

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 30 1993

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

UNITED STATES OF AMERICA)
) Plaintiff)
) VS)
Jerry Wayne Morgan)
) Defendant)

Case Number:
90-CR-087-008-E

ORDER REVOKING PROBATION

Now on this 25th day of June 1993, this cause comes on for sentencing after a finding on June 14, 1993, that the defendant violated conditions of his probation as set out in the Superseding Petition on Probation filed in open Court on May 25, 1993. The defendant is present in person and by counsel, Curtis Biram, the government by Assistant U.S. Attorney Scott Woodward, and the Probation Office by Rod Baker and Ann Farley.

The defendant was heretofore, on April 27, 1992, sentenced in the Northern District of Oklahoma to three years probation, with the first month of supervision to be served in home confinement, following his plea of guilty to a one-count Information charging him with Misprision of a Felony, in violation of 18 U.S.C. § 4.

On January 11, 1993, following a December 8, 1993, positive urinalysis, this Court modified the defendant's conditions of probation to include successful participation in an out-patient and/or in-patient substance abuse program for up to 270 days.

On March 8, 1993, a Petition was filed alleging a total of six positive urine screens and refusal to report in-patient. The defendant was served a summons that date. The defendant's Revocation Hearing was rescheduled several times, and during the interim the defendant continued to test positive for drugs and missed four urine collections. Thus, a

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 JM Callahan
Deputy

Superseding Petition was filed on May 25, 1993, listing a total of nineteen positive urine samples, four missed urine screens, and defendant's refusal to report for in-patient treatment at Freedom House. On June 14, 1993, the Court found the defendant had violated the terms of his supervision and revoked the defendant's probation. The defendant was detained pending his June 25, 1993, Sentencing Hearing.

It is the judgment of this Court that in accordance with 18 U.S.C. § 3565(a)(2) and U.S.S.G. § 7B1.3(c)(1), the defendant shall be sentenced to the custody of the Bureau of Prisons for a term of three months. During this term of confinement, it is recommended that the defendant be placed in a substance abuse program. Following release from the Bureau of Prisons, the defendant shall be supervised on a one year term of supervised release, with the following special conditions:

- (1) The defendant shall be placed on home detention/electronic monitoring (EM) for the initial two months of Supervised Release, with all EM costs to the defendant.
- (2) The defendant is to participate in a substance abuse program, to include urinalysis and residential treatment at the discretion of the probation office.
- (3) The defendant shall not accept employment without the prior approval of the probation office.

Approved: 
Scott Woodward, Assistant U.S. Attorney


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

ENTERED ON DOCS

FILED

DATE 6/29/93

United States District Court

JUN 29 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)

Ralph Theodore Mansfield

Case Number: 93-CR-022-001-E

(Name of Defendant)

Ed Morrison

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) |
|-----------------|-------------------|------------------------|-----------------|
| 18:1344 | Bank Fraud | 7-15-92 | 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 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.: 286-56-9205

Defendant's Date of Birth: 7-15-56

Defendant's Mailing Address:

1101 West Houston, Apt. #908
Broken Arrow, Oklahoma 74102

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

June 25, 1993

Date of Imposition of Sentence

[Signature]
Signature of Judicial Officer

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

Name & Title of Judicial Officer

June 29, 1993
Date

mas

Defendant: Ralph Theodore Mansfield
Case Number: 93-CR-022-001-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 One month as to Count One

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

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

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

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
 - before ~~2:00 p.m.~~ noon on July 26, 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

Defendant: Ralph Theodore Mansfield
 Case Number: 93-CR-022-001-E

Judgment—Page 3 of 5

SUPERVISED RELEASE

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

Three Years as to 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.

- Upon release from custody, the defendant shall serve five months in home detention. The use of electronic monitoring shall be at the discretion of the probation office. If such service is used, it will be initiated and terminated at the discretion of the probation office. The defendant shall pay the costs of electronic monitoring.
- Upon release from imprisonment, the defendant shall pay any restitution that is imposed by this judgment, in regular monthly payments as directed by the U. S. Probation Office.
- 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.

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: Ralph Theodore Mansfield
Case Number: 93-CR-022-001-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> |
|---|------------------------------|
| Limestone National Bank 38th Street and Highway 97 Sand Springs, Oklahoma 74163 | \$5,500 |

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:

upon release from custody, 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: Ralph Theodore Mansfield
 Case Number: 93-CR-022-001-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: 8

Criminal History Category: III

Imprisonment Range: 6 to 12 months

Supervised Release Range: 3 to 5 years

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

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

Restitution: \$ 5,500

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 6-29-93

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DENICO S. HOLDMAN,)
)
 Defendant.)

No. 93-CR-20-C

F I L E D

JUN 29 1993

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

ORDER

This criminal case was tried to the Court without a jury on June 8 and 9, 1993. At the conclusion the government's evidence, the defendant moved for judgment of acquittal. The motion was taken under advisement by the Court and renewed by the defendant at the close of all the evidence. The Court made certain factual findings, which are incorporated herein by reference, but again took the motion under advisement pending additional briefing. This briefing has now been completed, and the Court herewith renders its decision.

The Indictment in this case charges defendant with a single-count violation of 18 U.S.C. §666(a)(1)(A). That statute provides in pertinent part that:

whoever, . . . being an agent of . . . a local . . . government, or any agency thereof -- embezzles, steals, obtains by fraud, or otherwise without authority knowingly converts to the use of any person other than the rightful owner or intentionally misapplies, property that -- is valued at \$5,000 or more, and is owned by, or is under the care, custody, or control of such . . . government or agency,

is guilty of a violation. Section 666(b) also requires that the local government or agency receive in any one year period, over \$10,000 in federal funds. The Indictment itself alleges that the defendant "knowingly embezzled or stole property" which was of more than \$5,000 value and was otherwise within the statute's ambit. Thus, while the statute proscribes four crimes, the grand jury only charged the defendant with two of the four.

In its orally pronounced findings of fact, the Court has concluded that all elements of the offense charged were proven by the government save one: did the defendant embezzle or steal property with a value of \$5,000 or more? The evidence established that the defendant stole blank checks and, after filling them out, negotiated the checks for an amount over \$5,000.

Do such actions fall within the offense as charged? The government asserts two theories by which the question may be answered in the affirmative. First, that the "property" stolen was the money which the defendant obtained from the check cashing. Under this view, the taking and the filling out of the blank checks were "preparatory acts" to the charged crime. Second, that the act of stealing the blank checks was part of an "act of theft" which was not "completed" until the other acts were performed. The defendant responds that the "act of theft" was the taking of the blank checks and that the gaining of the money constituted obtaining money by fraud or conversion without authority, two crimes listed in §666(a)(1)(A), but not charged in the Indictment. Since the value of the blank checks themselves, the stolen property, could not possibly have been \$5,000 or more, defendant argues for acquittal.

The Court must bear in mind the general principle that penal statutes are to be strictly construed and that one is not to be subjected to a penalty unless the words of the

statute plainly impose it. United States v. Fernando, 745 F.2d 1328, 1329 (10th Cir. 1984). See also Rewis v. United States, 401 U.S. 808, 812 (1971) ("[A]mbiguity concerning the ambit of criminal statutes should be resolved in favor of lenity").

As authority for its position, the government has cited United States v. Kramer, 289 F.2d 909 (2nd Cir. 1961). The pertinent count in that case charged the defendant with violation of that portion of 18 U.S.C. §641 making it illegal to receive, conceal or retain with intent to convert to one's own use any "voucher, money or thing of value" of the United States, knowing it to have been stolen. The statute further limits punishment for an offense when "the value of such property does not exceed the sum of \$100" to a fine of not more than \$1,000 or imprisonment of not more than one year. Finally, the statute defines value as "face, par or market value, or cost price, either wholesale or retail, whichever is greater."

The defendant in Kramer argued that blank money orders cannot have a value exceeding \$100 because of a printed restriction to that effect. Finding that the defendant received more than one blank money order, the court concluded:

It is not essential that the stolen property be worth \$100 at the moment of receipt; it is enough if there is evidence that the property had that value at some time when there occurred an offense defined in the statute, charged in the indictment, and proved by the evidence. Concealing or retaining, with the requisite intent, is an offense equally with receiving. Here there was ample evidence to warrant a conclusion that at some time while Kramer was concealing or retaining the money orders with intent to convert them to his own use, they attained a value of \$100 in the aggregate.

Id. at 921.

In other words, the Second Circuit acknowledged that the crime of "receipt" is

confined to a specific point in time, but that "concealing" or "retaining" are offenses not so confined. While the money orders may not have been worth \$100 "at the moment of receipt," they attained that value "at some time" during the crimes of concealing or retaining the money orders. Clearly, the defendant in Kramer was charged with all three disjunctive crimes proscribed by the statute, not merely the crime of receiving.

In contrast, the defendant herein was charged with embezzlement and stealing, two crimes which -- like "receiving" in Kramer -- require an examination of value "at the moment" of the crime. Defendant stole blank checks, which at that moment were essentially valueless. The notion that the crime of stealing continues over time until value is increased by subsequent acts is, so far as the Court can determine, unprecedented.

Similarly distinguishable is Jalbert v. United States, 375 F.2d 125 (5th Cir. 1967), which cites Kramer as authority and expressly limits its pronouncement to prosecutions under 18 U.S.C. §641. The government also cites United States v. Scott, 592 F.2d 1139 (10th Cir. 1979), for a broad definition of the word "stolen." However, this Court agrees with the defendant that there is no indication that the Tenth Circuit intended to be so broad that to "steal" is equivalent to "obtain by fraud."

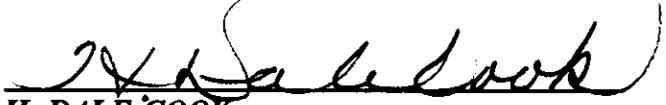
Again, United States v. Wright, 661 F.2d 60 (5th Cir. 1981) involves §641 and the charged crime of possession. The Court finds the decision inapposite. Although a decision not cited by the parties, the Court has located Keller v. United States, 168 F. 697 (7th cir. 1909), in which the stealing of blank checks was held to violate a statute making it a crime to steal "any kind or description of property belonging to the United States." However, that statute apparently had no minimum value requirement, as evidenced by the fact that

the indictment charged stealing "six blank checks with stubs attached, each of the value of one cent, of the goods and personal property of the United States." Keller likewise does not support a finding of guilt in the case at bar.

In United States v. Koran, 453 F.2d 144 (10th Cir. 1972), the court held in reference to 18 U.S.C. §659 that the statute, by proscribing three crimes in the disjunctive, "clearly reflects the congressional intent that there were to be distinct crimes." Id. at 146. The Court believes the same reasoning applies here, and under authority previously cited, the construction of the statute must be strict. The government proved criminal activity on the defendant's part in this case, but there is a fatal variance between the proof and the Indictment.

It is the Order of the Court that the motion of the defendant for judgment of acquittal pursuant to Rule 29 F.R.Crim.P., is hereby granted. The United States Probation Office is directed to prepare a Judgment of Acquittal for the Court's signature.

IT IS SO ORDERED this 29th day of June, 1993.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

ENTERED ON DOCKET

DATE 6-28-93

United States District Court

NORTHERN District of OKLAHOMA

UNITED STATES OF AMERICA

V.

CALVIN HUNT
aka: Kenneth Coleman and
Kenneth Hunt
(Name of Defendant)

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

Case Number: 93-CR-041-001-C

JUN 28 1993

Stephen Greubel

Defendant's Attorney

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

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-------------------------|-------------------------------------|------------------------|-----------------|
| 42 USC 408 (a)(7)(B) | Use of False Social Security Number | 2-24-93 | 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) Two of the Indictment (is) ~~(are)~~ dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) One of the Indictment, which shall be due immediately as follows:

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

Defendant's Soc. Sec. No.: 429-84-0837

Defendant's Date of Birth: 9-9-49

June 22, 1993

Defendant's Mailing Address:

924 Riverside, #K (Currently in custody of
Tulsa, OK 74114 Bureau of Prisons, Dallas, TX)

Date of Imposition of Sentence

[Signature]

Signature of Judicial Officer

Defendant's Residence Address:

Same as above

United States District Court
Northern District of Oklahoma

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

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

Richard M. Lawrence, Clerk

Date

By [Signature]
Deputy

Defendant: CALVIN HUNT
Case Number: 93-CR-041-001-C

Judgment—Page 2 of 4

IMPRISONMENT

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

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

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

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

- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons,
- before 2 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: CALVIN HUNT
 Case Number: 93-CR-041-001-C

Judgment—Page 3 of 4

SUPERVISED RELEASE

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

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

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

You shall submit to a search conducted by a U.S. Probation Officer of your 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. You 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 testing as directed by the U.S. Probation Office.

