mailing Address:

P. O. Box 11  
Ketchum, Oklahoma 74349

Defendant's Residence Address:

P. O. Box 11  
Ketchum, OK 74349

September 12, 1991

Date of Imposition of Sentence

[Signature]  
Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

9-13-91

Date

Defendant: ARUTUNOFF, CHRISTOPHER S.  
Case Number: 91-CR-033-002-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 Thirty (30) 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 ~~XXXXXX~~ 11:00 a.m. on Thursday, October 3, 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.
  - 1) The defendant is to participate in a substance abuse program approved by the U. S. Probation Office.
  - 2) The defendant is to make restitution in the amount of \$877,617.13, which is one-third of the amount lost through the security fraud. Payments are to be made as directed 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: ARUTUNOFF, CHRISTOPHER S.  
Case Number: 91-CR-033-002-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

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

**Name of Payee**

**Amount of Restitution**

SEE ATTACHMENT A OF THE PRESENTENCE REPORT.

\$877,617.13

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: ARUTUNOFF, CHRISTOPHER S.  
Case Number: 91-CR-033-002-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):

That the \$2.5 million dollar loss overstates the defendant's involvement in the offense. Therefore, in paragraph 14 of the presentence report, the loss is \$862,000. Pursuant to Section 2F1.1(b)(1)(L), 11 points are added.

Guideline Range Determined by the Court:

Total Offense Level: 17

Criminal History Category: III

Imprisonment Range: 30 to 37 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 5,000 to \$ 5,265,702

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

Restitution: \$ 2,632,851.41

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

SEP 12 1991

for the Northern District of Oklahoma

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

LYNN RICHARD VANTINE

(Name of Defendant)

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

Case Number: 91-CR-071-001-C

William Potts (Retained)

Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number
26:7203	Failure to File Tax Return	4/15/88	One

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

Jack C. Silver, Clerk

By JCS  
Deputy

The defendant is sentenced as provided in pages 2 through 3 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 \$ 25.00, for count(s) One of the Information, 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.: 456-78-6821

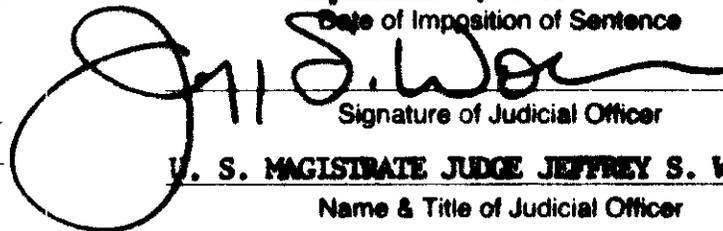
Defendant's Date of Birth: 7-20-46

Defendant's Mailing Address:  
840 Irvine #S-106  
Newport Beach, CA 92663

Defendant's Residence Address:  
840 Irvine, #S-106  
Newport Beach, CA 92663

September 9, 1991

Date of Imposition of Sentence



Signature of Judicial Officer

U. S. MAGISTRATE JUDGE JEFFREY S. WOLFE

Name & Title of Judicial Officer

September 9, 1991

Date

dr

Defendant: **VANTINE, Lynn Richard**  
 Case Number: **91-CR-971-001-C**

Judgment—Page 2 of 3

### 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:

- That the defendant, beginning on October 4, 1991, spend one month in home detention, under electronic monitoring supervision. The defendant will be allowed to work outside the home, but travel limited to the Central District of California.
- That the defendant attend Alcoholics Anonymous during this term of probation, 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 requirements;
- 14) the defendant shall submit to random urinalysis testing as directed by the U. S. Probation office; and
- 15) the defendant shall not possess a firearm or destructive device.

Defendant: **VANTINE, Lynn Richard**  
Case Number: **91-CR-071-001-C**

Judgment—Page 3 of 3

**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: I

Imprisonment Range: 1 to 7 months

Supervised Release Range: ~~to~~ 1 years

Fine Range: \$ 29,142 to \$ 100,000

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):

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

UNITED STATES OF AMERICA

V.

