

ENTERED ON DOCKET  
DATE APR 30 1993

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT COURT OF OKLAHOMA

FILED

APR 30 1993

RICHARD M. LAWRENCE  
CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OK

UNITED STATES OF AMERICA )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 WILLIAM EUGENE MERRITT )  
 )  
 Defendant. )

Docket No. 93-CR-031-001-B ✓

JUDGMENT AND COMMITMENT ORDER  
ON REVOCATION OF SUPERVISED RELEASE

Now on this 26th day of April, 1993, this cause comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on March 12, 1993. The defendant is present in person and with his attorney, Rob Nigh, Federal Public Defender. The Government is represented by Assistant United States Attorney Lucy Creekmore, and the United States Probation Office is represented by David Plunkett.

The defendant was heretofore convicted in the Northern District of Texas on his plea of guilty to Count Two of a three-count Indictment which charged Possession of Cocaine with Intent to Distribute, in violation of 21, United States Code, § 841(a)(1). He was subsequently sentenced on July 14, 1989, to a twenty-seven (27) month custody term with three (3) years supervised release. The standard conditions of supervised release recommended by the Sentencing Commission were imposed, as were special conditions prohibiting the possession of a firearm or other dangerous weapon;

that the defendant not illegally possess controlled substances, and mandatory revocation of one-third of the term upon possession of such substances; and required participation in a program approved by the probation office of urinalysis and treatment of narcotic addiction or drug or alcohol dependency. On March 3, 1993, jurisdiction was transferred from the Northern District of Texas to the Northern District of Oklahoma.

On April 5, 1993, a revocation hearing was held regarding the allegations noted in the Petition on Supervised Release, said allegations being that the defendant submitted urine specimens on March 23, 1992, July 27, 1992, November 7, 1992, November 13, 1992, November 18, 1992, and January 8, 1993, which tested positive for cocaine. Merritt stipulated to all violations at the revocation hearing, and a sentencing hearing was set for April 26, 1993.

As a result of the sentencing hearing, the Court finds that the violations occurred after November 1, 1987, and that Chapter Seven of the U. S. Sentencing Commission Guidelines is applicable. Further, the Court finds that the violations of supervised release constitute Grade C violations in accordance with U.S.S.G. § 7B1.1(a)(3)(B), and that the defendant's original Criminal History Category of I is now applicable for determining the imprisonment range. In addition, the Court finds that a Grade C violation and a Criminal History Category of I establish a revocation imprisonment range of 3-9 months, in accordance with U.S.S.G. § 7B1.4(a) and Title 18, United States Code, Section 3583(e). Moreover, the Court finds that the allegations constitute drug use and not possession of controlled substances pursuant to 18 United

States Code § 3583(g). In consideration of these findings and pursuant to U. S. V. Lee, 957 F.2d 770 (Tenth Circuit, 1992), in which the Circuit determined that the policy statements in Chapter Seven were not mandatory, but must be considered by the Court, the following sentence is ordered:

It is adjudged by the Court that the terms and conditions of supervised release shall be modified and the defendant is ordered placed at Salvation Army Community Correctional Center, Tulsa, Oklahoma for a term of 180 days. Both standard and special conditions of supervised release as previously imposed shall remain in effect, and the defendant shall abide by all rules and conditions of Salvation Army Community Corrections Center.

The defendant is ordered to surrender to the Salvation Army Community Correction Center, Tulsa, Oklahoma, at 8:00 a.m. on April 30, 1993.

*Thomas R. Brett*  
\_\_\_\_\_  
Au: Thomas R. Brett  
United States District Judge

# 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)

Anthony Daniel Saviano

Case Number: 92-CR-119-001-C

(Name of Defendant)

Craig Bryant (Appointed)

Defendant's Attorney

**THE DEFENDANT:**

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1344 (1)	Bank Fraud	9-30-92	One
42:408(a)(7)(B)	Fraudulent Use of a Social Security Number	9-28-92	Two

**FILED**

**APR 30 1993**

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) Three 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 \$ 100, for count(s) One & Two 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.: 328-62-1373

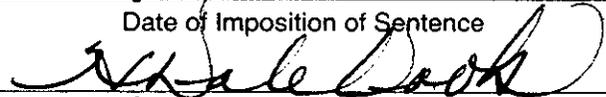
Defendant's Date of Birth: 3-3-67

Defendant's Mailing Address:

Bureau of Prisons  
Dallas, TX

April 26, 1993

Date of Imposition of Sentence



Signature of Judicial Officer

H. Dale Cook, U. S. District Judge

Defendant's Residence Address:

United States District Court )  
Northern District of Oklahoma ) SS

Name & Title of Judicial Officer

Bureau of Prisons  
Dallas, TX

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

Date

Richard M. Lawrence, Clerk

mas

By R. Miller  
Deputy

Defendant: Anthony Daniel Saviano  
Case Number: 92-CR-119-001-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 15 months

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

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

- at \_\_\_\_\_ a.m.
- 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

Defendant: Anthony Daniel Saviano  
Case Number: 92-CR-119-001-C

Judgment—Page 3 of 5

### SUPERVISED RELEASE

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

~~four years on Count One and three years on Count Two, both to run concurrently with each other.~~

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 program of testing and treatment for drug and alcohol abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.

The defendant shall participate in a program of mental health treatment as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.

The defendant shall pay any restitution that is imposed by this judgment, and that remains unpaid at the commencement of the term of supervised release.

### 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 the direction of the U. S. Probation Office.

Defendant: Anthony Daniel Saviano  
Case Number: 92-CR-119-001-C

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>
Bank of Tulsa	\$2,000.00
Homeland Stores	355.16
Target Stores	642.80
Americheck	91.56
Git-N-Go	7.30
Wal-Mart #894	85.88
Wal-Mart #679	79.22
Venture Stores	173.00
Greyhound Incorporated	87.00

\*\*\*\*\* SEE ATTACHMENT A \*\*\*\*\*

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 shall begin restitution payments while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any remaining unpaid balance shall be paid as a condition of supervised release, in regular installment 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:

Bank of Tulsa Attention: Carol Novak 5307 East 41st Street Tulsa, Oklahoma 74148-0160	\$2,000.00
Homeland Stores P.O. Box 25008 Attention: Returned Checks Oklahoma City, Oklahoma 73235	\$ 355.16
Target Stores Attention Fraud and Forgery (#591346060) P.O. Box 1296 Minneapolis, Minnesota 55440	\$ 642.80
Americheck 5800 East Skelly Drive Tulsa, Oklahoma 74135	\$ 91.56
Git-N-Go Stores Attention: Connie Hutchinson 8316 East 73rd Tulsa, Oklahoma 74145	\$ 7.30
Wal-Mart Store #894 42nd Street and South Memorial Tulsa, Oklahoma	\$ 85.88
Wal-Mart Store #679 9797 East Admiral Place Tulsa, Oklahoma	\$ 79.22
Venture Stores Attention: Jean Bensinger P.O. Box 305 2001 East Terra Lane O'Fallon, Missouri 63366	\$ 173.06
Greyhound Incorporated M S 287 4900 University Avenue West Des Moines, Iowa 50266	\$ 87.00

Defendant: Anthony Daniel Saviano  
 Case Number: 92-CR-119-001-C

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: 7Criminal History Category: VImprisonment Range: 12 to 18 months

Ct. One: 3 to 5 Years; Ct. Two: 2 to 3 years

Supervised Release Range:      to      yearsFine Range: \$ 500 to \$ 1,000,000

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

Restitution: \$ 3,521.92

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):

APR 30 1993

# 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.

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

Albert Sherman Gardner

Case Number: 92-CR-076-001-E

(Name of Defendant)

Robert Nigh (Appointed)

Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:2113(a) and (d) and 2	Armed Robbery of Savings and Loan, and Aiding and Abetting	June 5, 1992	One
18:924(c), and 2	Use of a Firearm During a Crime of Violence, and Aiding and Abetting	June 5, 1992	Two

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 \$ 100, for count(s) One and Two 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.: 450-59-9788

Defendant's Date of Birth: August 19, 1966

Defendant's Mailing Address:

Bureau of Prisons  
Dallas, TX

Defendant's Residence Address: United States District Court  
Northern District of Oklahoma  
Bureau of Prisons  
Dallas, TX

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

Jack C. Silver, Clerk

By [Signature]  
Deputy

April 23, 1993

Date of Imposition of Sentence

[Signature]  
Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge  
Name & Title of Judicial Officer

April 28, 1993

Date ENTERED ON DOCKET

DATE 4/30/93

Defendant: Albert Sherman Gardner  
Case Number: 92-CR-076-001-E

Judgment—Page 2 of 5

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 30 months on Count One and 60 months on Count Two, consecutive to the sentence imposed in Count One.