Defendant: CALVIN HUNT
Case Number: 93-CR-041-001-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: 11

Criminal History Category: II

Imprisonment Range: 10 to 16 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 20,000

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

Restitution: \$ N/A

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s): The Criminal History Category does not adequately address the seriousness of the defendant's past criminal conduct or the likelihood that he will commit further crimes, pursuant to USSG Section 4A1.3.

JUN 25 1993

United States District Court

ENTERED ON DOCKET
DATE JUN 25 1993

NORTHERN District of OKLAHOMA

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

UNITED STATES OF AMERICA

V.

RAY FRITTS

(Name of Defendant)

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

Case Number: 93-CR-043-B

Craig Bryant

Defendant's Attorney

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|-----------------------------------|------------------------|-----------------|
| 18:876 | Mailing Threatening Communication | 06-11-90 | One |

The defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 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.

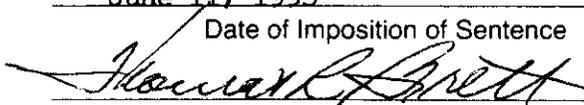
Defendant's Soc. Sec. No.: 515-22-2294

Defendant's Date of Birth: 10-31-28

June 11, 1993

Date of Imposition of Sentence

Defendant's Mailing Address:



Signature of Judicial Officer

3607 South Lakewood Apt. A
Tulsa, Oklahoma

United States District Court
Northern District of Oklahoma

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

Name & Title of Judicial Officer

Defendant's Residence Address:

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

June 24, 1993

Date

- Same as above -

Richard M. Lawrence, Clerk
By [Signature]
Deputy

Defendant: Ray Fritts
Case Number: 93-CR-043-B

Judgment—Page 2 of 3

PROBATION

The defendant is hereby placed on probation for a term of Five years on Count One of the Indictment

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) That the defendant participate in a program of mental health treatment, as directed by the U. S. Probation Office, until such time as he is released from that program. The defendant shall remain on the physician recommended regimen of treatment for Delusional Paranoia, to include prescribed medications. This treatment, as well as injections of Zoladex for treatment of prostate cancer, shall be provided by the U. S. Probation Office until a community based program providing said treatment commences.

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: Ray Fritts
Case Number: 93-CR-43-B

Judgment—Page 3 of 3

STATEMENT OF REASONS

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

OR

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

Guideline Range Determined by the Court:

Total Offense Level: 15

Criminal History Category: III

Imprisonment Range: 24 to 30 months

Supervised Release Range: 2 to 3 years

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

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): Pursuant to U.S.S.G. § 5K2.0, due to the defendant's past psychological problem, a downward departure is warranted. This is a mitigating factor of a kind and to a degree not considered by the Sentencing Commission. Therefore, the Total Offense Level is 6 and Criminal History Category is III.

United States District Court

DATE 6/24/93

JUN 23 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)

MARK DONALD THOMPSON

Case Number: 93-CR-048-001-C

(Name of Defendant)

Joel Wohlgenuth

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 USC 371, 1341 and 1346 | Conspiracy to Commit Mail Fraud | August, 1991 | 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 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.: 441-60-8893

Defendant's Date of Birth: 05-26-55

Defendant's Mailing Address:
5413 E. 86th St.
Tulsa, Oklahoma 74137

Defendant's Residence Address:
Same

June 15, 1993

Date of Imposition of Sentence

H. Dale Cook
Signature of Judicial Officer

H. Dale Cook, U.S. District Judge

Name & Title of Judicial Officer

Date

B.M. Callough

Defendant: **MARK DONALD THOMPSON**
 Case Number: **93-CR-048-001-C**

Judgment—Page 2 of 4

PROBATION

The defendant is hereby placed on probation for a term of three years on Count One of

the Information

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

1. The defendant shall make restitution in the amount of \$50,000 to American Airlines.
2. The defendant shall be placed on home confinement for a period of three months to include electronic monitoring at the direction of the U. S. Probation Office, and shall pay the necessary cost for the monitoring program.

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) You shall submit to urinalysis as directed by the U.S. Probation Office.

Defendant: **MARK DONALD THOMPSON**
 Case Number: **93-CR-048-001-C**

RESTITUTION AND FORFEITURE

RESTITUTION

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

| <u>Name of Payee</u> | <u>Amount of Restitution</u> |
|---|-------------------------------------|
| American Airlines Maintenance & Engineering Center Tulsa, Oklahoma 74158-2809 | \$50,000 |

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:

If not paid immediately, payments to be made during defendant's period of probation, at the direction of the U. S. Probation Office.

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

FORFEITURE

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

Defendant: MARK DONALD THOMPSON
Case Number: 93-CR-048-001-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: 11

Criminal History Category: I

Imprisonment Range: 8 to 14 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 20,000

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

Restitution: \$ 50,000

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

The loss overstates the seriousness of the offense, therefore the Court is departing downward to a sentence of probation with a condition that the the defendant serve three months under home confinement, with electronic monitoring at the discretion of the U. S. Probation Office.

ENTERED ON DOCKET

DATE 6/24/93

FILED

JUN 23 1993

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

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MARK DONALD THOMPSON,)
)
 Defendant.)

Case No. 93-CR-048-001-C

ORDER

The Court has for its consideration the Defendant's Unopposed Application to Modify Terms of Probation. For good cause shown, and without objection from the government, defendant's Application is granted. It is therefore

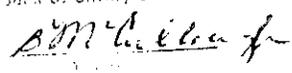
ORDERED that:

1. The ninety (90) day period of home confinement for defendant shall commence August 6, 1993; and
2. The defendant shall be permitted to travel within the United States and internationally for purposes of performing his employment responsibilities as Product Support Manager of Monogram Sanitation during the period of his probation, except to the extent of the home confinement period which shall begin August 6, 1993.

DATED this 22nd day of June, 1993.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

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: 

~~NOTE: THIS ORDER IS TO BE MAILED
BY MOVANT TO ALL COUNSEL AND
PRO SE LITIGANTS IMMEDIATELY
UPON RECEIPT.~~

United States District Court

DATE 6/24/93

NORTHERN

District of

OKLAHOMA

UNITED STATES OF AMERICA

V.

CHARLES MICHAEL HINKLE

(Name of Defendant)

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

Case Number: 92-CR-057-001-C

Keith Ward (Retained)

Defendant's Attorney

FILED

JUN 23 1993

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 through 136 (Except Count 91) of the Indictment after a plea of not guilty.

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|----------------------------------|------------------------|-----------------------------------|
| 18:371 & 2 | Conspiracy and Aiding & Abetting | 06-04-92 | One |
| 18:1341 & 2 | Mail Fraud and Aiding & Abetting | 06-04-92 | Two through 136 (Except Count 91) |

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) 91 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 \$ 6,750, for count(s) One through 136 (except Count 91), which shall be due immediately as follows: of 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.: 448-58-4607

Defendant's Date of Birth: November 22, 1954

Defendant's Mailing Address:
1223 East 27th Street
Tulsa, OK 74114

Defendant's Residence Address:
Same as above

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

Jack C. Silver, Clerk

By B.M. Callaghan
Deputy

June 15, 1993

Date of Imposition of Sentence

H. Dale Cook
Signature of Judicial Officer

H. Dale Cook, U.S. District Judge

Name & Title of Judicial Officer

6/23/93

Date

MAS

Defendant: **Charles Michael Hinkle**
Case Number: **92-CR-057-001-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 Twelve (12) Months on each of the 135 counts of conviction, all sentences to run concurrently with 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.
- 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 August 23, 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

Defendant: Charles Michael Hinkle
 Case Number: 92-CR-057-001-C

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 each count of conviction, all 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.

The defendant shall pay any remaining unpaid balance of the fines and cost of prosecution imposed as part of this sentence, 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) You shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: Charles Michael Hinkle
Case Number: 92-CR-057-001-C

Judgment—Page 4 of 5

FINE

The defendant shall pay a fine of \$ 27,553.71. The fine includes any costs of incarceration and/or supervision.

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

\$10,800 - which represents \$80 assessed for each of the 135 counts of conviction.

\$16,753.71 - cost of prosecution assessed to the defendant.

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 60 days from the date of sentencing.

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 within sixty days, payments shall be made as directed by the probation office during the period 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: Charles Michael Hinkle
Case Number: 92-CR-057-001-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): See Page 5A

Guideline Range Determined by the Court:

Total Offense Level: 13

Criminal History Category: I

Imprisonment Range: 12 to 18 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 3,000 to \$ 30,000

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):
Restitution may be collected through other remedial processes available to the victims.

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):

Re: Charles Michael Hinkle
92-CR-057-001-C

Judgment-Page 5A of 5

The Court determined that a reasonable estimate of the loss in this case was \$19,128. This differs from the loss set forth in the presentence report because of a reduction in the total loss. The loss was reduced by the value of the services and procedures actually rendered or performed by the defendant on patients which were probably reimbursable services and procedures during the time period of the instant offense.

Therefore, the offense level should be 13 rather than 14 as submitted by the probation office in the presentence report. Accordingly, the applicable guideline range should be 12 to 18 months. In addition, the applicable fine range is \$3,000 to \$30,000 rather than \$4,000 to \$40,000.

The Court's findings affect paragraphs 23, 24, 25, and 26 of the Offense Conduct section of the report; paragraph 30 of the Victim Impact section; paragraphs 35, 40, 42, and 44 in the Offense Level Computation section; and paragraphs 59, 66 and 67 in the section detailing sentencing options.

DATE 6/24/93

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)

RALPH WARREN MILLER
(Name of Defendant)

Case Number: 93-CR-046-001-C
Roy W. Byars (Appointed)
Defendant's Attorney

FILED

JUN 23 1993

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

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|---------------------------------|------------------------|-----------------|
| 18:371 | Conspiracy To Commit Mail Fraud | 07-23-92 | One (1) |

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

- The defendant has been found not guilty on count(s) _____ 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.: 441-48-0781

Defendant's Date of Birth: 03-01-48

Defendant's Mailing Address:
2607 West Atlanta Street
Tulsa, Oklahoma 74012

Defendant's Residence Address:
2607 West Atlanta Street
Tulsa, Oklahoma 74012

June 15, 1993

Date of Imposition of Sentence

H. Dale Cook
Signature of Judicial Officer

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.

6/23/93

Date

Jack C. Silver, Clerk

By *[Signature]*
Deputy

SW

Defendant: MILLER, Ralph Warren
 Case Number: 93-CR-046-001-C

Judgment—Page 2 of 4

PROBATION

The defendant is hereby placed on probation for a term of Four (4) years

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

That the defendant pay restitution in the amount of \$54,000 directly to American Airlines, in regular monthly installment payments, as directed by the United States Probation Office.

The defendant shall serve the first three (3) months in home detention and electronic monitoring will be utilized as soon as it can be arranged. The costs of such service will be paid by the defendant.

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) You shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: MILLER, Ralph Warren
Case Number: 93-CR-046-001-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 Airlines Maintenance & Engineering Center Tulsa, Oklahoma 74158-2809 | \$54,000 |

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:

In regular monthly installment payments, as directed by
The United States Probation Office.

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

FORFEITURE

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

Defendant: MILLER, Ralph Warren
 Case Number: 93-CR-046-001-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: 11

Criminal History Category: I

Imprisonment Range: 8 to 14 months

Supervised Release Range: 2 to 3 years

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

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

Restitution: \$ 54,000

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

The method of calculating the loss and the resulting offense level by estimating the defendant's gross gain as a result of this offense, tends to overstate the seriousness of the offense. The victim, American Airlines, purchased reliable parts that will be utilized at a competitive price.

It can not be determined that the defendant's financial gain from his criminal conduct caused a financial loss to the victim.