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

Case Number: 91-CR-047-001-C

**FILED**

David Andrew Whitefield  
(Name of Defendant)

Steven J. Greubel, FPD

SEP 12 1991

Defendant's Attorney Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

- pleaded guilty to count(s) One of the Information 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)
42:408(g)(2)	Fraudulent Use of Social Security Number	07-24-89	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, for count(s) One of the Information, which shall be due  immediately  as follows:

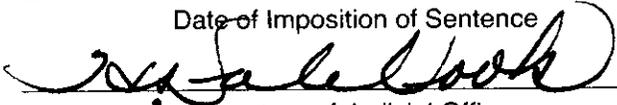
IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 257-13-8813

Defendant's Date of Birth: 07-21-58

Defendant's Mailing Address:  
520 East 8th Street, Lot 3  
Claremore, Oklahoma 74017

Defendant's Residence Address:  
Same as Mailing Address

September 10, 1991  
Date of Imposition of Sentence  
  
Signature of Judicial Officer

S.H. Dale Cook, Chief U. S. District Judge  
Name & Title of Judicial Officer

September 10, 1991  
Date

Richard M. Lawrence, Clerk  
By R. Miller  
Deputy

Defendant: David Andrew Whitefield  
Case Number: 91-CR-047-001-C

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:

That the defendant participate in a program approved by the U. S. Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs.

The defendant shall pay restitution as set forth on Page 3 of this 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.

Defendant: David Andrew Whitefield  
 Case Number: 91-CR-047-01-C

Judgment—Page 3 of 4

**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>
5-7-9 Store No. 342 14002 E. #21st Street Tulsa, Oklahoma 74134	\$489.97

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 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 Andrew Whitefield  
Case Number: 91-CR-047-001-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: 6

Criminal History Category: I

Imprisonment Range: 0 to 6 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: \$ 489.97

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

UNITED STATES OF AMERICA

V.

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

Case Number: 91-CR-067-001-C

Scott Cliff Evans  
(Name of Defendant)

Richard Couch - Federal Public Defender  
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)
26:5861(d)	Possession of Unregistered Firearm	March 11, 1991	One

## FILED

SEP 12 1991

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

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 court(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, for count(s) One, 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.

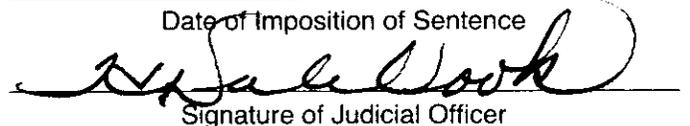
Defendant's Soc. Sec. No.: 519-82-1283

Defendant's Date of Birth: 09-11-61

September 10, 1991

Date of Imposition of Sentence

Defendant's Mailing Address:  
Tulsa County Jail  
500 S. Denver

  
Signature of Judicial Officer

Tulsa, Oklahoma 74105

United States District Court )  
Northern District of Oklahoma ) SS

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

Name & Title of Judicial Officer

Defendant's Residence Address:  
Sister: Donnie Wornek  
1245 Elmore

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

September 10, 1991

Date

Idaho Falls, Idaho

Richard M. Lawrence, Clerk

By R. M. Lawrence  
Deputy

Defendant: Scott Evans  
Case Number: 91-CR-067-001-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 46 months

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

Defendant's participation in a substance abuse program.

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 \_\_\_\_\_  
Three 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 participate in a substance abuse program as deemed necessary by the 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.

Defendant: Scott Evans  
Case Number: 91-CR-067-001-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):

- Pg. 7 Paragraph #28: accept defendant's assertion that he has completed the entire 60 hours required on community service.
- Pg. 11 Paragraph #55: defense counsel has not been able to locate defendant's towed car; therefore, defendant has no assets.

**Guideline Range Determined by the Court:**

Total Offense Level: 18

Criminal History Category: IV

Imprisonment Range: 41 to 51 months

Supervised Release Range: 2 to 3 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: \$ -0-

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

UNITED STATES OF AMERICA

V.