The court makes the following recommendations to the Bureau of Prisons:  
The defendant should be confined in a Bureau of Prisons facility that will allow the defendant to participate in a mental health treatment program that provides both psychological and psychiatric counseling.

- 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

Defendant: Albert Sherman Gardner  
 Case Number: 92-CR-076-001-E

Judgment—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
4 years on Count One and 3 years on Count Two, both counts to run concurrently with  
 each other.

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 participate in psychological and psychiatric treatment, as directed by the U. S. Probation Office, until it is determined by the probation office that such treatment is no longer necessary.
  - 2) The defendant shall participate in drug treatment and/or testing as directed by the U.S. Probation Office.
  - 3) The defendant shall pay any remaining unpaid restitution balance 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 testing as directed by the U. S. Probation Office.

Defendant: Albert Sherman Gardner  
Case Number: 92-CR-076-001-E

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>
Osage Federal Savings and Loan 3309 Southeast Frank Phillips Boulevard Bartlesville, Oklahoma 74006	\$4,694

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:

While in custody, the defendant shall pay restitution in the amount of \$4,694, through the Bureau of Prisons Inmate Financial Responsibility Program in regular installment payments. Upon release from custody, any remaining unpaid balance shall be paid as a condition of supervised release in regular monthly installment 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: Albert Sherman Gardner  
 Case Number: 92-CR-076-001-E

Judgment—Page 5 of 5

### STATEMENT OF REASONS

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

OR

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

#### Guideline Range Determined by the Court:

Total Offense Level: 19 (Count One)

Criminal History Category: I

Imprisonment Range: 30 to 37 months on Count One  
 Mandatory 60 months on Count Two, Consecutive to Count One

Supervised Release Range: 3 to 5 years on Count One  
2 to 3 years on Count Two

Fine Range: \$ 6,000 to \$ 60,000

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

Restitution: \$ 4,694

Full restitution is not ordered for the following reason(s):  
 Codefendant was previously ordered to pay \$4,694, an amount which is one-half of the total loss to the victim bank.

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

APR 30 1993

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)

Timothy Levell Hunter

Case Number: 92-CR-151-001-E

(Name of Defendant)

Jerry Truster

Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:922(a)(6)	False Statement to Licensed Firearms Dealer	6-10-92	One

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

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) Two 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 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.: 446-72-2257

Defendant's Date of Birth: 4-24-69

Defendant's Mailing Address:

312 W. Queen  
Tulsa, Oklahoma 74106

Defendant's Residence Address:

Same

April 23, 1993

Date of Imposition of Sentence

*James O. Ellison*  
Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge  
Name & Title of Judicial Officer

April 28, 1993  
Date

ENTERED ON DOCKET

DATE 4/30/93

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

Jack C. Silver, Clerk

By *BM Callahan*  
Deputy

Defendant: Timothy Levell Hunter  
Case Number: 92-CR-151-001-E

Judgment--Page 2 of 5

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 57 months

The court makes the following recommendations to the Bureau of Prisons:  
That the defendant receive counseling for substance abuse while incarcerated.

- The defendant is remanded to the custody of the United States marshal.
- The defendant shall surrender to the United States marshal for this district,
  - at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. on \_\_\_\_\_
  - as notified by the United States marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
  - before 2 p.m. on \_\_\_\_\_
  - as notified by the United States marshal.
  - as notified by the probation office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this judgment.

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

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

Defendant: Timothy Levell Hunter  
Case Number: 92-CR-151-001-E

Judgment—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
24 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.

### 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 as directed by the U.S. Probation Office.

Defendant: Timothy Levell Hunter  
Case Number: 92-CR-151-001-E

**FINE**

The defendant shall pay a fine of \$ 1,492 . The fine includes any costs of incarceration and/or supervision.

This amount is the total of the fines imposed on individual counts, as follows:

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

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

This fine plus any interest required 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:

Payments shall be made during custody portion of sentence. Any balance remaining on release shall be paid as directed by the probation office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Timothy Levell Hunter  
Case Number: 92-CR-151-001-E

Judgment—Page 5 of 5

**STATEMENT OF REASONS**

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

OR

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

**Guideline Range Determined by the Court:**

Total Offense Level: 21

Criminal History Category: IV

Imprisonment Range: 57 to 60 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: \$ 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):

ENTERED ON DOCKET

DATE 4-30-93

# 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)

ALAN HUTCHINS  
(Name of Defendant)

Case Number: 92-CR-155-001-C

Stephen B. Riley  
Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count(s) One of Amended 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)
18:1014	False Statements on Loan Documents	12-91	I

## FILED

APR 30 1993

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

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 Amended 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.: 444-72-6474

Defendant's Date of Birth: 11-1-60

Defendant's Mailing Address:

Rt 4, Box 545  
Bristow, OK 74010

Defendant's Residence Address:

Same

4-26-93

Date of Imposition of Sentence



Signature of Judicial Officer

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

Name & Title of Judicial Officer

United States District Court  
Northern District of Oklahoma

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

Richard M. Lawrence, Clerk

By R. Miller  
Deputy

Date

*fw*

Defendant: Alan Hudgins  
 Case Number: 92-CR-155-001-C

Judgment—Page 2 of 4

### PROBATION

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

As a condition of probation, the subject shall serve a period of six months on home detention to include electronic monitoring at the discretion of the U.S. Probation Office. Electronic monitoring shall commence within 72 hours of this imposition of sentence and the defendant shall pay \$2 per day to help defer the costs of electronic monitoring.

### 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 random urinalysis at the discretion of the U.S. Probation Office.

Defendant: Alan Hudgins  
Case Number: 92-CR-155-001-C

Judgment—Page 3 of 4

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
American National Bank 111 West 7th Street Bristow, Oklahoma 74010	\$72,000

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 amount not paid immediately shall be paid during the term of probation.

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: Alan Hudgins  
 Case Number: 92-CR-155-001-C

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: 10

Criminal History Category: I

Imprisonment Range: 6 to 12 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 1,000,000

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

Restitution: \$

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

APR 28 1993

ENTERED ON DOCKET  
DATE APR 28 1993

# United States District Court

Richard M. Lawrence, Court 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)

Ray Gene Blevins

Case Number: 92-CR-146-002-B

(Name of Defendant)

Curtis Biram, Appointed  
Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:371	Conspiracy to Possess Firearm During a Drug Trafficking Crime	April 10, 1992	One

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

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) Three 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 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.: 494-74-6862

Defendant's Date of Birth: 8-11-72

Defendant's Mailing Address:

Lexington C.C. c/o Oklahoma Dept. of Corrections  
P. O. Box 260

Lexington, OK 73051  
Defendant's Residence Address:

(same)

April 23, 1993

Date of Imposition of Sentence

*Thomas R. Brett*  
Signature of Judicial Officer

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

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.

Apr. 27 1993  
Date

mas

Richard M. Lawrence, Clerk  
By *H. Chester*  
Deputy

Defendant: Ray Gene Blevins  
Case Number: 92-CR-146-002-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 12 months, concurrent with the remainder of the sentence previously imposed in Delaware County, Oklahoma District Court, Cases CRF-92-75 and CRF-91-76.