DATE 6/24/93

United States District Court

NORTHERN

District of

OKLAHOMA

UNITED STATES OF AMERICA

V.

BRIAN KEITH MEAHAN

(Name of Defendant)

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

Case Number: 93-CR-044-001-C

C. W. Hack

Defendant's Attorney

FILED

JUN 23 1993

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

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|---------------------|---------------------------------|------------------------|-----------------|
| 12:1346, 371 & 1341 | Conspiracy To Commit Mail Fraud | 10-29-92 | One (1) |

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

- The defendant has been found not guilty on count(s) _____ 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.: 548-37-5195

Defendant's Date of Birth: 08-02-65

Defendant's Mailing Address:
2729 Walnut Hill Lane #104
Irving, Texas 75038

Defendant's Residence Address:
2729 Walnut Hill Lane #104
Irving, Texas 75038

June 15, 1993

Date of Imposition of Sentence

[Signature]
Signature of Judicial Officer

H. Dale Cook, U. S. District Judge

Name & Title of Judicial Officer

6/23/93

Date

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

Jack C. Silver, Clerk

By [Signature]
Deputy

JW

Defendant: MEAHAN, Brian Keith
 Case Number: 93-CR-044-001-C

Judgment—Page 2 of 4

PROBATION

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

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

The defendant shall serve the first three months in home detention, to include electronic monitoring, the costs of which to be paid by the defendant.

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) You shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: MEAHAN, Brian Keith
Case Number: 93-CR-044-001-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 Airlines Maintenance & Engineering Center Tulsa, Oklahoma 74158-2809 | \$32,000 |

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:

If not paid immediately, restitution shall be paid as directed by the United States Probation Office.

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

FORFEITURE

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

Defendant: MEHAN, Brian Keith
Case Number: 93-CR-044-001-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 \$ 20,000

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

Restitution: \$ 32,000

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

The loss based on the monies received by the defendant overstates the seriousness of the offense.

ENTERED ON DOCKET **United States District Court**
DATE JUN 22 1993 NORTHERN District of OKLAHOMA

UNITED STATES OF AMERICA
V.

ROBERT JOSEPH BAHM
(Name of Defendant)

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

Case Number: 92-CR-149-B

C. W. Hack/Rabon Martin

Defendant's Attorney

FILED
JUN 21 1993
Richard M. Lawrence, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|---|------------------------|-----------------|
| 21:841(a)(1) | Possession With Intent To Distribute A Controlled Substance | 08-09-91 | One (1) |

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 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.: 511-64-5267

Defendant's Date of Birth: 03-01-56

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

Defendant's Residence Address:
- Same as above -

June 11, 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.

June 21, 1993
Date

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

Defendant: BAHM, Robert Joseph
Case Number: 92-CR-149-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 Seventy (70) months

Bahm is to receive credit for time served in Tulsa County Jail from 08-13-91 through 10-13-92 in custody for Tulsa County case CF-91-3459.

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

That Bahm be required to pay at least half of any money earned in custody towards his fine, through the Inmate Financial Responsibility Program.

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

at _____ a.m. / 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: BAHM, Robert Joseph
Case Number: 92-CR-149-B

Judgment—Page 3 of 5

SUPERVISED RELEASE

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

Five (5) years

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

- The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.
- The defendant shall not possess a firearm or destructive device.

1) You shall participate in drug testing and/or treatment as directed by the U. S. Probation Office.; 2) You shall maintain a single checking account, and deposit all earned income into that account.; 3) The defendant shall pay any remaining fine as directed by the U. S. Probation Office.; 4) You shall submit to a search conducted by a U.S. Probation Officer of your 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. You 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 any 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) You shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: BAHM, Robert Joseph
Case Number: 92-CR-149-B

Judgment—Page 4 of 5

FINE

The defendant shall pay a fine of \$ 5,000. 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 remaining fine shall be paid 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: **BAHM, ROBERT Joseph**
 Case Number: **92-CR-149-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: 23

Criminal History Category: IV

Imprisonment Range: 70 to 87 months

Supervised Release Range: 4 to 5 years

Fine Range: \$ 12,500 to \$ 2,000,000

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

Restitution: \$ N/A

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

JUN 22 1993

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

UNITED STATES OF AMERICA)
Plaintiff)
VS)
Jeffrey M. McCleary)
Defendant)

Case Number:
92-CR-029-001-C

ORDER REVOKING TERM OF SUPERVISED RELEASE

Now on this 15th day of June 1993, this cause comes on for sentencing after a previous finding that the defendant violated conditions of his term of supervised release as set out in the Petition filed in open Court on April 27, 1993. The defendant is present in person and by counsel, Robert Stubblefield, the government by Assistant U.S. Attorney Lucy Creekmore, and the U.S. Probation Office by Ann Farley.

The defendant was heretofore, on January 26, 1990, sentenced in the District of Kansas at Wichita following his pleas of guilty to Count I and III of a three-count Indictment charging Interstate Transportation of a Stolen Motor Vehicle, in violation of 18 U.S.C. § 2312. Judge Kelly sentenced the defendant to three years probation, to include four months community confinement at a Halfway House and \$4,599.18 restitution.

On March 13, 1990, the Northern District of Oklahoma Probation Office accepted courtesy supervision of this case. The defendant began his term of community confinement at the Salvation Army Community Corrections Center (SACCC) in Tulsa on March 19, 1990. On May 25, 1990, at the request of the Northern District Of Oklahoma Probation

Office, Judge Kelly modified the defendant's probation conditions to include participation in a substance abuse program with urinalysis. On June 1, 1990, the defendant was unsuccessfully discharged from the SACCC due to a failure to return and several urinalysis screens testing positive for alcohol.

On June 25, 1990, the defendant tested positive for cocaine; therefore, a revocation hearing was conducted before Judge Kelly on July 19, 1990. The defendant was ordered to complete the remaining 45 days of community confinement in an in-patient setting and to participate in a 120-day halfway house placement in the District of Kansas. Due to incidents in the halfway house involving unauthorized absence and travel, a second revocation hearing was held before Judge Kelly on December 6, 1990, which was passed until March 1, 1991. In the interim, the defendant was arrested on February 25, 1991, for Driving Under the Influence. His probation was revoked on March 1, 1991. A ten month term of imprisonment was ordered, less four months for time served.

The defendant was released from the custody of the Bureau of Prisons on August 22, 1991. On September 26, 1991, a Nunc Pro Tunc Order was issued amending the previous Revocation Order, to include a three year term of supervised release. Special conditions included the defendant being forbidden to consume alcohol, required participation in a substance abuse program to include urinalysis and inpatient treatment at the discretion of the U.S. Probation Office, and payment of \$4,349.18 in restitution at a rate of no less than \$100 per month. A Transfer of Jurisdiction from Kansas to the Northern District of Oklahoma occurred on March 23, 1992.

On March 30, 1992, a Petition on Supervised Release Action was filed in the Northern District of Oklahoma after the defendant tested positive for alcohol on three separate occasions. The defendant also failed to follow an instruction given by U.S. Probation Officer Ann Farley on March 5, 1992, to report that date to Freedom House and participate in residential treatment. During the ensuing litigation process, the defendant voluntarily participated in in-patient treatment at Country View from April 9, 1992, through May 7, 1992, followed by out-patient counseling at Green Country and Freedom House, as well as placement in Freedom House's in-patient therapeutic community. Despite these intensive interventions, the defendant tested positive for cocaine on August 25, 1992, and September 8, 1992. A Revocation Hearing was conducted by this Court on July 29, 1992, and on September 29, 1992, the Court reinstated the defendant's supervised release.

On April 27, 1993, a Petition on Supervised Release Action was filed in the Northern District of Oklahoma after the defendant tested positive for alcohol on three separate occasions. McCleary also failed to submit urine samples on two occasions, failed to appear at a group counseling session, and was removed by Freedom House from their counseling programs on April 20, 1993, as a program failure. On May 17, 1993, the Court found the defendant had violated the terms of his supervision and revoked McCleary's supervised release. A Sentencing Hearing was scheduled for June 15, 1993.

It is the judgment of this Court that in accordance with 18 U.S.C. § 3583(e)(3) and U.S.S.G. § 7B1.4(a), the defendant shall be sentenced to the custody of the Bureau of Prisons for a term of six months. Execution of this sentence is suspended until voluntary surrender to the facility of designation on August 16, 1993, at 9:00 a.m.

Standard bond conditions are in effect and the defendant is to submit two urine samples per week for drug and alcohol analysis.

H. Dale Cook

The Honorable H. Dale Cook

U.S. District Judge

June 22, 1993
Date

Reviewed:

Lucy O. Creekmore

Lucy Creekmore, Asst. U.S. Attorney

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 *C. M. Hill*
Deputy

ENTERED ON DOCKET
JUN 22 1993
DATE _____

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED
JUN 21 1993

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

UNITED STATES OF AMERICA)
Plaintiff)
VS)
James W. Phillips,)
Defendant)

Case Number: 87-CR-48-B

ORDER REVOKING PROBATION AND SENTENCING

Now on this 11th day of June, this cause comes on for sentencing after a finding that the defendant violated conditions of probation as set out in the Petition on Probation filed in open Court on April 5, 1993. The defendant is present in person and represented by counsel, Allen Benningfield, and the Government by Susan Morgan, Assistant U.S. Attorney.

A revocation hearing was held on April 26, 1993. After receiving stipulations by both parties regarding the evidence related to the violations of probation, the Court made a finding that the defendant violated probation as memorialized in the Petition filed on April 5, 1993. The defendant was ordered to return May 10, 1993, at 8:45 a.m., for sentencing. Sentencing was passed until June 11, 1993, at 2:45 p.m.

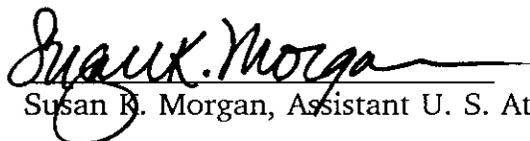
Since the defendant's offense of conviction occurred before November 1, 1987, Chapter 7 of the U.S. Sentencing Commission's Guidelines is not applicable.

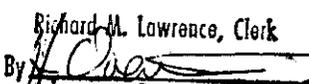
It is hereby ordered that the defendant be sentenced to the custody of the Bureau of Prisons for a term of three (3) years.


The Honorable Thomas R. Brett

6-21-93
Date

Reviewed and Approved:


Susan B. Morgan, Assistant U. S. Attorney

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 
Deputy

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 BORIS OLARTE-MORALES,)
)
 Defendant.)

No. 86-CR-191-E

FILED

JUN 21 1993

O R D E R

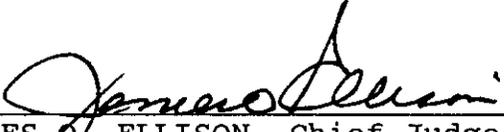
Richard M. Lawrence, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

On the 11th day of June, 1993, Defendant Boris Olarte-Morales appeared in person before the Court, represented by his attorney, Ronald Mook, for re-sentencing in accordance with the Tenth Circuit Court of Appeals Order and Judgment in Case Number 92-5194. The Plaintiff, United States Attorney, was present and represented by Assistant United States Attorney, David E. O'Meilia. After hearing argument of counsel, considering the mandate of the Circuit Court, and for resentencing purposes only, taking judicial notice of Defendant's violation of the Court's rules and conditions of probation, it is hereby ORDERED:

1. That the May 31, 1990 sentence and judgment of this Court as to Count Two of the Superseding Indictment is vacated, pursuant to the Order and Judgment of the Circuit filed April 15, 1993;
2. That the August 31, 1992 Order revoking Defendant's probation on Count Two of the Superseding Indictment is vacated as illegally imposed; however, the Court will take judicial notice of the record documenting

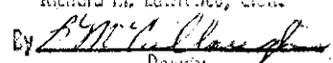
- Defendant's violation for purposes of this resentencing;
3. That the September 16, 1992 sentence of ten (10) years as to Count Two of the Superseding Indictment is vacated;
 4. That Defendant's original Rule 35(b) motion for reduction of sentence, should it have survived the Tenth Circuit rulings in Case Number 92-5194, is denied;
 5. That Defendant Boris Olarte-Morales be committed to the custody of the Bureau of Prisons and the Attorney General for a period of ten (10) years and ordered to pay a Fifty Dollar (\$50.00) special monetary assessment;
 6. That the Defendant be given credit for the time he has served in custody in this matter.