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

Case Number: 91-CR-066-001-C

**FILED**

JOSEPH RANDALL GUTHRIE  
(Name of Defendant)

Robert Butler

SEP 12 1991

Defendant's Attorney Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

- pleaded guilty to count(s) One and Eight 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)	Use of an Unauthorized Access Device to Obtain Items Worth More than \$1,000	January, 1991	One
42:408(g)(2)	Fraudulent Use of a Social Security Number	October, 1990	Eight

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, Three, Four, Five, Six, & Seven ~~(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 Eight, 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.: 246-94-4038

Defendant's Date of Birth: August 20, 1954

September 10, 1991

Date of Imposition of Sentence

Defendant's Mailing Address:

7747 South Trenton Avenue

Tulsa, Oklahoma 74136

Defendant's Residence Address:

7747 South Trenton Avenue

Tulsa, Oklahoma 74136

sm

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.

Signature of Judicial Officer

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

Name & Title of Judicial Officer

Richard M. Lawrence, Clerk

By R. Miller  
Deputy

Date

Defendant: GUTHRIE, JOSEPH R.  
 Case Number: 91-CR-066-001-C

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:

### 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: GUTHRIE, JOSEPH RANDALL  
 Case Number: 91-CR-066-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

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

**Name of Payee**

**Amount of Restitution**

1) American Express Security Department 602 Sawyer, #440; Houston, TX 77007 Acct. No. 3734-736823-710008 (04/88) & Acct. No. 3732-323205-51003 (10/89)	\$18,870.83
2) Citicorp Credit Services, Inc., Attn: Terry Gearhart 2201 North Central Expwy, #203, Richardson, TX 75080 Acct. No. 4128-1406-91200	\$ 7,674.00
3) G. E. WCI, P. O. Box 490 Wayne, New Jersey 07474-0490 Acct. No. CW2C5403014451	\$ 1,039.49
4) Valley National Bank 8080 S. Yale Tulsa, OK 74136 Acct. No. 2064103	\$ 274.00
TOTAL:	\$27,858.32

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 a rate 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: GUTHRIE, JOSEPH RANDALL  
Case Number: 91-CR-066-001-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: 8

Criminal History Category: I

Imprisonment Range: 2 to 8 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 31,977.83 to \$ 95,933.49

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

Restitution: \$ 27,858.32

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): The term of community confinement is not called for, in that the U.S.S.C. did not consider a mitigating circumstance that concerns the defendant's present economic and family situation. The Court departs below the guideline imprisonment range, and does not impose a term of community confinement as a condition of probation.

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

**FILED**

SEP - 9 1991

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 TIM CONDRIN, )  
 )  
 Defendant. )

No. 91-CR-76-02-C

O R D E R

Now on this 9 day of September, 1991, for good cause being shown, the plaintiff's motion to dismiss the indictment against defendant, TIM CONDRIN, is granted.

IT IS SO ORDERED.

  
H. DALE COOK, Chief  
United States District Judge

# United States District Court

NORTHERN District of OKLAHOMA

OF ACQUITTAL

UNITED STATES OF AMERICA

V.

ERICK OTIS MINOR

(Name of Defendant)

## JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 91-CR-051-003-C

STAN MONROE

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)
18:371	Conspiracy to Commit Bank Robbery	January 1, 1990	1

**FILED**

SEP - 5 1991

**Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT**

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) One 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.: 440-88-1015

Defendant's Date of Birth: 12-03-71

Defendant's Mailing Address:

Box 2786

Holloman AFB, New Mexico 88330

Defendant's Residence Address:

Room 303, Dorm 505

Holloman AFB, New Mexico 88330

Date of Imposition of Sentence

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

Name & Title of Judicial Officer

Date

**FILED**

# United States District Court SEP - 4 1991

NORTHERN District of OKLAHOMA

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA  
V.

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

TOMMY HARROL SHEPPARD

Case Number: 91-CR-081-001-B

(Name of Defendant)

Steve Greubel

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)
42:408(g)(2)	Fraudulent Use of Social Security Number	04-27-91	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.