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

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

- at \_\_\_\_\_ a.m.
- \_\_\_\_\_ p.m. on \_\_\_\_\_
- as notified by the United States marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
- before 2 p.m. on \_\_\_\_\_
- as notified by the United States marshal.
- as notified by the probation office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

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

Defendant: Ray Gene Blevins  
Case Number: 92-CR-146-002-B

Judgment—Page 3 of 5

### 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.
  - 1) The defendant shall participate in a program of testing and treatment for alcohol and drug abuse, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
  - 2) The defendant shall participate in a program of mental health treatment, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.
  - 3) The defendant shall pay the fine imposed in this case during the term of supervised release, in regular monthly installment payments, 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 testing at the direction of the probation office.

Defendant: Ray Gene Blevins  
Case Number: 92-CR-146-002-B

Judgment—Page 4 of 5

**FINE**

The defendant shall pay a fine of \$ 500 . The fine includes any costs of incarceration and/or supervision.

This amount is the total of the fines imposed on individual counts, as follows:

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

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

This fine plus any interest required 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 shall pay the fine imposed in this case during the term of supervised release, in regular monthly installment payments, as directed by the U. S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Ray Gene Blevins  
Case Number: 92-CR-146-002-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: 15

Criminal History Category: I

Imprisonment Range: 18 to 24\* months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 4,000 to \$ 40,000

\*Pursuant to U.S.S.G. § 5G1.3(b), although the applicable guideline range is 18 to 24 months, a sentence of imprisonment is not a downward departure in this case. In addition to the 12 month custody sentence, credit is additionally given to the 12 months in custody previously served as a result of the offense. The 12 month sentence imposed in this case will commence as of the date of sentencing.

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

Restitution: \$

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

FILED

ENTERED ON DOCKET **United States District Court** APR 28 1993

DATE APR 28 1993 Northern District of Oklahoma Richard M. Lawrence, Court Clerk U.S. DISTRICT COURT

UNITED STATES OF AMERICA

V.

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

Case Number: 92-CR-147-001-B

TROY HOWARD COOL  
(Name of Defendant)

John Street  
Defendant's Attorney

THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21:841(a)(1) & 841(b)(1)(A)(viii)	Possession with Intent to Distribute Methamphetamine	10-13-92	One
18:924(c)	Possession of a Firearm During Drug Trafficking Crime	10-13-92	Two

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) Three 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 \$ 100, for count(s) One and Two 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.: 510-60-4365

Defendant's Date of Birth: 10-05-55

Defendant's Mailing Address:

c/o Bureau of Prisons  
Dallas, Texas

Defendant's Residence Address:

c/o Bureau of Prisons  
Dallas, Texas  
sm

04-23-93

Date of Imposition of Sentence

*Thomas R. Brett*  
Signature of Judicial Officer

Thomas R. Brett, United States District Judge  
Name & Title of Judicial Officer

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

Apr. 27, 1993  
Date

Defendant: COOL, TROY HOWARD  
Case Number: 92-CR-147-001-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 120 months in Count One. As to Count Two 60 months to run consecutively to the term imposed in Count One.

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

That the defendant be designated to a facility offering substance abuse counseling.

- 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

Defendant: COOL, TROY HOWARD  
 Case Number: 92-CR-147-001-B

Judgment—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
 5 years as to Count One; 3 years as to Count Two, to run concurrently with the term  
 imposed in Count One.

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 participate in a program of testing and treatment for substance abuse, as directed by the probation officer, until such time as released from the program by the probation officer.
- The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition, and without having obtained written acknowledgement of an agreement to allow such searches from other residents. This acknowledgement shall be provided to the U. S. Probation Office prior to residency.

#### 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: COOL, TROY HOWARD  
Case Number: 92-CR-147-001-B

**FINE**

The defendant shall pay a fine of \$ 25,000 . The fine includes any costs of incarceration and/or supervision.

This amount is the total of the fines imposed on individual counts, as follows:

\$25,000 as to Count One

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

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

This fine plus any interest required 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 amount not paid immediately shall be paid during the term of incarceration, with any unpaid balance to be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: COOL, TROY HOWARD  
 Case Number: 92-CR-147-001-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):  
 the Court excludes drug amounts used in determining guideline sentencing range over 1,042.44 grams methamphetamine pursuant to U.S.S.G. 1B1.8.

#### Guideline Range Determined by the Court:

Total Offense Level: 29

Criminal History Category: III

Imprisonment Range: 120 to 135 months as to Count I; Count II: 60 months consecutive

Supervised Release Range: 3 to 5 years as to Count I; Count II: 2-3 years concurrent

Fine Range: \$ 15,000 to \$ 4,000,000

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

Restitution: \$ N/A

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

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

OR

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

The Court has imposed the minimum guideline imprisonment term of 120 months based on the statutorily required 60 month consecutive term in Count 2, and the cooperation of the defendant with the Government. The Court finds no reason to depart from the sentence called for by the application of the guidelines.

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):

ENTERED ON DOCKET  
DATE APR 28 1993

**United States District Court**  
NORTHERN District of OKLAHOMA

APR 28 1993

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

UNITED STATES OF AMERICA

V.

Clarence Jerry Mullins

(Name of Defendant)

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

Case Number: 93-CR-29-B

Merle C. Gile

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(s)
18:1343	Wire Fraud	February 1992	One

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

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) \_\_\_\_\_ (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.: 447-38-9620

Defendant's Date of Birth: 09-05-39

Defendant's Mailing Address:  
FCI, El Reno, Oklahoma

Defendant's Residence Address:  
FCI, El Reno, Oklahoma

April 23, 1993

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.

Apr. 27, 1993  
Date

Richard M. Lawrence, Clerk

By *[Signature]*  
Deputy

mas

Defendant: Clarence Jerry Mullins  
Case Number: 93-CR-29-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 21 months on Count One concurrent with 92-CR-157-001-B and Kansas case #92-20032-001. This sentence accounts for credit for time already served (3 months) in #92-20032-001.

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

Defendant: Clarence Jerry Mullins  
 Case Number: 93-CR-29-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 on Count One of the Information to run concurrent with 92-CR-157-001-B  
and Kansas Case #92-20032-01.

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.

Restitution as noted on Page Four.

### 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 as directed by the U. S. Probation Office.

Defendant: Clarence Jerry Mullins  
 Case Number: 93-CR-29-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Ruser Feedlots RR 1 Box 190B Waterloo, Nebraska 68069	\$60,000
Dennis R. Julch 13023 Nichols Omaha, Nebraska 68154	\$27,500

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:  
 If not paid immediately, payments to begin during period of incarceration with any balance remaining paid on supervised release 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: Clarence Jerry Mullins  
Case Number: 93-CR-29-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: 16

Criminal History Category: II

Imprisonment Range: 24 to 30 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 5,000 to \$ 1,000,000

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

Restitution: \$ 175,000

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

The defendant does not demonstrate the ability to pay the full restitution. However, previous income tax returns reveal the ability of the defendant to earn a substantial income.

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):

ENTERED ON DOCKET  
DATE APR 28 1993

**United States District Court**  
NORTHERN District of OKLAHOMA

APR 28 1993

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

UNITED STATES OF AMERICA  
V.

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

Clarence Jerry Mullins  
(Name of Defendant)

Case Number: 92-CR-157-001-B

Merle C. Gile  
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(s)
18:1344(1)	Bank Fraud	May 1990	One

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

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) \_\_\_\_\_ (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.: 447-38-9620

Defendant's Date of Birth: 09-05-39

Defendant's Mailing Address:

FCI, El Reno, OK

Defendant's Residence Address:

FCI, El Reno, OK

April 23, 1993

Date of Imposition of Sentence

*Thomas R. Brett*  
Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

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.

APR 27 1993  
Date

Richard M. Lawrence, Clerk  
By *[Signature]*  
Deputy

mas

Defendant: Clarence Jerry Mullins  
Case Number: 92-CR-157-001-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 21 months on Count One of the Information concurrent with 93-CR-29-B and concurrent with District of Kansas Case #92-20032-01. This sentence accounts for credit for time already served (3 months) in Case #93-20032-01.

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

Defendant: Clarence Jerry Mullins  
Case Number: 92-CR-157-001-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 on Count One of the Information to run concurrent with 93-CR-29-B, and  
Case #92-20032-01.

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.

Restitution as noted on Page Four.

**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) Defendant shall submit to urinalysis testing as directed by U. S. Probation Office.