ORDERED this 21st day of June, 1993.



JAMES O. ELLISON, Chief Judge
UNITED STATES DISTRICT COURT

Richard M. Lawrence, Clerk

By 
Deputy

FILED

United States District Court

JUN 21 1993

NORTHERN

District of

OKLAHOMA

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

UNITED STATES OF AMERICA

v.

Johnny Lee Jordan

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

Case Number: 92-CR-156-001-E

(Name of Defendant)

Lawrence Martin

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) I & II 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) |
|-----------------|-------------------------------------|------------------------|-----------------|
| 18:1014 | False Statement on Loan Document | 11-1-89 | I |
| 42:408(g)(2) | Use of False Social Security Number | 8-7-90 | II |

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

- The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 100, for count(s) I and II 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.: 445-60-9538

Defendant's Date of Birth: 4-18-59

Defendant's Mailing Address:
1107 SE 11th
Wagoner, OK 74467

Defendant's Residence Address: Same

6-11-93

Date of Imposition of Sentence

James O. Ellison
Signature of Judicial Officer

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

Name & Title of Judicial Officer

6/18/93

Date

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

Jack C. Silver, Clerk

By Jack C. Silver
Deputy

52

Defendant: Jordan, Johnny Lee
 Case Number: 92-CR-156-001-E

Judgment—Page 2 of 4

PROBATION

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

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

- 1) Restitution in the amount of \$39,506.27 as noted on Page 3.
- 2) Special Financial Conditions as adopted by the Court.
- 3) The defendant shall serve the first six months of supervision under home confinement to include electronic monitoring at the discretion of the probation office. The defendant shall pay the cost of electronic monitoring in full.

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: Jordan, Johnny Lee
 Case Number: 92-CR-156-001-E

Judgment—Page 3 of 4

RESTITUTION AND FORFEITURE

RESTITUTION

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

Name of Payee

Amount of Restitution

As noted in attachment.

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 as ordered by the U.S. Probation Office during the period 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: Jordan, Johnny Lee
Case Number: 92-CR-156-001-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):

The Court does not believe Jordan's conduct rises to the level of an abuse of trust and therefore deducts 2 points from the total offense level of 12 for an adjusted total offense level of 10.

Guideline Range Determined by the Court:

Total Offense Level: 10

Criminal History Category: 1

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: \$ 15,720.44 Count I & \$ 23,785.83 Count II

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):

Johnny Lee Jordan
92-CR-156-001-E

Judgment Addendum

Count I

\$5,921.67 Bank of Tulsa,
P.O. Box 470130
Tulsa, OK 74147-0130

\$4,367.65 CUNA Mutual Insurance Group
5910 Mineral Point Road
P.O. Box 1221
Madison, Wisconsin 53701-1221

\$1,329.35 66 Federal Credit Union
P.O. Box 1358
Bartlesville, OK 74005-1358

\$8,159.60 NBC Bank
P.O. Box 27
Pawhuska, OK 74056

Count II

\$8,968.59 American Express Travel Related Services
602 Sawyer Suite, 440
Houston, TX 77007

\$3,232.22 AT&T Universal Card Services
P.O. Box 45253
Jacksonville, FL 32232-9858

\$1,260.00 Blazer Financial Services
P.O. Box 795
Muskogee, OK 74403

\$1,132.85 Chase Manhattan Bank
P.O. Box 192
Carle Place, NY 11514

\$2,263.22 Chemical Bank
P.O. Box 399
Hicksville, NY 11802-0399

\$2,759.10 Discover Card Services
P.O. Box 29024
Phoenix, AZ 85038-9024

\$1,745.90 Montgomery Wards
C/O National Recovery Service
9510 West 67th Street
Merriam, KS 66203

Johnny Lee Jordan
92-CR-156-001-E

Judgment Addendum

\$ 780.95 Phillips 66 Credit Card Center
P.O. Box 66
Bartlesville, OK 74005-0066

\$1,643.00 Radio Shack
P.O. Box 182358
Columbus, Ohio 43218

United States District Court

Northern DISTRICT OF Oklahoma

RESENTENCING PER TENTH CIRCUIT MANDATE THEREBY
VACATING ANY SUBSEQUENT ORDERS UP TO AND INCLUDING
JUNE 26, 1989, WITH RETROACTIVE EFFECT THEREON.

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.
BORIS OLARTE-MORALES
FCI SANDSTONE
Kettle River Road
Sandstone, MN. 55072

Case Number: 86-CR-191-001-E

(Name and Address of Defendant)

Ron Mook

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere] as to count(s) 2 of the First Superseding Indictment, and
 not guilty as to count(s) _____

THERE WAS A:

finding verdict] of guilty as to count(s) 2 of the First Superseding Indictment.

FILED

THERE WAS A:

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

JUN 21 1993

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

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

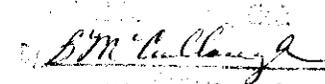
Count 2 - Conspiracy to Import Cocaine, Title 21, USC, 963.

IT IS THE JUDGMENT OF THIS COURT THAT:

The defendant shall be committed to the Custody of the Attorney General for terms as follows:

Count 2 - 10 Years

IT IS FURTHER ORDERED THAT THE DEFENDANT RECEIVE CREDIT FOR TIME SERVED.



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

CONDITIONS OF PROBATION

Where probation has been ordered the defendant shall:

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

The court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within the maximum probation period of 5 years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

IT IS FURTHER ORDERED that the defendant shall pay a total special assessment of \$ 50.00 pursuant to Title 18, U.S.C. Section 3013 for count(s) 2 of the First Superseding Indictment. ~~XXXXXXXXXXXXXXXXXXXX~~

IT IS FURTHER ORDERED THAT ~~counts~~ the remaining counts charging this defendant in the ~~Original Indictment & First Superseding Indictment~~ are DISMISSED on the motion of the United States.

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

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

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

June 11, 1993
Date of Imposition of Sentence

James O. Ellison
Signature of Judicial Officer

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

June 21, 1993
Date

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
Date

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

United States Marshal
By _____
Deputy Marshal

FILED

United States District Court

JUN 17 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)

MILLARD WILLIAM RIDLEY
(Name of Defendant)

Case Number: 93-CR-028-001-E

Fred Schraeder
Defendant's Attorney

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|--|------------------------|-----------------|
| 18:2321 & 2(a) | Trafficking in Motor Vehicles with Falsified, Altered or Removed Identification Numbers, and Aiding and Abetting | 11-05-92 | Four |

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) One, Two & Three of the Indictment and is discharged as to such count(s).
 Count(s) _____ (is)(are) dismissed on the motion of the United States.
 It is ordered that the defendant shall pay a special assessment of \$ 50.00, for count(s) Four of the Indictment, which shall be due immediately as follows:

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

Defendant's Soc. Sec. No.: 441-52-5234

Defendant's Date of Birth: 02-06-50

Defendant's Mailing Address:
12829 East 118th Street
Broken Arrow, OK 74011

Defendant's Residence Address:
12829 East 118th Street
Broken Arrow, OK 74011

06-11-93

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

6/17/93

Date

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

Jack C. Silver, Clerk

By *[Signature]*

Deputy

Defendant: RIDLEY, MILLARD WILLIAM
Case Number: 93-CR-028-001-E

Judgment—Page 2 of 6

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 as to Count Four

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.~~ 12:00 p.m. on July 12, 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

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
three (3) years as to Count Four

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 submit to a search conducted by a United States Probation Officer of 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. You 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.

2) The defendant shall abide by the "Special Financial Conditions" during the term of supervised release as **STANDARD CONDITIONS OF SUPERVISION**

previously adopted by the Court.

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: RIDLEY, MILLARD WILLIAM
Case Number: 93-CR-028-001-E

Judgment—Page 4 of 6**FINE**

The defendant shall pay a fine of \$ 1,500. 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:

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: **RIDLEY, MILLARD WILLIAM**
 Case Number: **93-CR-028-001-E**

RESTITUTION AND FORFEITURE

RESTITUTION

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

| <u>Name of Payee</u> | <u>Amount of Restitution</u> |
|--|------------------------------|
| Tommy Johnson 811 North Irvington Avenue Tulsa, Oklahoma 74115 | \$600.00 |

Payments of restitution are to be made to:

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

Restitution shall be paid:

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

Any amount not paid immediately shall be paid during the term of incarceration with any unpaid balance 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: **RIDLEY, MILLARD WILLIAM**
 Case Number: **93-CR-028-001-E**

Judgment—Page 6 of 6

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: IV

Imprisonment Range: 15 to 21 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 20,000

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

Restitution: \$ 600

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 6-16-63

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

F I L E D

JUN 15 1993 *me*

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DARREN THOMAS,)
)
 Defendant.)

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

No. 93-C-517-C
89-CR-91-C ✓

O R D E R

Before the Court is the motion of the defendant to vacate, set aside or correct sentence pursuant to 28 U.S.C. §2255. Defendant was convicted of conspiring to knowingly and intentionally distribute a controlled substance in violation of 21 U.S.C. §§841(a)(1) and 841(b)(1)(A)(iii). He was sentenced to a term of 360 months imprisonment on April 19, 1990. He appealed, and his conviction and sentence were affirmed. U.S. v. Thomas, 945 F.2d 328 (10th Cir.), cert. denied, 112 S.Ct. 404 (1991). Defendant has now filed the pending motion.

The issues raised are (1) this Court did not properly deal with objections to the presentence report, in violation of Rule 32 F.R.Crim.P.; (2) this Court improperly applied the Sentencing Guidelines, in several respects; and (3) the Court Reporter failed to produce the entire trial transcript. Defendant failed to raise any of these issues on appeal. Therefore, he may not obtain relief unless he demonstrates both "cause" excusing his procedural default and "actual prejudice" resulting from the alleged errors. United

States v. Hall, 843 F.2d 408, 409-10 (10th Cir. 1988). Defendant has not attempted to satisfy the "cause and prejudice" test, and the Court sees nothing in the record to support such a finding. The bulk of defendant's argument involves alleged misapplication of the Sentencing Guidelines. Such allegations are not cognizable in a proceeding under 2255. See Schneider v. United States, 981 F.2d 989 (8th Cir. 1992).

It is the Order of the Court that the motion of the defendant pursuant to 28 U.S.C. §2255 is hereby denied.

IT IS SO ORDERED this 15th day of June, 1993.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

FILED

JUN 17 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)

Andrew Allen Connor

Case Number: 92-CR-112-001-E

(Name of Defendant)

Pete Silva, Jr. (Retained)

Defendant's Attorney

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|---|------------------------|-----------------|
| 21:841(a)(1) | Possession of Cocaine With Intent to Distribute | May 7, 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.: 440-58-4702

Defendant's Date of Birth: August 13, 1969

Defendant's Mailing Address:

522 East 16th Street
Bartlesville, Oklahoma 74003

Defendant's Residence Address:

Same

June 11, 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

6/17/93

Date

United States District Court
Northern District of Oklahoma
Bartlesville, Oklahoma
By: *[Signature]*
U.S. District Judge

Richard M. Lawrence, Clerk

[Signature]
Clerk

Defendant: Andrew Allen Connor
Case Number: 92-CR-112-001-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 eighteen (18) months with credit given for time previously served in detention.

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

That the defendant be placed in the Intensive Confinement Center located at Lewisburg, Pennsylvania FCI. The defendant appears eligible for this program and has volunteered to participate in this program.

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

- at _____ a.m.
- _____ 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 August 21, 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

Defendant: Andrew Allen Connor
 Case Number: 92-CR-112-001-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

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 abuse, as directed by the probation office, until such time as the defendant is released from the program by the probation office.

STANDARD CONDITIONS OF SUPERVISION

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

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) the defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: Andrew Allen Connor
Case Number: 92-CR-112-001-E

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:
\$2,000 on Count One of the Information.

- 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:

in monthly installment payments during the term of supervised release, as directed by the probation officer.