Richard M. Lawrence, Clerk  
By H. Overton  
Deputy

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 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.: 442-74-9257

Defendant's Date of Birth: 02-12-62

Defendant's Mailing Address:  
300 1/2 W. 11th  
Claremore, Oklahoma 74701

Defendant's Residence Address:  
Same

September 4, 1991

Date of Imposition of Sentence

Thomas R. Brett  
Signature of Judicial Officer

Thomas R. Brett, U.S. District Judge  
Name & Title of Judicial Officer

Sept 4, 1991  
Date

Defendant: Tommy Harrol Sheppard  
Case Number: 91-CR-081-001-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 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,
  - before ~~XXXXXX~~ 11:00 a.m. on Monday, September 30, 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 \_\_\_\_\_  
36 months

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.
1. The defendant shall spend four months in community confinement commencing upon his release from custody.
  2. 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) The defendant shall submit to urinalysis as directed by the U.S. Probation Office.

Defendant: Tommy Harrol Sheppard  
 Case Number: 91-CR-081-001-B

Judgment—Page 4 of 5

**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>
Mike Quinn Dodge 2111 E. 11th Tulsa, Oklahoma 74104 ATTN: Mike Quinn	\$4,203.02

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: **Tommy Harrol Sheppard**  
Case Number: **91-CR-081-001-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: 11

Criminal History Category: I

Imprisonment Range: 8 to 14 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 92,685.50

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

Restitution: \$ 4,203.02

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JAMES L. DIAMOND, )  
 )  
 Defendant. )

No. 86-CR-50-E

**FILED**

**SEP -4 1991**

**Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT**

**O R D E R**

This matter was before the court on Hearing for Re-Sentencing on the 14th day of August, 1991. At the hearing, the Court heard evidence on the issue of restitution. The Court ruled that no sentence would be imposed but ordered probation for a period of five (5) years. The Court took the issue of restitution under advisement. This Order addresses that issue.

The Court, first, adopts by reference its Order of Restitution, filed herein on the 5th day of June, 1987 and the Findings of Fact and Conclusions of Law, filed herein on the 29th day of January, 1991. The Court further finds that based upon the record and the Stipulated Facts of the parties ("S.F.") filed herein on the 13th day of August, 1991, that:

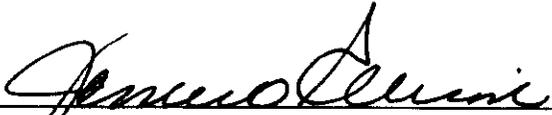
1. Under the terms of the license issued to BIC in the 1970's it was permitted to borrow up to three times the value of its capital. See S.F. #s 1-3.
2. Subject to federal regulations, the SBA could, where it deemed it reasonable to do so, dispose of the two debentures underlying the BIC loan. S.F. #s 5-6.

3. In reliance on Defendant's annual BIC capitalization reports, the SBA did not dispose of the debentures thereby continuing to extend the loan. S.F. #s 9-12.
4. SBA subsequently learned that the Defendant had filed false statements regarding BIC's capital value. S.F. #s 14-16.
5. SBA called the debentures in August 1984. S.F. #20.
6. On May 7, 1986 Defendant pled guilty to counts 11 and 12 of the Indictment filed against him in this matter: making a false report to the SBA in violation of 18 U.S.C. §1006. S.F. # 21.

The evidence shows that in reliance upon the false reports, the SBA did not call the debentures when the capital value of BIC diminished. As a result of the false reports, then, SBA sustained loss. The Court therefore finds that restitution is appropriate pursuant to 18 U.S.C. §§3663. The Court has reviewed the record with regard to the amount of restitution and finds by a preponderance of the evidence that, after all credits have been taken into account, the net loss to the SBA as a result of Defendant's false report is the sum of \$807,853.00.

IT IS THEREFORE ORDERED that Defendant shall pay, as restitution, the sum of \$807,853.00.

ORDERED this 5<sup>th</sup> day of September, 1991.

  
\_\_\_\_\_  
JAMES D. ELLISON  
UNITED STATES DISTRICT JUDGE

# United States District Court

SEP - 4 1991

Northern District of Oklahoma

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA  
V.