Defendant: Clarence Jerry Mullins  
 Case Number: 92-CR-157-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Security Bank and Trust c/o Community Bank of Shidler P. O. Box 311 Ponca City, Oklahoma 74602	\$287,383.23
Chisholm Trail State Bank Cedar Vale Branch 602 Cedar Street, Box 188 Cedar Vale, Kansas 67024	\$ 83,208.06
Kansas Bankers Surety P. O. Box 1654 Topeka, Kansas 66601	\$ 50,000.00

Payments of restitution are to be made to:

- the United States Attorney for transfer to the payee(s). (no interest)
- 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 shall be paid immediately. If not paid immediately, payments shall be made during the custody portion of the sentence. If any balance remains, defendant shall make payments on supervised release 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: Clarence Jerry Mullins  
 Case Number: 92-CR-157-001-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: 16

Criminal History Category: II

Imprisonment Range: 24 to 30 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 5,000 to \$ 1,000,000

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

Restitution: \$ 841,182.50

Full restitution is not ordered for the following reason(s):  
 The defendant does not demonstrate the ability to pay the restitution in full. However, he is ordered to pay half of the amount and he demonstrates the ability to pay based on his previous income tax return and the potential income from property transfer

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):

ENTERED ON DOCKET

DATE 4-27-93

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

**F I L E D**

APR 27 1993

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JOSHUA ALAN AVEN, )  
 )  
 Defendant. )

Richard M. Lewis, Clerk  
U.S. District Court  
Northern District of Oklahoma

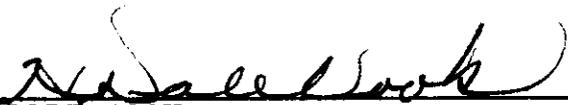
No. 90-CR-91-C  
No. 93-C-310-C

**ORDER**

Before the Court is the motion of the defendant pursuant to 28 U.S.C. §2255 to vacate his sentence. Petitioner still has an appeal of his conviction pending before the United States Court of Appeals for the Tenth Circuit. "Ordinarily a section 2255 action is improper during the pendency of an appeal from the conviction." United States v. Davis, 604 F.2d 474, 484 (7th Cir. 1979). No extraordinary circumstances are apparent which would warrant an exception to the general rule.

It is the Order of the Court that the motion of the defendant pursuant to 28 U.S.C. §2255 is hereby denied without prejudice.

IT IS SO ORDERED this 26<sup>th</sup> day of April, 1993.

  
\_\_\_\_\_  
H. DALE COOK  
UNITED STATES DISTRICT JUDGE

ENTERED ON DOCKET  
DATE 4-27-93

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ROGER NEIL GIBSON, )  
 )  
 Defendant. )

No. 93-CR-16-C

**FILED**

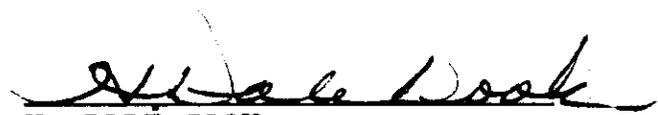
*rm* APR 26 1993

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

ORDER

Now on this 23rd day of April, 1993 this cause comes on to be heard in the matter of the plaintiff's motion to dismiss without prejudice the Indictment in the above styled cause. The Court finds that said motion ought to be granted and the Indictment is dismissed without prejudice.

IT IS SO ORDERED.

  
H. DALE COOK  
United States District Judge



At sentencing, the Court did not place any conditions on the payment of restitution, nor did the Court order it to be paid in installments or within a specified period of time. If restitution is not ordered in installments or within a specified period, it "shall be made immediately." 18 U.S.C. §3663(f)(3). It was clearly the intention of this Court to sentence Sides to spend the rest of his life in prison<sup>1</sup> and for the restitution obligation to begin immediately.

The written Judgment and Sentence Order of April 12, 1990, and the Amended Judgment and Sentence Order of April 30, 1990, inadvertently added the condition that the restitution was to be paid as directed by the U.S. Probation Office. It stated:

Restitution in the amount of \$5,845.11 is to be paid as directed by the U.S. Probation Office to Joseph Cheshewalla, Jr., in care of Bill Heskett, Attorney-At-Law, 304 First National Bank Building, Pawhuska, Oklahoma 74056. (Emphasis added.)

This additional condition is in direct conflict with the Court's expressed intention that Sides spend the rest of his life in prison and never come under the direction of the U.S. Probation Office.

The Government now asks the Court to correct the written judgment and sentence by eliminating this additional condition. The Defendant argues that such a change would improperly make the sentence more harsh than when announced.

Rule 36 of the Federal Rules of Criminal Procedure provides:

---

<sup>1</sup> The Court even noted during sentencing that the Defendant "should never be released to society from this day forward as far as this Court is concerned." Transcript at 13, line 25 - 14, line 1.

Clerical mistakes in judgments, orders or other parts of the record and errors in the record arising from oversight or omission may be corrected by the court at any time and after such notice, if any, as the court orders.

Sides was sentenced to two life terms with this Court's recommendation that he not be released from prison for the rest of his natural life. It was not this Court's intention that Sides ever be placed on supervised release, or under the direction of the U.S. Probation Office. It was, however, the intent of this Court that the restitution be payable immediately for the benefit of Joseph Cheshewalla, Jr. The requirement that the restitution be paid at the direction of the Department of Probation was an error arising from "oversight" and as such, this error is correctable by this court at this time pursuant to Fed.R.Crim.P. 36.

At sentencing, this Court did not order the Defendant to pay restitution "as directed by the Department of Probation." The inclusion of such a requirement in the written judgment and commitment order was a clerical mistake which this Court inadvertently overlooked. It is well-established that the oral pronouncement of a sentence controls over a judgment and commitment order if the two are in conflict. United States v. Villano, 816 F.2d 1448, 1450 (10th Cir. 1987). "Rule 36 is the appropriate remedy to make the judgment and commitment papers conform to the sentence pronounced orally." Cook v. United States, 426 F.2d 1358 (5th Cir. 1970).

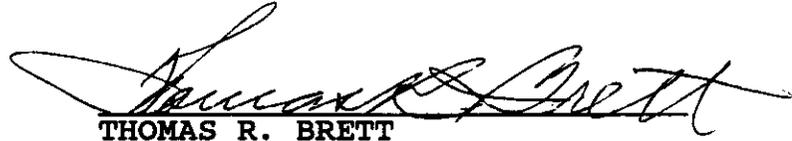
For these reasons, the Amended Judgment and Sentence of Eugene Mervin Sides is hereby corrected pursuant to Fed.R.Crim.P. 36 to

conform to the oral pronouncement of sentence. The restitution obligation is hereby corrected to state:

Restitution in the amount of \$5,845.11 is to be paid to the United States Attorney's Office for payment to be made to Joseph Cheshewalla, Jr., in care of Bill Heskett, attorney at law, 304 First National Bank Building, Pawhuska, Oklahoma 74056.

According to statute, this obligation is payable immediately. 18 U.S.C. §3663(f)(3). In accordance with the Bureau of Prisons Financial Responsibility Program, the Defendant is hereby required to make monthly restitution payments toward this obligation not to exceed 50% of his total monthly income from all sources.

IT IS SO ORDERED THIS 22<sup>nd</sup> DAY OF APRIL, 1993.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

CRIMINAL DOCKET - U.S. District Court

Assigned  PO  **1085 94 9511**

Misd.  **1085 94 9511**

Felony  District Off Judge/Magistr.

WRIT  JUVENILE  ALIAS

U.S. VS. **MARTIN, CONNIE JEAN**

OFFENSE ON INDEX CARD

(LAST, FIRST, MIDDLE)

**MARTIN, CONNIE JEAN**

Case Filed Mo. Day Yr. **0203 93**

Docket No. **93-00012-**

No. of Def's U.S. MAG. CASE NO.