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: **Andrew Allen Connor**
 Case Number: **92-CR-112-001-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: 15

Criminal History Category: I

Imprisonment Range: 18 to 24 months

Supervised Release Range: 3 to 5 years

Fine Range: \$ 4,000 to \$ 1,000,000

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

Restitution: \$ N/A

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

United States District Court

DATE 6-14-93

NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA
V.

RE-SENTENCING PER 10TH CIRCUIT MANDATE
THEREBY VACATING AND SUPERSEDING THE JUDGMENT
ENTERED ON 11-22-85, WITH RETROACTIVE EFFECT THEREON
JUDGMENT IN A CRIMINAL CASE

JOHN FRANCIS ROURKE
FEDERAL CORRECTIONAL INSTITUTION
SEAGOVILLE, TEXAS 78159

Case Number: 85-CR-057-001-C

(Name and Address of Defendant)

Richard D. Amatucci
Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

guilty nolo contendere] as to count(s) One, Two, Three & Four of Superseding Information, and
 not guilty as to count(s) _____

THERE WAS A:

finding verdict] of guilty as to count(s) One, Two, Three & Four of Superseding Information

THERE WAS A:

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

FILED

JUN 14 1993

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

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

- Count One: Importation of Cocaine, 21:952(a) and 960(a)(1)
- Count Two: Interstate Travel In Aid of Racketeering, 18:1952
- Count Three: Use of Communication Facility to Facilitate a Felony, 21:843(b)
- Count Four: Aiding the Preparation of a False Tax Return, 26:7206(2)

IT IS THE JUDGMENT OF THIS COURT THAT:

- Count One: 11 years custody of the Attorney General
- Count Two: 5 years custody of the Attorney General to run consecutive to Count One.
- Count Three: 4 years custody of the Attorney General
- Count Four: 3 years custody of the Attorney General to run consecutive to Count Three.

Counts Three & Four to run concurrent to Counts One & Two. All counts to run concurrent with sentence imposed in Eastern District of Virginia in Docket No. 84-94-N, and pursuant to 18:4205(b)(2).

As to Count One, the Court imposes a three year Special Parole Term, to run concurrent with any unserved portion of the Special Parole Term imposed by the District Court in the Eastern District of Virginia.

United States District Court)
Northern District of Oklahoma) SS

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

Richard M. Lawrence, Clerk

By R. Mullin
Deputy

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

FILED

JUN 14 1993

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

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT OF OKLAHOMA

UNITED STATES OF AMERICA)
)
 Plaintiff,)
)
 vs.)
)
 RODNEY ARMSTRONG)
)
 Defendant.)

Docket No. 89 CR 053-001-B

ENTERED ON DOCKET

DATE JUN 14 1993

JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF SUPERVISED RELEASE

Now on this 28th day of May, 1993, this cause comes on for a Revocation Hearing concerning allegations that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on May 19, 1993. The defendant is present in person and with his attorney, Richard Amatucci. The Government is represented by Assistant United States Attorney James L. Swartz, and the United States Probation Office is represented by Larry Morris.

The defendant was heretofore convicted on his plea of guilty to Counts One and Two of a four-count Indictment which charged False Statement to Purchase a Firearm and Receiving Firearms Unlawfully, in violation of 18, United States Code, §§ 922(a)(6) and 922(n), respectively. He was subsequently sentenced on January 23, 1990, to a four (4) month custody term with three (3) years supervised release. The standard conditions of supervised release recommended by the Sentencing Commission were also imposed, as was a special condition requiring participation in a program approved by the probation office of urinalysis and treatment of narcotic addiction or drug dependency.

On April 1, 1993, an unrelated revocation hearing was held regarding allegations noted in Petition on Supervised Release, filed 11-02-92, said allegations being that the defendant submitted urine specimens on May 11, 1992, September 13, 1992, October 5, 1992, and October 25, 1992, which tested positive for cocaine. Additionally, on October 17, 1992, and on November 28, 1992, the defendant had been ordered by officials of the Freedom House to report to that institution for submission of additional urinalysis testing, and that he failed to report. Armstrong stipulated to all violations at the revocation hearing, and a sentencing hearing was set for April 23, 1993.

On April 23, 1993, as a result of the sentencing hearing, the Court found that the violations occurred after November 1, 1987, and that Chapter Seven of the U. S. Sentencing Commission Guidelines is applicable. Further, the Court found that the violations of supervised release constituted 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 was applicable for determining the imprisonment range. The Court found that the defendant did not possess controlled substances as defined in 18 U.S.C. § 3583(g). In addition, the Court found 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). 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 was ordered:

Sentencing in this matter was deferred until August 20, 1993. The terms and conditions of supervised release were modified and the defendant was ordered placed at Freedom House for a term of 120 days with no leave or passes. Both standard and special conditions of supervised release as previously imposed remained in effect, and in addition, the defendant was ordered to participate in and successfully complete the substance abuse program provided by Freedom House. Further, the defendant was advised that any further violations of supervised release, to include evidence of controlled substance use, will result in immediate revocation.

On May 4, 1993, an evidentiary hearing was held at which time it was adjudged that since the defendant absconded from supervision and made himself unavailable for supervision and appearance before this court for said violations from November 6, 1992, until his arrest on March 4, 1993, that his term of supervised release be tolled for said period totalling 118 days, for an expiration date for the term of supervised release of September 18, 1993.

On May 19, 1993, a second Petition on Supervised Release was filed alleging that the defendant violated the special condition of his supervised release in that on May 18, 1993, he became belligerent and verbally threatened Freedom House staff. Freedom House staff deemed the defendant a program failure and discharged him from the program.

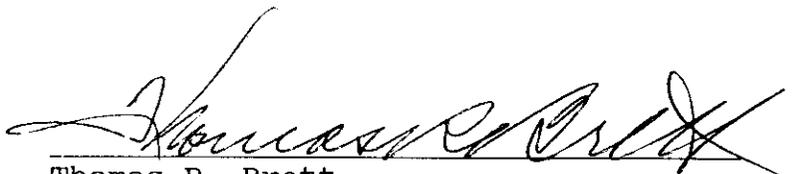
On May 28, 1993, the Court, after reviewing evidence presented by the Probation Office and sworn testimony of Barry Gilreath,

Freedom House Supervisor, finds that the defendant violated the special condition of Supervised Release as alleged in the petition filed on May 19, 1993.

In view of this finding, the previously deferred sentencing date of August 20, 1993, is accelerated and the following is ordered:

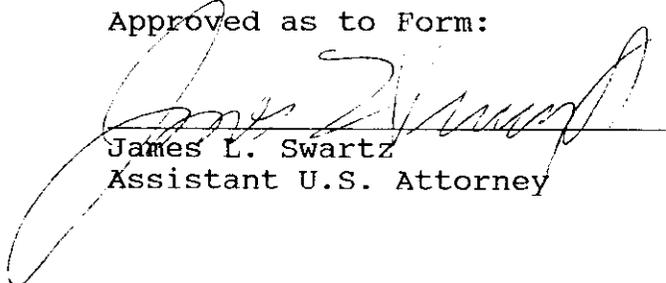
The defendant is committed to the custody of the Bureau Of Prisons to be imprisoned for a term of nine (9) months with credit given for time served since his arrest on March 4, 1993. It is further recommended that the defendant be placed in an institution offering a substance abuse treatment program.

The defendant is remanded to the custody of the U.S. Marshal for transportation to the designated Bureau Of Prisons institution.



Thomas R. Brett
United States District Judge

Approved as to Form:



James L. Swartz
Assistant U.S. Attorney

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  Deputy

supervised release recommended by the Sentencing Commission were also imposed.

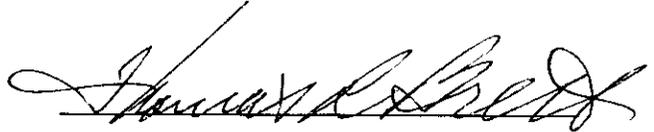
On May 6, 1993, a Revocation Hearing was held regarding the allegations noted in the Petition on Supervised Release, said allegations being that the defendant submitted urine specimens on ten separate occasions between March 5, 1993, and April 19, 1993, which tested positive for controlled substances, and that the defendant was terminated from Freedom House due to continued illicit drug usage and two occasions in which he left Freedom House without approval. Kester stipulated to all violations at the Revocation Hearing, and a sentencing hearing was set for May 28, 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 III is now applicable for determining the imprisonment range of 5-11 months, in accordance with U.S.S.G. § 7B1.4(a) and 18 U.S.C 3583(e)(3). 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 defendant is found to be in possession of a controlled substance in accordance with 18

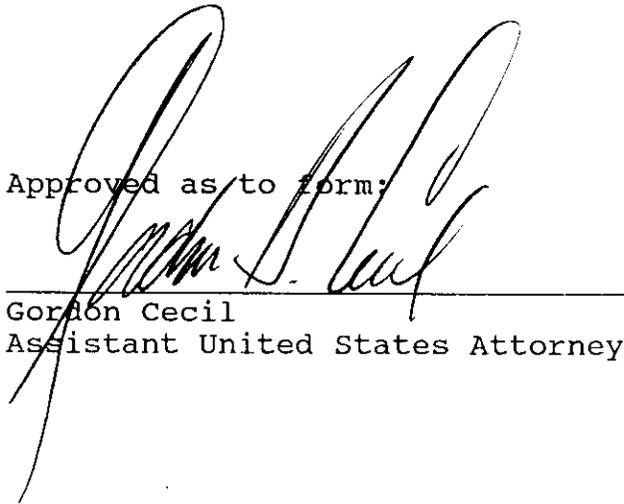
U.S.S.G. § 3583(g), and shall be sentenced to serve a term of twelve (12) months in the custody of the Bureau of Prisons.

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



Thomas R. Brett
United States District Judge

Approved as to form:



Gordon Cecil
Assistant United States Attorney

United States District Court) SS
Northern District of Oklahoma)
I hereby certify that the foregoing
is a true copy of the original on file
in this Court.
Richard M. Lawrence, Clerk
By 
Deputy

JUN 3 1993

ENTERED ON DOCKET

DATE JUN 14 1993

United States District Court

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)

JOE RAYMOND COFFEE aka
DAVID OPITZ
(Name of Defendant)

Case Number: 91-CR-22-B

JACK MARWOOD SHORT
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 | Bank Fraud | January 1991 | 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) 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, 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.: 440-54-4586

Defendant's Date of Birth: 01-22-54

Defendant's Mailing Address:

506 West Fox
Tahlequah, OK 74464

Defendant's Residence Address:

Same

May 28, 1993

Date of Imposition of Sentence

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

Signature of Judicial Officer

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 [Signature]
Deputy

June 3rd, 1993
Date

JW

Defendant: Joe Raymond Coffee
Case Number: 91-CR-22-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 on Count One of the Information

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

Credit for time served since February 25, 1993.

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

at _____ a.m.
p.m. on _____
 as notified by the United States marshal.

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

RETURN

I have executed this judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
4 years on Count One of the Information

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 make restitution in the amount of \$24,711.04 (See Page 4)
- 2) The defendant shall participate in a program of drug testing 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 random urinalysis as directed by U.S. Probation Office.

Defendant: Joe Raymond Coffee
Case Number: 91-CR-22-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> |
|-----------------------------|-------------------------------------|
| See Attachment "A" | \$24,711.04 |

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 incarceration with any balance remaining paid on supervised release as directed by 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: Joe Raymond Coffee
Case Number: 91-CR-22-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 found that the defendant did not obstruct justice, therefore a two level decrease was given. Also, the Court determined that the defendant should be accorded a two level decrease for Acceptance of Responsibility.