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

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

LOYD COOK  
(Name of Defendant)

Richard Couch (appointed)  
Defendant's Attorney

**THE DEFENDANT:**

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

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

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
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, 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:  
10845 East Admiral Place, Lot 15  
Tulsa, Oklahoma 74116

August 22, 1991

Date of Imposition of Sentence

*Thomas R. Brett*  
Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

*Sept 4, 1991*  
Date

Defendant: COOK, LOYD  
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 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 or 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, ~~XX~~ before ~~XXXXXX~~ 11:00 a.m. 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

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

**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 not possess a firearm or other dangerous weapon without the permission of the U. S. Probation Office.

Defendant: COOK, LOYD  
 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:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
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: COOK, LOYD  
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 psychiatric/psychological evaluations be attached and made 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 ) SS

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

Richard M. Lawrence, Clerk  
By [Signature]  
Deputy

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 RODNEY EMMETT JOHNSON, )  
 )  
 Defendant. )

No. 90-CR-85-C

**FILED**

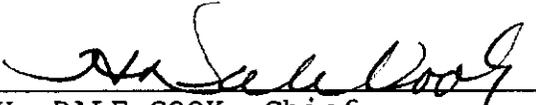
SEP - 3 1991

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

O R D E R

Now on this 30 day of August, 1991 the plaintiff's Motion For Leave to Dismiss the Indictment, without prejudice, 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.

  
\_\_\_\_\_  
H. DALE COOK, Chief  
United States District Judge

23

CLUSA  
WSP

FILED

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

SEP 3 1991

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 HABIBUR RAHMAN and )  
 )  
 Defendant. )

No. 91-CR-58-E<sup>02</sup> ✓

ORDER

For good cause being shown, the plaintiff's motion to dismiss  
the indictment against defendant, HABIBUR RAHMAN, is granted.

IT IS SO ORDERED.

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

In the United States District Court

for the NORTHERN District of OKLAHOMA

United States of America

v.

LARRY E. HUDDLESTON

Criminal No. ~~XXXXXXXXXX~~  
91-CR-92-E

**FILED**

SEP - 3 1991

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

Consent to Transfer of Case

for Plea and Sentence

(Under Rule 20)

I, Larry E. Huddleston, defendant, have been informed that a indictment for violation of Title 18 USCA Section 2113(a) is information, complaint is pending against me in the above designated cause. I wish to plead guilty (guilty, nolo contendere) to the offense charged, to consent to the disposition of the case in the Western District of Arkansas in which I am held (am under arrest, am held) and to waive trial in the above captioned District.

Dated: August 22, 1991 at 11:20 a.m.

Larry E. Huddleston  
(Defendant)

Sharon Underhill  
(Witness)

Cheri W. King  
(Counsel for Defendant)

Approved

J. Michael Fenty  
United States Attorney for the

[Signature]  
United States Attorney for the

District of

Northern  
Oklahoma

District of

# United States District Court

NORTHERN District of OKLAHOMA

UNITED STATES OF AMERICA

V.

MARK EDWARD BROWN

(Name of Defendant)

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

Case Number: 91-CR-051-002-C

R. W. Byars

Defendant's Attorney

**FILED**

SEP - 3 1991

Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT

**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)
18:371	Conspiracy	1-1-90	1
18:2113(a) & (d) & 2	Bank Robbery and Aiding and Abetting	12-20-89	2
18:924(c)(1) & 2	Carrying Firearm During Commission of a Crime of Violence and Aiding and Abetting	12-20-89	3

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) One, Two and Three of the Indictment, and is discharged as to such count(s).
- Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.
- 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.: 429-29-1139

Defendant's Date of Birth: 1-17-71

Defendant's Mailing Address:  
782 North 24th W. Ave.  
Tulsa, Oklahoma 74127

Defendant's Residence Address:  
782 N. 24th W. Ave.  
Tulsa, Oklahoma

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.

Richard M. Lawrence, Clerk  
By [Signature]  
Deputy

Date of Imposition of Sentence  
[Signature]  
Signature of Judicial Officer  
The Honorable H. Dale Cook  
U.S. District Judge

Name & Title of Judicial Officer

Date