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

DISM.  NG

**18:922(g)(1)**

**Possession of firearm after former conviction of felony (10 yrs &/or \$250,000; 2-3 yrs S.E.; S.A. \$50.00)**

I. CHARGES

Draw a line between the last original and the first superseding charge and check:

SUPERSEDING COUNTS

END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL)

END INTERVAL TWO

INTERVAL ONE

KEY DATE  arrest  sum'ns  custody  appears-on-complaint

EARLIEST OF

KEY DATE **2-3-93**

APPLICABLE

indictment filed/unsealed  consent to Magr. trial on complaint  information  Felony-W/waiver

KEY DATE

3A  1st appears on pending charge /R40

3B  Receive file R20/21

Supedg:  Indt  Inf

Order New trial

a)  Remand f)  G/P Withdrawn

KEY DATE

a)  Dismissal  After N.G.

b)  Pled guilty  After nolo

c)  Nolo  Trial (voir dire) began  Jury  N.J.

d)  Trial (voir dire) began  Jury  N.J.

APPLICABLE

VII SENTENCE (& Disposition)

MISTRIAL

*7.20 out 4-20-93*

DISPOSITION DATE **5** SENTENCE DATE **6**

PTD  Noile  Pros.  on S.T. grounds  W.P.  WOP

FINAL CHARGES DISMISSED  on det motion  on gov't motion

TOTAL SENTENCE prison (mos.) **1** prob. (mos.) **2** \$ fine

VIII S.T. ACT TIME

S.T.	DAYS	
INT	GROSS	NET
1		
2		

IX IF NET EXCEEDS CONTINUOUS TYPE COUNSEL CODE

COMPLETE BOX  NET DAYS  Amt Excess  Det.  H.R.

30  70

RULE 20: Rec'd from  Sent to  DIST/OFF NO. **1023/6**

CODE DATE

STUDY & OBSERVATION

STATUTE CODE USED

LEFT AND BOTTOM STUBS MAY BE TORN OFF AFTER TYPING, TO REDUCE FORM TO 5" x 8" SIZE.

DATE APR 15 1993

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**  
APR 13 1993  
Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
ANGELA JUNE ROSS, )  
)  
Defendant. )

No. 90-CR-61-B

**ORDER REVOKING TERM OF SUPERVISED RELEASE**

Now on this 8th day of April 1993, this cause comes on for hearing on the Petition on Probation and Supervised Release filed herein March 17, 1993, by United States Probation Officer Tony Budzinski, seeking to revoke the term of supervised release imposed by this Court August 1, 1990, upon the defendant Angela June Ross.

Defendant is present in person and by her counsel, Assistant United States Public Defender Craig Bryant, and the plaintiff is represented by Assistant United States Attorney Gordon B. Cecil.

Defendant was sentenced October 1, 1990, to a three year term of supervised release subject to compliance with general and specific terms and conditions adopted by the Court, including the conditions that defendant pay restitution in the amount of \$5,802.90 to victims at a rate to be determined by the United States Probation Office; appear for interviews and report for drug testing as directed by the United States Probation Office; submit truthful and complete written reports to the United States

Probation Office; and avoid the purchase and possession of any narcotic or other controlled substance.

The Court finds, pursuant to a stipulation by the parties, that defendant:

- a) has failed to make restitution at the rate determined by the United States Probation Office;
- b) has made false reports to the United States Probation Office regarding payment of restitution;
- c) has engaged in the possession and use of narcotics and other controlled substances on nine (9) occasions; and
- d) has failed to report for urinalysis or to the United States Probation Office on not less than seven (7) occasions.

For the violations appearing in evidence at this hearing, the Court finds that the terms of defendant's supervised release should be revoked, pursuant to Title 18, United States Code, Section 3583(e).

IT IS THEREFORE ORDERED that the three year term of supervised release imposed by this Court upon the defendant August 1, 1990, should be and the same is hereby revoked. It is further ordered that the United States Probation Office prepare and submit to this Court a sentencing memorandum prior to May 7, 1993. Sentencing in this cause is set at 3:30 p.m. on May 7, 1993.

Pending preparation of a sentencing memorandum, the defendant shall be detained by the United States Marshal Service until further order of this Court.

**IT IS FURTHER ORDERED** that the Clerk of this Court deliver a certified copy of this order to the United States Marshal for this district to serve as his authority to detain the defendant, Angela June Ross.

S/ THOMAS R. BRETT

---

**THOMAS R. BRETT**  
United States District Judge

**FILED**  
**APR 14 1993**

# United States District Court

NORTHERN District of OKLAHOMA

UNITED STATES OF AMERICA

V.

Brent Lamar Smallwood

(Name of Defendant)

## JUDGMENT IN A CRIMINAL CASE (For Offenses Committed On or After November 1, 1984)

Case Number: 92-CR-138-001-E

Craig Bryant

Defendant's Attorney

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

### THE DEFENDANT:

- pleaded guilty to count(s) \_\_\_\_\_
- was found guilty on count(s) One and Two 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)
21 U.S.C. 844(a)	Possession of a Controlled Dangerous Substance	3-10-92	One
18 U.S.C. 924(c)	Possession of a Firearm While in the Commission of a Drug Trafficking Crime	3-10-92	Two

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) Three 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 \$ 100, for count(s) One and Two 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.: 440-72-2828

Defendant's Date of Birth: 05-04-72

Defendant's Mailing Address:

5708 N. Garrison Place  
Tulsa, Oklahoma 74126

Defendant's Residence Address:

Oklahoma Department of Corrections

April 9, 1993

Date of Imposition of Sentence

James O. Ellison  
Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge

Name & Title of Judicial Officer

April 14, 1993

Date

ENTERED ON DOCKET

DATE 4/14/93

MAS

United States District Court  
Northern District of Oklahoma  
Tulsa, Oklahoma

[Signature]

Defendant: Brent Lamar Smallwood  
Case Number: 92-CR-138-001-E

Judgment—Page 2 of 5

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 56 months on Count One and 60 months on Count Two of the Indictment, which shall run consecutive to Count One. The defendant is given credit for the seven months already served in state custody in CRF-92-83, Osage County.

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

Designate the Oklahoma Department of Corrections to be the place of service of this sentence, thereby making this sentence concurrent with the state sentence. Shall the defendant be released from state custody by discharge or parole before completion of this sentence, the defendant will be transferred to the Bureau of Prisons for completion of the sentence imposed in this case.

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

- at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. on \_\_\_\_\_
- as notified by the United States marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
  - before 2 p.m. on \_\_\_\_\_
  - as notified by the United States marshal.
  - as notified by the probation office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this judgment.

United States Marshal

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

Defendant: Brent Lamar Smallwood  
 Case Number: 92-CR-138-001-E

Judgment—Page 3 of 5

### SUPERVISED RELEASE

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

2 years on Counts One and Two of the Indictment to run concurrently

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 as directed by the U. S. Probation Office.

Defendant: Brent Lamar Smallwood  
Case Number: 92-CR-138-001-C

Judgment—Page 4 of 5

**FINE**

The defendant shall pay a fine of \$ 2,000. The fine includes any costs of incarceration and/or supervision.

This amount is the total of the fines imposed on individual counts, as follows:

Count One

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

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

This fine plus any interest required 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:

If not paid immediately, payments to begin during period of incarceration with any balance remaining paid on supervised release as directed by the U. S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Brent Lamar Smallwood  
Case Number: 92-CR-138-001-E

**STATEMENT OF REASONS**

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

OR

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

**Guideline Range Determined by the Court:**

Total Offense Level: 26

Criminal History Category: I

Imprisonment Range: 63 to 78 months on Count One. Count Two requires a 60 month consecutive sentence.