Guideline Range Determined by the Court:

Total Offense Level: 11

Criminal History Category: I

Imprisonment Range: 8 to 14 months

Supervised Release Range: 3 to 5 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: \$ 24,711.04

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

Defendant: Joe Raymond Coffee
Case No. 91-CR-22-B

Judgment - Attachment "A"

| Name of Payee | Amount of Restitution |
|--|------------------------------|
| Jim Nelson Ford 324 East Kenosha, ATTN: Liz Broken Arrow, Oklahoma 74012 | \$2,083.12 |
| American National Bank Main and Dewey Sapulpa, Oklahoma 74066 | \$1,058.00 |
| Sam's Car Sales 1924 E. Highway 66 El Reno, Oklahoma, 73036, | \$3,885.00 |
| I-70 Auto Auction 11048 S.W. Highway 70 Topeka, Kansas, 66615 | \$4,105.00 |
| Brad's Auto Parts Att: Restitution 2727 E. Admiral Tulsa, Oklahoma 74110 | \$ 139.60 |
| Silo, Inc. c/o Bernadette Robinson 6900 Lindbergh Blvd. Philadelphia, Pennsylvania 19142 | \$5,381.73 |
| Burkhart's Office Supply Attn: Restitution 2323 E. 71st Tulsa, Oklahoma 74136 | \$ 51.70 |
| K-Mart Allied Interstate 435 Ford Road 800 Interchange W. Minneapolis, Minnesota 54426 | \$1,305.35 |
| Skagg's American Stores 709 E. South Temple Salt Lake City, Utah 84102 | \$ 748.29 |

| | |
|---|------------|
| Red Lobster Attn: Nemesio Morantes 6718 S. Memorial Tulsa, Oklahoma 74133 | \$ 23.58 |
| Penney's Attn: Ron Love Reference #9100805712 P. O. Box 769 Dallas, Texas 75221 | \$ 639.31 |
| Boot City 8138 E. 21st Tulsa, Oklahoma 74129 | \$ 462.08 |
| Old Country Buffet 61st & Memorial Tulsa, Oklahoma 74135 | \$ 14.00 |
| Anthony's Attn: Joe Ward P. O. Box 25725 Oklahoma City, Oklahoma 73125 | \$ 550.62 |
| Furrs 11111 E. 41st Tulsa, Oklahoma 74146 | \$ 11.36 |
| Mervyn's Attn: Check Administration Dept. 22301 Foothill Blvd. Hayward, California 94541 | \$ 202.24 |
| Wal-Mart 1439 E. 71st Street S. Tulsa, Oklahoma 74136 | \$1,674.16 |
| Homeland P. O. Box 25008 Oklahoma City, Oklahoma 73125 | \$ 337.34 |
| Target Attn: Fraud & Forgery Dept. P. O. Box 1296 Minneapolis, Minnesota 55440 | \$ 471.55 |

TJ Max \$ 238.50
8228 E. 61st St.
Tulsa, Oklahoma 74133

Toys-R-Us \$ 633.62
c/o Toy-R-Us
Telecredit Service
P. O. Box 30032
Tampa, Florida 33630

Quik Trip \$ 74.34
Attn: Collections
P. O. Box 2828
Tulsa, Oklahoma 74101

Oologah Hardware \$ 13.73
P. O. Box 745
Oologah, Oklahoma 74053

Dawson Hardware \$ 26.02
6325 E. Tecumseh
Tulsa, Oklahoma 74115

Garfield's \$ 33.30
3240 W. Britton Road Suite 202
Oklahoma City, Oklahoma 73120

Burlington Coat Factory \$ 547.50
P. O. Box 1578
Burlington, New Jersey 08016

FILED

JUN 14 1993

ENTERED ON DOCKET United States District Court Richard M. Lawrence, Court Clerk U.S. DISTRICT COURT
DATE JUN 14 1993 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: 93-CR-019-001-B

DONALD RAY BROWN
(Name of Defendant)

Jack Short
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) |
|--------------------------------------|---|------------------------|-----------------|
| 21:841(a)(1) & 21:841(b)(1)(c) | Possession With Intent to Distribute Controlled Substance | 01-29-93 | One |

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Defendant's Soc. Sec. No.: 447-32-2665

Defendant's Date of Birth: 12-31-35

Defendant's Mailing Address:

c/o Bureau of Prisons
Dallas, Texas

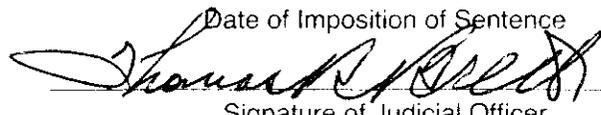
Defendant's Residence Address:

c/o Bureau of Prisons
Dallas, Texas

sm

June 4, 1993

Date of Imposition of Sentence



Signature of Judicial Officer

United States District Court
Northern District of Oklahoma

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

Name & Title of Judicial Officer

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

Richard M. Lawrence, Clerk

By Deputy

June 8, 1993

Date

Defendant: DONALD RAY BROWN
Case Number: 93-CR-019-001-B

Judgment—Page 2 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 33 months in Count One of the Indictment

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: DONALD RAY BROWN
 Case Number: 93-CR-019-001-B

Judgment—Page 3 of 6

SUPERVISED RELEASE

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

5 years in Count One 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.

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 your 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 **STANDARD CONDITIONS OF SUPERVISION** 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.

4) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: DONALD RAY BROWN
Case Number: 93-CR-019-001-B

Judgment—Page 4 of 6

FINE

The defendant shall pay a fine of \$ 10,000 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 period of incarceration through the Bureau of Prisons Inmate Financial Responsibility Program with any remaining amount 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: DONALD RAY BROWN
Case Number: 93-CR-019-001-B

STATEMENT OF REASONS

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

OR

The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary): The Court finds that the Career Offender Enhancement in paragraph 19 is improperly applied based upon convictions that do not fall within language of 28 U.S.C. § 994(h), which provides authority for enhancement of a sentence based on previous convictions for a violent felony or a controlled substance offense, but does not provide for an enhancement for prior convictions of a conspiracy to commit a controlled substance offense.

Guideline Range Determined by the Court:

Total Offense Level: 12
Criminal History Category: V
Imprisonment Range: 27 to 33 months
Supervised Release Range: 3 to years
Fine Range: \$ 3,000 to \$ 1,000,000

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

Restitution: \$ N/A

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

The Court departs from the prescribed three year term of supervised release and imposes a five year term of supervised release based on the defendant's 20 year history of controlled substance offenses and use, a factor not adequately considered by the Commission in establishing the guideline range for supervised release. U.S.S.G. § 5K2.0.

Defendant: DONALD RAY BROWN
Case Number: 93-CR-019-001-B

Judgment—Page 6 of 6

**DENIAL OF FEDERAL BENEFITS
(For Offenses Committed On or After November 18, 1988)**

FOR DRUG TRAFFICKERS PURSUANT TO 21 U.S.C. § 853a(a)

IT IS ORDERED that the defendant shall be:

- ineligible for all federal benefits for a period of _____ ending _____.
- ineligible for the following federal benefits for a period of _____ ending _____:
(specify benefits) _____

OR

Having determined that this is the defendant's third or subsequent conviction for distribution of controlled substances, IT IS ORDERED that the defendant shall be permanently ineligible for all federal benefits.

FOR DRUG POSSESSORS PURSUANT TO 21 U.S.C. § 853a(b)

IT IS ORDERED that the defendant shall:

- be ineligible for all federal benefits for a period of _____ ending _____.
- be ineligible for the following federal benefits for a period of _____ ending _____:
(specify benefits) _____

- successfully complete a drug testing and treatment program.
- perform community service, as specified in the probation or supervised release portion of this judgment.

Having determined that this is the defendant's second or subsequent conviction for possession of a controlled substance, IT IS FURTHER ORDERED that the defendant shall complete any drug treatment program and community service specified in this judgment as a requirement for the reinstatement of eligibility for federal benefits.

Pursuant to 21 U.S.C. § 853a(d), this denial of federal benefits does not include any retirement, welfare, Social Security, health, disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

FILED

JUN 14 1993

ENTERED ON DOCKET **United States District Court**

DATE JUN 14 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: 93-CR-009-001-B

WALTER WILLIAM GLENN
(Name of Defendant)

Keith Ward
Defendant's Attorney

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number <input checked="" type="checkbox"/> |
|-----------------|--------------------|------------------------|--|
| 26:7201 | Income Tax Evasion | 04-15-90 | Three |

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 and Two of the Indictment ~~(s)~~ (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) Three of the Indictment, which shall be due immediately as follows:

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

Defendant's Soc. Sec. No.: 445-50-0402

Defendant's Date of Birth: 06-28-49

Defendant's Mailing Address:

6713 Welch Avenue
Fort Worth, Texas 76133

Defendant's Residence Address:

6713 Welch Avenue
Fort Worth, Texas 76133

May 28, 1993

Date of Imposition of Sentence



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.

Richard M. Lawrence, Clerk

By 
Deputy

June 4 1993
Date

Defendant: WALTER WILLIAM GLENN
Case Number: 93-CR-009-001-B

Judgment—Page 2 of 4

PROBATION

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

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

-) The defendant shall serve the first two months (60 days) in community confinement, as scheduled, arranged, and approved by the U. S. Probation Office. The defendant shall be allowed to maintain employment while in community confinement.
-) Upon release from community confinement, the defendant shall serve four months (120 days) in home detention. The use of electronic monitoring will be at the sole discretion of the U.S. Probation Office. If such service is utilized, it shall be initiated and terminated at the discretion of the U.S. Probation Office. If used, the defendant shall pay all costs of such service. The defendant will be allowed to maintain employment during home detention.
-) The defendant shall pay restitution to the Internal Revenue Service in the amount of \$16,814.80, in installment payments, as directed by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

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

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
 - 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
 - 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
 - 4) the defendant shall support his or her dependents and meet other family responsibilities;
 - 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
 - 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
 - 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
 - 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
 - 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
 - 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
 - 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
 - 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
 - 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 4) the defendant shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: WALTER WILLIAM GLENN
 Case Number: 93-CR-009-001-B

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> |
|-----------------------------|-------------------------------------|
| Internal Revenue Service | \$16,814.80 |

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: WALTER WILLIAM GLENN
Case Number: 93-CR-009-001-B

Judgment—Page 4 of 4

STATEMENT OF REASONS

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

OR

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

Guideline Range Determined by the Court:

Total Offense Level: 10

Criminal History Category: I

Imprisonment Range: 6 to 12 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 20,000

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

Restitution: \$ 16,814.80

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 JUN 14 1993

United States District Court

NORTHERN District of OKLAHOMA

UNITED STATES OF AMERICA

V.

ELLEN KAY MAXEY

(Name of Defendant)

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

Case Number: 93-CR-007-001-B

FILED

Defendant's Attorney JUN 8 1993

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

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-----------------|--|------------------------|-----------------|
| 18:1029(a)(2) | Fraud In Connection With Access Device | 05-15-92 | One (I) |

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

- The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- Count(s) _____ (is)(are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 50, for count(s) One (I) 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.

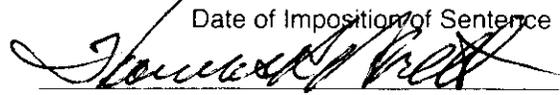
Defendant's Soc. Sec. No.: 413-08-6959

Defendant's Date of Birth: May 21, 1968

May 28, 1993

Date of Imposition of Sentence

Defendant's Mailing Address:



Signature of Judicial Officer

7440 East 48th Str. South, #55-11

Tulsa, Oklahoma 74145

United States District Court
Northern District of Oklahoma

Thomas R. Brett, U.S. District Judge

Name & Title of Judicial Officer

Defendant's Residence Address:

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

6-8-93

Date

- Same -

Richard M. Lawrence, Clerk

By [Signature]
Deputy

ms

Defendant: ELLEN KAY MAXEY
 Case Number: 93-CR-007-001-B

Judgment—Page 2 of 4**PROBATION**

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

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

The defendant is ordered to pay restitution in the amount of \$1,850 to the following victims in the amounts specified:

| | |
|--|---------|
| Bank IV | \$1,400 |
| Barbara Cecil 12170 East 23rd Street Tulsa, OK 74129 | \$ 450 |

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) You shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: ELLEN KAY MAXEY
 Case Number: 93-CR-007-001-B

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> |
|---|-------------------------------------|
| Bank IV Attn.: Gene Watson, Security Officer (Restitution for #9376941/Barbara Cecil) P.O. Box 2360, Tulsa, Oklahoma 74101 | \$1,400 |
| Barbara Cecil 12170 East 23rd Street Tulsa, Oklahoma 74129 | \$ 450 |

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: ELLEN KAY MAXEY
Case Number: 93-CR-007-001-B

Judgment—Page 4 of 4

STATEMENT OF REASONS

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

OR

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

Guideline Range Determined by the Court:

Total Offense Level: 5

Criminal History Category: I

Imprisonment Range: 0 to 6 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 250 to \$ 2,500

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

Restitution: \$ 1,850

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**

JUN 14 1993

DATE JUN 14 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)

LATASHA MICHELLE ANDERSON

Case Number: 93-CR-021-001-B

(Name of Defendant)

Jo Stanley Glenn

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) |
|-----------------|----------------------------------|------------------------|-----------------|
| 18:510(a)(1) | Forgery of a U.S. Treasury Check | 06-05-92 | 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) Two & 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.