Supervised Release Range: 2 to 3 years as to each count

Fine Range: \$ 12,500 to \$ 125,000

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):

FILED  
APR 14 1993

# United States District Court

NORTHERN District of OKLAHOMA

Edward H. Lawrence, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

ANNETTE MARIE EXOM

(Name of Defendant)

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

Case Number: 92-CR-107-001-E

Steve Greubel

Defendant's Attorney

### THE DEFENDANT:

- pleaded guilty to count(s) One and Two of the Superseding 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)
18:1001	False Statement to Government Agency	1-14-92	1,2

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

- The defendant has been found not guilty on count(s) \_\_\_\_\_ and is discharged as to such count(s).
- Count(s) One of the Information (is) ~~was~~ dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 100 (total), for count(s) One and Two of the Superseding, which shall be due  immediately  as follows:  
Information

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.: 304-66-7279

Defendant's Date of Birth: 12-28-56

Defendant's Mailing Address:

2009 N. Trenton

Tulsa, Oklahoma 74106

Defendant's Residence Address:

Same

April 9, 1993

Date of Imposition of Sentence

*James O. Ellison*  
Signature of Judicial Officer

James O. Ellison, Chief U.S. District Judge

Name & Title of Judicial Officer

4/14/93

Date

ENTERED ON DOCKET

DATE 4/14/93

United States District Court  
Northern District of Oklahoma  
I hereby certify that the foregoing  
is a true and correct copy of the  
In this Court.

By *B. M. Callough*  
Deputy

Defendant: EXOM, Annette Marie  
Case Number: 92-CR-107-001-E

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:

Restitution as noted on Page 3

**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 testing as directed by the U.S. Probation Office.

Defendant: EXOM, Annette Marie  
 Case Number: 92-CR-107-001-E

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>
Tulsa Housing Authority 415 E. Independence Tulsa, Oklahoma 74106	\$3,000
Oklahoma Department of Human Services 440 S. Houston Tulsa, Oklahoma 74101	\$1,949

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: **EXOM, Annette Marie**  
Case Number: **92-CR-107-001-E**

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: 7

Criminal History Category: I

Imprisonment Range: 0 to 6 months

Supervised Release Range: 2 to 3 years per count

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

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

Restitution: \$ 4,949

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  
APR 14 1993

# United States District Court

Northern District of Oklahoma

Richard W. 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: 92-CR-143-001-E

LOUIS RAY MOONEY  
(Name of Defendant)

Stephen J. Greubel  
Defendant's Attorney

### THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:922(g)(1) & 924(a)(2)	Possession of a Firearm After Former Conviction of a Felony	10-18-91	One
26:5841, 5861(d) & 5871	Possession of an Unregistered Firearm	10-18-91	Two

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) Three 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 \$ 100, for count(s) One and Two of the Indictment, which shall be due  immediately  as follows:

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

Defendant's Soc. Sec. No.: 445-70-3679

Defendant's Date of Birth: August 21, 1961

Defendant's Mailing Address:

Rt. 4, Box 314M  
Claremore, OK 74017

Defendant's Residence Address:

Rt. 4, Box 314M  
Claremore, OK 74017

sm

April 9, 1993

Date of Imposition of Sentence

*James O. Ellison*  
Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge

Name & Title of Judicial Officer

April 13, 1993  
Date

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

Jack C. Silver, Clerk

By *J.C. Silver*

ENTERED ON DOCKET

4/14/93

Defendant: MOONEY, LOUIS R. JR.  
Case Number: 92-CR-143-001-E

Judgment - Page 2 of 5

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of twenty-one (21) months in Counts One and Two as to each Count to run concurrently.

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 May 10, 1993
  - 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

NO. 275 (REV. 4/30/78) Sheet 3 - Supervised Release  
Defendant: MOONEY, LOUIS R. JR.  
Case Number: 92-CR-143-001-E

Judgment—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
three (3) years on Counts One and Two as to each Count to run concurrently.

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 program of testing and treatment for substance abuse, as directed by the probation officer, until such time as released from the program by 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.
- 14) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: MOONEY, LOUIS R. JR.  
Case Number: 92-CR-143-001-E

**FINE**

The defendant shall pay a fine of \$ 750 . The fine includes any costs of incarceration and/or supervision.

This amount is the total of the fines imposed on individual counts, as follows:

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

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

This fine plus any interest required 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 amount not paid immediately shall be paid during the term of incarceration, with any unpaid balance to be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: MOONEY, LOUIS R. JR.  
Case Number: 92-CR-143-001-E

Judgment—Page 5 of 5

STATEMENT OF REASONS

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

OR

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

The Court upholds plea agreement in respect to the total reduction for acceptance of responsibility and awards the defendant a 3-point reduction, resulting in a Total Offense Level of 15.

Guideline Range Determined by the Court:

Total Offense Level: 15

Criminal History Category: II

Imprisonment Range: 21 to 27 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 5,000 to \$ 50,000

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

Restitution: \$

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

ENTERED ON DOCKET **United States District Court**  
DATE APR 14 1993 Northern District of Oklahoma

ARR 13 1993

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: 92-CR-146-001-B

RICHARD LEE BLEVINS  
(Name of Defendant)

Robert Nigh, Jr.  
Defendant's Attorney

THE DEFENDANT:

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(x)
18:924(c)	Possession of a Firearm During a Drug Trafficking Crime	04-10-92	Two

United States District Court )  
Northern District of Oklahoma ) SS

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

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 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) Two 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.: 493-54-2562

Defendant's Date of Birth: May 11, 1948

Defendant's Mailing Address:

c/o Dick Conner Correctional Center  
P. O. Box 220  
Hominy, OK 74035

Defendant's Residence Address:

c/o Dick Conner Correctional Center  
P. O. Box 220  
Hominy, OK 74035  
sm

April 8, 1993

Date of Imposition of Sentence

[Signature]  
Signature of Judicial Officer

Thomas R. Brett, United States District Judge

Name & Title of Judicial Officer

4-13-93

Date

Defendant: BLEVINS, RICHARD LEE  
Case Number: 92-CR-146-001-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 sixty (60) months in Count Two, to run consecutively to the sentence imposed in Delaware County, Oklahoma District Court Case CRF92-75 & CRF 92-76.

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

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

- at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. on \_\_\_\_\_
- as notified by the United States marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
- before 2 p.m. on \_\_\_\_\_
- as notified by the United States marshal.
- as notified by the probation office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this judgment.

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

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

Defendant: BLEVINS, RICHARD LEE  
Case Number: 92-CR-146-001-B

Judgment—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
three (3) years in Count Two

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 program of testing and treatment for substance abuse, as directed by the probation officer, until such time as released from the program by the probation officer.

The defendant shall submit to a search conducted by a U. S. Probation Officer of his person residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition, and without having obtained written acknowledgment of an agreement to allow such searches from other residents. This acknowledgment shall be provided to the U. S. Probation Office prior to residency.

### 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: BLEVINS, RICHARD LEE  
Case Number: 92-CR-146-001-B

**FINE**

The defendant shall pay a fine of \$ 1,000. The fine includes any costs of incarceration and/or supervision.

This amount is the total of the fines imposed on individual counts, as follows:

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

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

This fine plus any interest required 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 amount not paid immediately shall be paid during the term of incarceration with any unpaid balance to be paid during the term of supervised release.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: BLEVINS, RICHARD LEE  
Case Number: 92-CR-146-001-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: N/A

Criminal History Category: N/A

Imprisonment Range: -- to 60 months consecutive to any other term of confinement.

Supervised Release Range: 2 to 3 years

Fine Range: \$ 0 to \$ 250,000

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

**FILED**

**APR 14 1993**

UNITED STATES OF AMERICA  
V.

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

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

Case Number: 92-CR-150-001-E

CHAD EVERETT DODSON  
(Name of Defendant)

Robert Nigh, Jr.  
Defendant's Attorney

**THE DEFENDANT:**

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18:1709	Theft of Mail Matter	August, 1992	One

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

- The defendant has been found not guilty on count(s) \_\_\_\_\_, and is discharged as to such count(s).
- Count(s) \_\_\_\_\_ (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of 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.: 436-57-2951

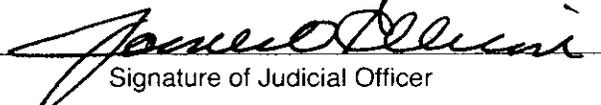
Defendant's Date of Birth: 03-03-73

Defendant's Mailing Address:  
1554 East 71st Street, Apt. 706  
Tulsa, Oklahoma 74136

Defendant's Residence Address:  
1554 East 71st Street, Apt. 706  
Tulsa, Oklahoma 74136

April 9, 1993

Date of Imposition of Sentence

  
Signature of Judicial Officer

James O. Ellison, Chief U. S. District Judge

Name & Title of Judicial Officer

April 14, 1993  
Date

**ENTERED ON DOCKET**

Jack C. Silver, Clerk

By A.M. McElroy  
Deputy

DATE 4/14/93

SM

Defendant: DODSON, CHAD EVERETT  
 Case Number: 92-CR-150-001-E

Judgment—Page 2 of 4

### PROBATION

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

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

- 1) The defendant, while on probation, shall pay any restitution that is imposed by this judgment, in regular monthly installment payments, as directed by the U. S. Probation Office.
- 2) The defendant shall participate in a program of financial counseling, as directed by the probation officer, until such time as the defendant is released from the program by the probation officer.

### 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.

Defendant: DODSON, CHAD EVERETT  
 Case Number: 92-CR-150-001-E

Judgment—Page 3 of 4

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Albertson's #2229	\$ 28.00
Homeland Stores	20.57
Runner's World	118.25
Pro Image	65.55
Sun Glass Place	134.27
The Athlete's Foot	64.48
Rapid Muffler	20.00
Lady Footlocker	70.40
Albertsons #2227 (two checks)	145.02
Westside Florist	50.53
Wal-Mart #992	141.91
Buy-For-Less (two checks)	144.16
Quik Trip	15.82
Circle K Stores	15.00
Payments of restitution are to be made to:	Bowden's 15.00
	<b>TOTAL: \$1,048.96</b>

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 regular installment payments while on probation 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: DODSON, CHAD EVERETT  
Case Number: 92-CR-150-001-E

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: 4

Criminal History Category: I

Imprisonment Range: 0 to 6 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 250 to \$ 5,000

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

Restitution: \$ 1,048.96

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):

DATE 4-14-93

# United States District Court

NORTHERN

District of

OKLAHOMA

UNITED STATES OF AMERICA

V.

Shawn Tranier Palmer

(Name of Defendant)

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

Case Number: 92-CR-152-B

Jack Short

Defendant's Attorney

**FILED**  
APR 12 1993  
Edward M. Lawrence, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**THE DEFENDANT:**

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

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

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 U.S.C. § 922(g)(1)	Possession of a Firearm by a Convicted Felon	March 4, 1992	Two

*J. Adams*

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). Indictment
- Count(s) 1, 3, 4, 5, 6, 7, & 8 of the \_\_\_\_\_ (s)(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) Two 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.: 387-82-3102

Defendant's Date of Birth: 09-15-68

Defendant's Mailing Address:

Connor's Correctional Center  
Hominy, Oklahoma

Defendant's Residence Address:

Same

April 8, 1993

Date of Imposition of Sentence

*Thomas R. Brett*  
Signature of Judicial Officer

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

Apr. 12 1993  
Date

Defendant: Shawn Tranier Palmer  
Case Number: 92-CR-152-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 28 months on Count Two of the Indictment, which allows credit for nine months already served in state custody, concurrent with CF-92-2446, 2477, 2469, 2670-Tulsa County cases.

The court makes the following recommendations to the Bureau of Prisons:  
Designate the Oklahoma Department of Corrections to be the place of service of this sentence. Should the defendant be released from state custody by discharge or parole before completion of the sentence imposed in this case, the defendant will be transferred to the custody of the Bureau of Prisons for completion of this sentence.

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

- at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. on \_\_\_\_\_
- as notified by the United States marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,  
 before 2 p.m. on \_\_\_\_\_  
 as notified by the United States marshal.  
 as notified by the probation office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this judgment.

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

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

Defendant: Shawn Tranier Palmer  
 Case Number: 92-CR-152-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 on Count Two of the Indictment

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 as directed by the U. S. Probation Office.

Defendant: Shawn Tranier Palmer  
Case Number: 92-CR-152-B

**FINE**

The defendant shall pay a fine of \$ 500. The fine includes any costs of incarceration and/or supervision.

- This amount is the total of the fines imposed on individual counts, as follows:  
Count Two of the Indictment

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

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

This fine plus any interest required 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:

If not paid immediately, to begin payments during the period of incarceration with payments not to exceed over 50% of income earned during incarceration. Any balance remaining to be paid during supervised release as directed by the U. S. Probation Office.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614.

Defendant: Shawn Tranier Palmer  
Case Number: 92-CR-152-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: III

Imprisonment Range: 37 to 46 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 6,000 to \$ 60,000

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

**FILED**

**APR 14 1993**

UNITED STATES OF AMERICA  
V.

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

Richard M. Lawrence  
U.S. District Court  
District of Oklahoma  
Clerk

Gary J. Phillips

Case Number: 92-CR-105-002-E

(Name of Defendant)

Stan Monroe

Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count(s) \_\_\_\_\_
- was found guilty on count(s) One, Two, Three, Six, and Seven 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)
21:846	Conspiracy to Distribute Cocaine Base	7-13-92	One
21:841(a)(1)	Possession of a Controlled Dangerous Substance With Intent to Distribute	6-8-92	Two
18:2	Aiding and Abetting	6-8-92	Two
18:924(c)	Possession of a Firearm While in Commission of a Drug Trafficking Crime	6-8-92 and 7-13-92	Three & Six
21:841(a)(1)	Possession of a Controlled Dangerous Substance With Intent to Distribute	7-13-92	Seven

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, Two, Three, Six, and Seven of \_\_\_\_\_, which shall be due  immediately  as follows:  
the Indictment

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.: 448-82-6633

Defendant's Date of Birth: 2-28-73

Defendant's Mailing Address:  
2513 E. 48th Street  
Tulsa, OK 74130

Defendant's Residence Address: Same

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 [Signature]  
Deputy

April 9, 1993

Date of Imposition of Sentence

[Signature]  
Signature of Judicial Officer

James O. Ellison, Chief U S. District Judge

Name & Title of Judicial Officer

4/14/93

Date

ENTERED ON DOCKET

DATE 4/14/93

mas

Defendant: Gary J. Phillips  
Case Number: 92-CR-105-002-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 35 months on Counts One, Two, and Seven. Counts Three and Six require a 60 month custody sentence to run consecutive to Counts One, Two, and Seven and to each other.

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

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

- at \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. on \_\_\_\_\_
- as notified by the United States marshal.

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
- before 2 p.m. on \_\_\_\_\_
- as notified by the United States marshal.
- as notified by the probation office.

**RETURN**

I have executed this judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal  
By \_\_\_\_\_  
Deputy Marshal

Defendant: Gary J. Phillips  
Case Number: 92-CR-105-002-E

Judgment—Page 3 of 5

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of \_\_\_\_\_  
three years on Counts One, Two, Three, Six, and Seven of the Indictment to run concurrently.

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 the direction of the U. S. Probation Office.



Defendant: Gary J. Phillips  
Case Number: 92-CR-105-002-E

Judgment—Page 5 of 5

**STATEMENT OF REASONS**

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

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary): The Court found no obstruction of justice occurred, and is also granting a two level decrease for acceptance of responsibility due to the defendant's conduct in the second trial.

**Guideline Range Determined by the Court:**

Total Offense Level: 20

Criminal History Category: I

Imprisonment Range: 32 to 41 months on Counts One, Two, and Seven. Counts Three and Six require a five year consecutive sentence each.

Supervised Release Range: 3 to 5 years Counts One, Two, and Seven. Counts Three and Six, 2 to 3 years concurrent.

Fine Range: \$ 10,000 to \$ 3,000,000

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 FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

APR 9 1993

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

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
v. )  
)  
ROY LEEMAN IVY, )  
)  
Defendant. )

No. 92-CR-142-E

**ORDER**

On motion by the government, and for good cause shown, the above-captioned cause of action is hereby dismissed.

DONE, this the 8 day of April 1993.