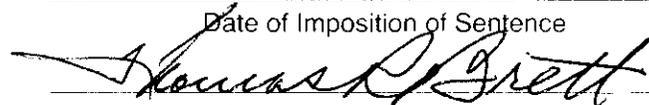
Defendant's Soc. Sec. No.: 446-70-8868

Defendant's Date of Birth: 03-17-68

June 4, 1993

Date of Imposition of Sentence

Defendant's Mailing Address:



Signature of Judicial Officer

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

Name & Title of Judicial Officer

629 North 28th W. Place
Tulsa, Ok 74127

Defendant's Residence Address:

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  Deputy

June 8, 1993

Date

Same

JW

Defendant: Anderson, Latasha Michelle
Case Number: 93-CR-021-001-B

Judgment—Page 2 of 4

PROBATION

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

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

- 1) The defendant shall be placed under home confinement to include electronic monitoring at the discretion of the U.S. Probation Office for a period of six months. The defendant is to pay \$1.00 per day to help defer the costs of electronic monitoring.
- 2) The defendant shall pay restitution as described on Page 3 of this order.
- 3) The defendant shall abide by the Special Financial Conditions as adopted by the Court.

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 as directed by the U.S. Probation Office.

Defendant: Anderson, Latasha Michelle
 Case Number: 93-CR-021-001-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> |
|---|------------------------------|
| Social Security Administration Office of Disability Operations 1500 Woodlawn Drive Baltimore, Maryland 21202 | \$1,266.00 |
| Jon Fuller 107 East 31st Pl. #A Tulsa, OK 74105 | \$ 64.00 |

Payments of restitution are to be made to:

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

Restitution shall be paid:

- in full immediately.
- in full not later than _____.
- in equal monthly installments over a period of _____ months. The first payment is due on the date of this judgment. Subsequent payments are due monthly thereafter.
- in installments according to the following schedule of payments: 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: **Anderson, Latasha Michelle**
Case Number: **93-CR-021-001-B**

Judgment—Page 4 of 4

STATEMENT OF REASONS

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

OR

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

Guideline Range Determined by the Court:

Total Offense Level: 10

Criminal History Category: I

Imprisonment Range: 6 to 12 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 20,000

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

Restitution: \$ 1,330.00

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

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

OR

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

OR

The sentence departs from the guideline range

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

for the following reason(s):

FILED

ENTERED ON DOCKET **United States District Court**

JUN 08 1993

DATE JUN - 8 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)

BILLY W. HILL

Case Number: 93-CR-010-B

(Name of Defendant)

Bud Byars

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(g)(1) and 924(e)(1) | Possession of a Firearm After Former Conviction of a Felony | 12-16-92 | 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) _____ (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.: 440-34-8177

Defendant's Date of Birth: 09-24-37

June 4, 1993

Date of Imposition of Sentence

Defendant's Mailing Address:

Thomas R. Brett
Signature of Judicial Officer

1155 E. 48th Street
Tulsa, Oklahoma

Thomas R. Brett, U. S. District Judge

Name & Title of Judicial Officer

Defendant's Residence Address:

Prison

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.

June 8, 1993
Date

Richard M. Lawrence, Clerk

By *H. C. ...*
Deputy

Defendant: **BILLY W. HILL**
Case Number: **93-CR-010-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 235 months on Count One of the Indictment

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: BILLY W. HILL
Case Number: 93-CR-010-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 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.
- 1) The defendant shall participate in a program of treatment and testing for drug usage 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: BILLY W. HILL
Case Number: 93-CR-010-B

FINE

The defendant shall pay a fine of \$ 3,000. 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 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, payments to begin during period of imprisonment, 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: BILLY W. HILL
Case Number: 93-CR-010-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: 33

Criminal History Category: IV

Imprisonment Range: 188 to 235 months

Supervised Release Range: 3 to 5 years

Fine Range: \$ 17,500 to \$ 175,000

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):

The defendant has pending violent felony charges, and this warrants a sentence at the high end of the guideline range.

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):

DAI 6-8-93

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

JUN -7 1993 *mm*

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MARION R. TERRY,)
)
Defendant.)

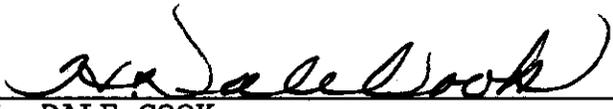
Case No. 92-CR-6-C

ORDER

Before the Court is the motion of the defendant to correct sentence pursuant to 28 U.S.C. §2255. On April 23, 1992, defendant pled guilty to one count of making a false statement as a government employee, in violation of 26 U.S.C. §7214(a)(7). Defendant was sentenced on June 23, 1992, to a three year term of probation. The defendant was also directed to pay restitution to the Internal Revenue Service in the amount of \$3,998.11. Defendant now asks the Court to delete the restitution provision, in that the prosecutor was unable to demonstrate any loss to the government as a result of defendant's conduct. The United States Attorney's Office, through Mr. Gordon Cecil, the prosecutor in this case, has expressed its concurrence in the motion.

It is the Order of the Court that the motion of the defendant to correct sentence is hereby granted. The imposition of restitution in the Judgment entered on June 26, 1992 is hereby deleted.

IT IS SO ORDERED this 7th day of June, 1993.



H. DALE COOK
UNITED STATES DISTRICT JUDGE

JUN 7 1993

United States District Court

ENTERED ON DOCKET
DATE JUN - 8 1993

NORTHERN

District of OKLAHOMA

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

UNITED STATES OF AMERICA

V.

KENNETH SCOTT BALMER

(Name of Defendant)

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

Case Number: 91-CR-134-001-B

Rob Nigh

Defendant's Attorney

THE DEFENDANT:

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

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

| Title & Section | Nature of Offense | Date Offense Concluded | Count Number(s) |
|-------------------|----------------------------|------------------------|-----------------|
| 18 USC 922 (g)(1) | Possession of Firearm AFCF | 9-5-89 | I |
| 18 USC 922 (g)(1) | Possession of Firearm AFCF | 11-7-89 | III |

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

- The defendant has been found not guilty on count(s) _____, and is discharged as to such count(s).
- Count(s) Two, Four & Five of Indictment ~~(are)~~ (are) dismissed on the motion of the United States.
- It is ordered that the defendant shall pay a special assessment of \$ 100.00, for count(s) One and Three of 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.: 563-43-3517

Defendant's Date of Birth: 4-17-54

June 4, 1993

Date of Imposition of Sentence

Defendant's Mailing Address:

Currently in custody of Bureau of Prisons

Thomas R. Brett
Signature of Judicial Officer

Defendant's Residence Address:

Same as above

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.

Thomas R. Brett, U.S. District Judge

Name & Title of Judicial Officer

June 7th, 1993
Date

Richard M. Lawrence, Clerk

By *[Signature]*
Deputy

Defendant: KENNETH SCOTT BALMER
Case Number: 91-CR-134-001-B

Judgment—Page 2 of 4

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 months in Cts. I and III to run concurrent. It is ordered nine (9) months of said term shall run concurrently to San Bernardino County, California, Case No. SCR-56713, with the remaining nine (9) months ordered to be served consecutively with California Case No. SCR-56713.

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: KENNETH SCOTT BALMER
 Case Number: 91-CR-134-001-B

Judgment—Page 3 of 4

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of _____
Three years as to Cts. I and III 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 drug abuse, 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 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 Officer.

Defendant: **KENNETH SCOTT BALMER**
Case Number: **91-CR-134-001-B**

STATEMENT OF REASONS

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

OR

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

Guideline Range Determined by the Court:

Total Offense Level: 10

Criminal History Category: IV

Imprisonment Range: 15 to 21 months

Supervised Release Range: 2 to 3 years

Fine Range: \$ 2,000 to \$ 20,000

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):

DATE 6-7-93

IN THE UNITED STATES DISTRICT COURT FOR THE **F I L E D**
NORTHERN DISTRICT OF OKLAHOMA

JUN 4 - 1993

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 VIRGINIA TERNES,)
)
 Defendant.)

Case No. 92-CR-95-C

ORDER

Before the Court is the pro se motion of defendant Virginia Ternes for release on bond pending determination of her appeal. This motion involves application of the Bail Reform Act of 1984, 18 U.C.S. §3143(b), which provides that the defendant shall be detained unless the Court finds (1) by clear and convincing evidence that the person is not likely to flee or pose a danger to the safety of any other person or to the community if released under §3143(b)(1), and (2) that by a preponderance of the evidence, the Court finds the appeal is not for the purpose of delay and raises a substantial question of law or fact likely to result in reversal or an order for a new trial under §3143(b)(2).

On January 21, 1993 Mrs. Ternes was convicted by a jury of having violated 18 U.S.C. §371, conspiracy to possess an unregistered firearm (26 U.S.C. §§ 5861(d) and 5871); and 18 U.S.C. §1512(d)(1), attempt to influence a witness. On March 25, 1993 Ternes was sentenced by this Court to a term of imprisonment of 78 months.

In her motion, Mrs. Ternes does not set forth any grounds to

support release pursuant to §3143(b)(2). Under the Bail Reform Act of 1984, the defendant carries the burden of proof in establishing the requisite elements for release pending appeal. U.S. v. Giancola, 754 F.2d 898 (11th Cir. 1985). However, in this instance the Court independently reviewed the record. In consideration of Mrs. Ternes' motion the Court must decide whether a substantial question of law exists which will likely result in reversal or a new trial. In this regard a "substantial question" has been defined in U.S. v. Affleck, 765 F.2d 944 (10th Cir. 1985) as:

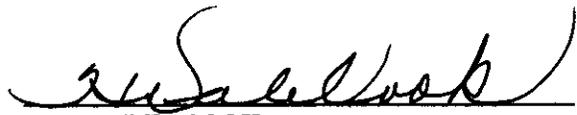
. . . one of more substance than would be necessary to a finding that it was not frivolous. It is a close question or one that very well could be decided the other way.

765 F.2d at 952.

Based on the evidence presented at trial and in consideration of applicable law, this Court finds that no substantial question of law exists which would likely result in reversal or new trial.

Accordingly, the motion of Virginia Ternes for release pending appeal is hereby denied.

IT IS SO ORDERED this 2nd day of June, 1993.


H. DALE COOK
United States District Judge

DATE 6-7-93

IN THE UNITED STATES DISTRICT COURT FOR

FILED

THE NORTHERN DISTRICT OF OKLAHOMA

JUN -4 1993

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 CHARLES MICHAEL HINKLE,)
)
 Defendant.)

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

Case No. 92-CR-57

ORDER

Before the Court are the motions of the defendant, Charles Michael Hinkle, for judgment of acquittal pursuant to Rule 29(c) and for new trial pursuant to Rule 33 F.R.Cr.P. Hinkle asserts that the verdicts of guilty as found by the jury on January 11, 1993 were not supported by sufficient evidence.

Hinkle asserts that the evidence was insufficient to establish that Hinkle billed for services which were not actually rendered to his patients. Hinkle originally was charged in a 136 count indictment.¹ Count 1 charged a conspiracy to submit to employee dental benefit plans false and fraudulent claims for dental services and procedures which in fact had not been performed. As overt acts, Hinkle was charged with performing a less costly procedure than was actually performed and then falsely submitting to the dental plan for reimbursement the more expensive procedure

¹ At commencement of trial, the government dismissed count 91, leaving 135 counts for the jury's consideration.

which was not performed. The remaining 134 counts charged a violation of the underlying substantive offenses.