ST. JAMES CL. ELLISON

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

ENTERED ON DOCKET  
DATE 4-9-93

*B. McCullough*

ENTERED ON DOCKET

DATE 4-8-93

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

APR -7 1993

UNITED STATES OF AMERICA, )  
Plaintiff/Respondent, )  
vs. )  
KENNETH HAROLD GOURLEY, )  
Defendant/Petitioner. )

RICHARD M. LAWRENCE  
CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA  
86-CR-185-C  
92-C-977-C

ORDER

Before the Court is the motion of the defendant Kenneth Gourley filed pursuant to 28 U.S.C. §2255 for relief from the sentence imposed by this Court on March 9, 1987. Defendant was found guilty following trial by jury of having violated 18 U.S.C. §1202(a), possession of a firearm after former conviction. Defendant was sentenced to life without parole as an "armed career criminal" under the enhancement penalty provision of this statute. The judgment and sentence was affirmed by the Tenth Circuit Court of Appeals in United States v. Gourley, 835 F.2d 249 (10th Cir. 1987).

In his motion defendant asserts that the Court relied on three specific former felony convictions in enhancing his sentence, one of which was a 1958 state court conviction for armed robbery. In this regard Gourley asserts that had his counsel "checked she would have found that the 1958 Conviction for armed robbery out of Okmulgee County, Oklahoma has since been declared void by the [H]onorable Judge John Maley, District Judge of Okmulgee County." Gourley concludes that since one of the three convictions relied on by this Court has been declared void, that the judgment and sentence entered is correspondingly void.

The Court finds that Gourley's claim is without merit. Although it is correct that on September 28, 1992 the District Court of Okmulgee County, Oklahoma set aside Gourley's 1958 conviction for armed robbery, Gourley's other contentions are incorrect. First, Gourley's implication of ineffective assistance of counsel is unfounded since the 1958 conviction was not declared void until some five years after Gourley was sentenced by this Court. Second, at the time the Court imposed sentence the presentence report reflects that Gourley had at least nine prior felony convictions, four of which involved robbery or burglary. Third, the Court did not specifically rely on the 1958 conviction for imposition of the enhanced penalty. The sentencing transcript reflects that the Court considered all of Gourley's criminal history and in particular, the four prior convictions for robbery and burglary which triggered imposition of the enhancement penalty.<sup>1</sup> The Court also considered the factual circumstances surrounding Gourley's conviction of §1201(a) and determined that defendant's violent criminal history and propensity for criminal behavior qualified him for life imprisonment.<sup>2</sup>

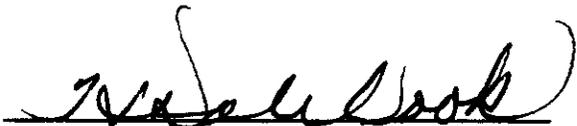
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<sup>1</sup> Title 18, U.S.C. §1202(a) provides that a defendant possessing three or more previous convictions for robbery, burglary, or both, should be sentenced to a minimum of fifteen years imprisonment and that such person should not be eligible for parole.

<sup>2</sup> Gourley was arrested on October 27, 1986, by undercover police investigating the possible sale of narcotics at a Tulsa motel. Two of the officers went to a room at the motel and attempted to purchase narcotics. Gourley burst into the room carrying a sawed-off shot gun. Gourley pressed the shotgun up against the throat of one of the police officers. Evidence produced at the sentencing hearing showed that there were firing

From a review of the presentence report even without considering the 1958 conviction, Gourley has at least three other qualifying felony convictions for robbery and burglary.<sup>3</sup> The Court finds and concludes that Gourley's §2255 motion is without merit and accordingly is denied.

IT IS SO ORDERED this 7<sup>th</sup> day of April, 1993.

  
H. Dale Cook  
United States District Judge

---

pin impressions on a shotgun shell taken from Gourley's sawed-off shot gun. The Court concluded that had it not been for the malfunction of the weapon, at least one officer would have been killed. (Sentencing transcript).

<sup>3</sup> April 20, 1965 armed robbery conviction out of Amarillo, Texas; August 27, 1983 burglary conviction out of Washington County, Arkansas and a May 10, 1985 second degree burglary conviction out of Tulsa County, Oklahoma.

ENTERED ON DOCKET  
DATE APR - 7 1993

# 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

UNITED STATES OF AMERICA  
V.

## JUDGMENT IN A CRIMINAL CASE

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

**FILE**

Case Number: 92-CR-092-001-B

APR - 7 1993

WAYNE ALLEN BAKER  
(Name of Defendant)

Rob Nigh  
Defendant's Attorney

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

### THE DEFENDANT:

pleaded guilty to count(s) One, Two & Three of the Superseding 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)
18:1708	Possession of Stolen U. S. Mail Matter	06-18-92	One
18:1708	Possession of Stolen U. S. Mail Matter	08-10-92	Two
18:1708	Possession of Stolen U. S. Mail Matter	08-10-92	Three

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

The defendant has been found not guilty on count(s) ----- and is discharged as to such count(s).  
 ~~Count(s)~~ A one-count Indictment (is) ~~(are)~~ dismissed on the motion of the United States.  
 It is ordered that the defendant shall pay a special assessment of \$ 150.00, for count(s) One, Two & Three of the Superseding 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.: 448-68-5002

Defendant's Date of Birth: 06-24-69

Defendant's Mailing Address:  
c/o Bureau of Prisons  
Dallas, Texas

Defendant's Residence Address:  
8137 East 16th, #247  
Tulsa, Oklahoma 74112

APRIL 5, 1993  
Date of Imposition of Sentence  
[Signature]  
Signature of Judicial Officer

Thomas R. Brett, United States District Judge  
Name & Title of Judicial Officer  
Apr. 7, 1993  
Date

Defendant: BAKER, WAYNE ALLEN  
Case Number: 92-CR-092-001-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 14 months in Counts One, Two & Three, as to each count to run concurrently. Said sentence to run consecutively to the sentence imposed in 91-CR-140-001-C and 91-CR-142-001-C in the Northern District of Oklahoma.

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

That the defendant be placed at FCI El Reno.

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 (3) years on Counts One, Two and Three, as to each Count to run concurrently.

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 program of testing and treatment for substance abuse, as directed by the probation officer, until such time as released from the program by the probation officer.

The defendant shall abide by the "Special Financial Conditions" during the term of supervised release.

The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based on reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition, and without having obtained written acknowledgement of an agreement to allow such searches from other residents. **STANDARD CONDITIONS OF SUPERVISION** This acknowledgement shall be provided to the U. S. Probation Office prior to residency.

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: BAKER, WAYNE ALLEN  
 Case Number: 92-CR-092-001-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>
Dillard's National Bank 10002 East Metro Parkway Phoenix, AZ 85021	\$ 43.00
Citicorp Credit Services 2201 North Central Expressway, #203 Richardson, TX 75080	\$3,000.00
TOTAL.....	<u>\$3,043.00</u>

In reference to the approximate loss to Citibank in the amount of \$3,000, the Court will entertain joint motion for modification of this amount should the restitution total or payee be other than ordered.

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 amount not paid immediately shall be paid during the term of incarceration, with any unpaid balance to be paid during the term of supervised release.

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: **BAKER, WAYNE ALLEN**  
Case Number: **92-CR-092-001-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: 8

Criminal History Category: IV

Imprisonment Range: 10 to 16 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: \$ 3,043

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):

ENTERTAINMENT WEEKLY  
DATE APR 01 1993

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

**FILED**  
MAR 31 1993  
Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

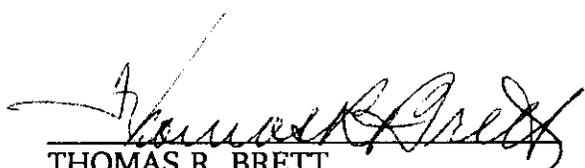
DEBRA ALESSANDRONI, )  
 )  
 Petitioner, )  
 )  
 v. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Defendant. )

91-CR-132-B

ORDER

On March 29, 1993, Petitioner Debra Alessandroni wrote a letter asking to withdraw her 28 U.S.C. §2255 motion. The Clerk is directed to file Ms. Alessandroni's correspondence (attached hereto) as a Motion to Dismiss. Addressing the letter as a Motion to Dismiss the Court finds that same should be granted, and that the case should be dismissed without prejudice.

SO ORDERED THIS 31 day of Mar, 1993.

  
THOMAS R. BRETT  
UNITED STATES DISTRICT JUDGE

AC