In United States v. Varoz, 740 F.2d 772 (10th Cir.1984) the court instructs that in order to sustain a finding of guilty, the government must prove at trial "what the indictment charged". 740 F.2d at 780. In this instance, the government presented sufficient evidence for a jury to find Hinkle guilty as charged. Evidence was offered by several dental hygienists in Hinkle's employment during the period described in the indictment, including Shelly Brand and Kathleen Perry. Shelly Brand testified that the only procedures she performed were prophylaxes (teeth cleaning) and application of sealants as shown on the patients' charts. Brand also testified that the superbills prepared at Hinkle's direction reflect that "single surface composite restorations" (fillings) were billed to the patients' employee benefit plans. It was unrefuted evidence that restoration is a more expensive procedure than prophylaxes or sealants. Kathleen Perry testified that on at least two occasions Hinkle instructed her to bill sealants as restoration on the superbills. Kathleen Perry's testimony was also corroborated by one of Hinkle's dental assistants, Stacy Richardson.

Hinkle asserts that the government mistakenly relied on the American Dental Association's Current Dental Terminology, First Edition (ADA CDT-1) which was not in effect until after the dates of the offenses charged in the indictment. Thus Hinkle asserts the government failed to establish the relevant definitions used in Hinkle's billing statements. In his brief Hinkle devotes over nine

pages to the ADA's Codes on Dental Procedures and Nomenclature from 1969 to present. Hinkle argues that when the ADA code is viewed through time, the terminology shown can be construed to support the language on the superbills as the procedure that was actually performed on patients by his hygienists.

Hinkle's argument fails for several reasons. At trial Hinkle's counsel stipulated to the admissibility and the relevant portions of the ADA CDT-1 booklet. Hinkle enlarged sections of the ADA CDT-1 booklet for the jury to view simultaneously with testimony of Hinkle's interpretation of the terminology contained in the ADA CDT-1. Throughout the trial Hinkle used the ADA CDT-1 booklet to examine and cross examine witnesses. Hinkle also referred to his dental school textbooks and testified that his interpretation of the ADA CDT-1 was consistent with the training he received in dental school. Hinkle's staff members and other government experts refuted Hinkle's interpretation. In post-trial briefing Hinkle is urging the Court to examine the six versions of the ADA codes and make an independent judgment contrary to the findings of the jury. Prior to and during trial Hinkle had access to all versions of the ADA codes and had the opportunity to offer this evidence at trial. Hinkle's post-trial offer of evidence to support a new defense theory is impermissible and cannot be considered by the Court on a motion for acquittal. Hinkle's interpretation of the ADA codes is not a question of law for the Court; it is an issue of fact for the jury.

Hinkle asserts that the government's interpretation of the

terminology contained in the ADA CDT-1 codes is not accepted by either the ADA or the dental community. The government's experts and Hinkle's own staff members testified to the contrary. Although contradictory testimony was provided by Hinkle and his experts, there was sufficient evidence offered by the government to sustain the findings of the jury.

Hinkle asserts that since co-defendants Blackburn and Johnson were found not guilty, his conviction cannot stand independently. In this regard Hinkle asserts that the indictment charges that he, along with Blackburn and Johnson, aided and abetted each other in sending fraudulent claims to the employee benefit plans. Since the evidence established that Hinkle personally did not send the claims, Hinkle argues that he could not have aided and abetted Blackburn and Johnson who were acquitted. Hinkle's assertion is without merit. First, the indictment charges that Hinkle, Blackburn, Johnson and *other persons* both known and unknown to the Grand Jury committed the substantive offenses charged in the indictment. At trial Kathleen Perry and Shelly Bland testified that they were aware of Hinkle's activities and at his instruction assisted in the commission of the crimes charged in the indictment. Ms. Perry also testified that the acts constituting the criminal offense were "common talk" in the dental office. Hinkle, Johnson and Blackburn all were charged as principals in the commission of the crimes; the mere fact that the jury acquitted Blackburn and Johnson does not relieve Hinkle's conviction as a principal in the commission of the substantive offenses. Further, the jury found that the substantive

offense had in fact been committed. Accordingly, Hinkle may be found guilty as the perpetrator of substantive offense along with others even if he alone possessed the requisite guilty knowledge of the criminal venture.

Hinkle has raised several additional grounds in support of his motion for new trial. In considering a motion for new trial, the issues raised by the defendant must be material and establish a probability of acquittal. The Court has reviewed the issues raised by Hinkle and finds that they do not meet the requisite test to warrant a new trial.

Hinkle objects to the Court denying his request to obtain certain medical records and reports of psychiatric treatment of one of government's principal witnesses. When Hinkle subpoenaed the medical records the witness, through counsel, asserted a psychiatrist/patient privilege. The Court ordered the medical records sealed but permitted counsel to examine a letter that the witness had sent to her psychiatrist. The Court examined the medical records in camera to determine whether they contained any relevant information essential to a fair presentation of Hinkle's case. In the absence of guidance from the Tenth Circuit on the viability of a psychiatrist/patient privilege the Court followed an intermediate approach applied in United States v. Diamond, 964 F.2d 1325 (2nd Cir. 1992). In Diamond the Second Circuit applied a balancing test and weighed "whether the evidentiary need for the psychiatric history of a witness outweighs the privacy interest of the witness." 964 F.2d at 1328. In this instance, after reviewing

the medical records, the Court conducted an evidentiary hearing to determine whether the witness's mental state affected her ability to think rationally. Dr. Dominic Lassaco, the treating physician, testified that he treated the witness primarily for depression and that depression does not cause a patient to hallucinate. He further testified that it is unlikely that depression would render a patient untruthful or cause her to possess any distortion of reality.

Based upon the Court's in camera review of the medical records in conjunction with the opinion testimony of her treating physician, the Court found that Hinkle's Sixth Amendment rights were not violated by the failure to permit Hinkle to view the witness's psychiatric records prior to cross examination.

The Court is mindful of the importance of the competing interests at stake regarding the constitutional rights of the respective parties. A court enforced production of communications between a psychotherapist and a patient is an infringement on important personal rights of privacy and could frequently prove needlessly embarrassing to the individual. Further, unrestrained disclosure might discourage disturbed persons who are a serious threat to our society from seeking necessary help and voluntary commitment.

Hinkle asserts that the government's expert rebuttal witness, Dr. Richard Simonsen, gave false testimony. In support of this assertion Hinkle offers an article which he located post-trial authored by Dr. Simonsen and asserts that the article is consistent

with Hinkle's testimony and theory of defense and contrary to the trial testimony of Dr. Simonsen. The Court has independently reviewed Dr. Simonsen's article and finds that Hinkle's assertion is meritless. The article addresses "preventive resin restoration" and indicates techniques that can be employed by the dentist to assure minimal invasion into the enamel of the tooth. The article specifically addresses tooth preparation, minimal invasion and application of composite resin as a sealant. At trial it was unrefuted that dental hygienists were not permitted under law to perform any type of restorative procedure. Even though the article addresses minimal invasion and preventive resin, the technique would necessarily have to be performed by a dentist rather than a hygienist. Kathleen Perry testified that her function was limited to teeth cleaning and sealant application. She further testified that any alteration or invasion of the tooth could only be performed by a dentist and that aside from Hinkle observing her work at its conclusion, Hinkle did not personally perform any dental work on the patients in question. Although Dr. Simonsen's article may, in part, have offered minimal impeachment material, the Court finds that the article as a whole is consistent with Dr. Simonsen's trial testimony and other expert testimony offered by the government.

The other issues raised by Hinkle in support of his motion for a new trial are frivolous and without merit.

Accordingly, the Court finds and concludes that the verdicts of guilty as found by the jury are supported by sufficient evidence

and not contrary to applicable law.

IT IS THEREFORE ORDERED that the motions of the defendant Charles Michael Hinkle for judgment of acquittal and new trial are DENIED.

IT IS SO ORDERED this 3rd day of June, 1993.

A handwritten signature in cursive script, appearing to read "H. Dale Cook", written in dark ink.

H. DALE COOK
UNITED STATES DISTRICT JUDGE

ENTERED ON DOCKET

DATE 6-7-93

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 CARL LEE COOPER, SR.,)
)
 Defendant.)

No. 92-CR-82-C

F I L E D

JUN 4 - 1993

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

ORDER NUN PRO TUNC

Now on this 3rd day of June, 1993 this cause comes on to
be heard in the matter of the plaintiff's request made in open
court to dismiss, with prejudice, the Indictment against defendant
Carl Lee Cooper, Sr., in the above styled cause. The Court finds
that said request ought to be granted and the Indictment against
defendant Carl Lee Cooper, Sr. is dismissed, with prejudice.

IT IS SO ORDERED.

(Signed) H. Dale Cook

H. DALE COOK
United States District Judge

ENTERED ON DOCKET
DATE 6-3-93

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 BRIAN MAURICE FULLER, aka)
 KEVIN CLAY FELTS; DAVID)
 BAUM; SETH OLIVER,)
)
 Defendants.)

No. 91-CR-143-E

FILED

JUN 3 1993 *rm*

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

ORDER

Before the Court is Defendant's Motion for Reduction of Restitution Amount. There appearing on the record no grounds in support of the motion,¹ the Court now denies the motion.

ORDERED this 29 day of June, 1993.



JAMES O. ELLISON, Chief Judge
UNITED STATES DISTRICT COURT

¹The sentence specifically permits that "Individual victim losses and liquidated restitution total shall be reduced commensurate with the value of victim properties recovered after imposition of sentence and as presented in joint motion for reduction of restitution.

ENTERED ON BOOKS
DATE June 31 1993

FILED

United States District Court

JUN 2 1993

NORTHERN

District of

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

EMILE GEORGE EZELL

(Name of Defendant)

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

Case Number: 91-CR-053-E

Steve Greubel

Defendant's Attorney

THE DEFENDANT:

- pleaded guilty to count(s) One (I) 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) |
|-----------------|----------------------------------|------------------------|-----------------|
| 18:1014 | False Statement To Bank Official | 09-25-90 | One (I) |

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

- The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).
- Count(s) One (I) 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 (I) 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.: 439-10-1802

Defendant's Date of Birth: 12-06-17

Defendant's Mailing Address:

500 Atascadero Road C-3

Morro Bay, California

Defendant's Residence Address:

- Same As Above -

May 24, 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

6/2/93

Date

Defendant: Emile George Eze.
Case Number: 91-CR-053-E

Judgment—Page 2 of 4

PROBATION

The defendant is hereby placed on probation for a term of Five years on Count One of the Information:

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

- 1) The defendant shall pay restitution in the amount of \$1,800 in monthly installments as directed by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

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

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer within 72 hours of any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.
- 14) You shall submit to urinalysis as directed by the U. S. Probation Office.

Defendant: **Emile George Ezel.**
Case Number: **91-CR-053-E**

RESTITUTION AND FORFEITURE

RESTITUTION

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

| <u>Name of Payee</u> | <u>Amount of Restitution</u> |
|--|------------------------------|
| Security National Bank P.O. Box 1290 Attn.: Mark Gish Sapulpa, Oklahoma 74067 | \$1,800 |

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, to be paid during his term of 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: Emile George Ezel
Case Number: 91-CR-053-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: 10

Criminal History Category: I

Imprisonment Range: 6 to 12 months

Supervised Release Range: 3 to 5 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: \$ 26,278

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

The defendant demonstrates he is unable to make full restitution.

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

OR

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

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 Smith
Deputy

OR

The sentence departs from the guideline range

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

for the following reason(s):

The defendant is seventy-five years old and has suffered serious health problems in the past ten years. According to U. S. Sentencing Guidelines, Section 5H1.4, his physical condition is considered extraordinary and warrants a downward departure to a term of probation.

FILED

United States District Court

MAY 28 1993

ENTERED ON DOCKET

JUN - 1 1993

NORTHERN

DISTRICT OF

OKLAHOMA

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

UNITED STATES OF AMERICA

JUDGMENT OF ACQUITTAL

V.

Don I. Nelson

CASE NUMBER: 92-CR-136-001-B

The Defendant was found not guilty. IT IS ORDERED that the Defendant is acquitted, discharged, and any bond exonerated.



Signature of Judicial Officer
The Honorable Thomas R. Brett
U. S. District Judge

Name and Title of Judicial Officer

May 28th 1993
Date

United States District Court) SS
Northern District of Oklahoma)

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

Richard M. Lawrence, Clerk

By 
Deputy