

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

FILED

MAR 31 1995 *rm*

UNITED STATES OF AMERICA

v.

Case Number 94-CR-150-02-BU

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

GREGORY RONEL THOMAS  
Defendant.

ENTERED ON DOCKET  
DATE 3-31-95

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

The defendant, GREGORY RONEL THOMAS, was represented by Roy W. Byars.

The defendant pleaded guilty on December 19, 1994, to count(s) 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy	4-10-94	1

As pronounced on March 24, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

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

Signed this the 30<sup>th</sup> day of March, 1994.

*Michael Burrage*  
The Honorable Michael Burrage  
United States District Judge

Defendant's SSN: 556-43-0045  
Defendant's Date of Birth: 1/14/76  
Defendant's residence and mailing address: 4521 N. Young, Tulsa, Oklahoma 74155

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

Richard M. Lawrence, Clerk  
By *R. Miller*  
Deputy

Defendant: GREGORY RONEL THOMAS

Case Number: 94-CR-150-02-BU

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months, said term to run concurrently with the sentence imposed in Tulsa County District Court Case CF 94-1806.

The Court makes the following recommendations to the Bureau of Prisons: If authorized by law, the Court recommends that the defendant be given credit for time served in pretrial detention.

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

**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: GREGORY RONEL THOMAS  
Case Number: 94-CR-150-02-BU

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

### STANDARD CONDITIONS OF SUPERVISION

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

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two 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: GREGORY RONEL THOMAS  
Case Number: 94-CR-150-02-BU

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$889.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
David Benditz 1412 North Poplar Street Broken Arrow, Oklahoma 74102	\$350
Prudential Insurance P. O. Box 52104 Phoenix, Arizona 85072 Attn: Claim No. 12N10050-090	\$339
Oklahoma Central Credit Union 11335 East 41st Street Tulsa, Oklahoma 74146 Attn: Gina Wilson	\$200

Payments of restitution are to be made to the United States Attorney for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release. Payment of restitution is to be made jointly and severally with codefendants Gerald Payne and Darryl Haynes.

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

Defendant: GREGORY RONEL THOMAS  
Case Number: 94-CR-150-02-BU

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	29
Criminal History Category:	VI
Imprisonment Range:	60 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 15,000 to \$ 150,000
Restitution:	\$ 889

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.

**F I L L E D**

**UNITED STATES DISTRICT COURT  
Northern District of Oklahoma**

**MAR 29 1995**

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-145-02-E

ENTERED ON DOCKET

DATE 3/29/95

JACKY LU  
AKA: JIAN DONG WEN  
Defendant.

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

The defendant, JIAN DONG WEN, was represented by Art Fleak.

The defendant was found guilty on December 22, 1994, on count(s) 1, 2, 3, 4, 5, & 6 of the Superseding Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiracy to Transport Counterfeit Credit Cards in Interstate Commerce & to Use Counterfeit Access Devices, Credit Cards	8-17-94	1
15:1644(b) & 18:2	Transporting Counterfeit Credit Cards in Interstate Commerce, and Aiding & Abetting	8-16-94	2
18:1029(a)(1), 18:1029(c)(2), & 2	Use of Counterfeit or Fraudulently Obtained Access Device, Credit Cards and Aiding & Abetting	8-17-94	3,4,5 & 6

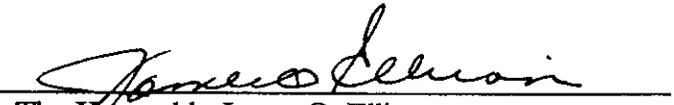
As pronounced on March 24, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 300, for count(s) 1,2,3,4,5, & 6 of the Superseding Indictment, which shall be due immediately.

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

Signed this the 29<sup>th</sup> day of March, 1995.

Defendant's SSN: 625-03-2175  
Defendant's Date of Birth: 07/09/68  
Defendant's mailing address: Tulsa County Jail, 500 So. Denver, Tulsa, OK 74103  
Defendant's residence address: 2539 46th Avenue, San Francisco, CA 94116

  
The Honorable James O. Ellison  
United States District Judge

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 Beverly M. Callaghan  
Deputy

Defendant: JACKY LU  
Case Number: 94-CR-145-02-E

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 13 months as to each count, to run concurrently, each with the other. The defendant shall receive credit for all the time he has spent in detention prior to sentencing.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be confined in a Federal Bureau of Prisons facility near San Francisco, California.

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

**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: JACKY LU  
Case Number: 94-CR-145-02-E

### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to each count, to run concurrently, each with the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### **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 seventy-two 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: JACKY LU  
Case Number: 94-CR-145-02-E

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$7568.78.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
General Motors Company Attn: Lynna Starr P. O. Box 80055 Salinas, California 93912 Acct. No. 5407-8902-6151-2760 (1-800-395-8141 Ext. 5006)	\$972.00
AT&T Universal Card Services Attn: Sean O'Donnell 8787 Baypine Road Jacksonville, Florida 32256 Acct. No. 4784-5500-0119-4826 (904-954-2550)	\$5,394.60
Bank of America Attn: Monte Dunn 1925 W. John Carpenter Freeway Irving, Texas 75063-3297 Acct. No 5254-0022-1118-3544 (214-444-7441)	\$1,202.28

Payments of restitution are to be made to the United States Attorney for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release. Restitution is ordered joint & severally with codefendants sentenced in this case.

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

Defendant: JACKY LU  
Case Number: 94-CR-145-02-E

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	12
Criminal History Category:	I
Imprisonment Range:	10 months to 16 months - Cts. 1,2,3,4,5,& 6
Supervised Release Range:	2 to 3 years - Cts. 1,2,3,4,5, & 6
Fine Range:	\$ 3,000 to \$ 30,000 - Cts 1,2,3,4,5,& 6
Restitution:	\$ 7,568.78

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

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.

**FILED**

**UNITED STATES DISTRICT COURT  
Northern District of Oklahoma**

**MAR 29 1995**

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

**UNITED STATES OF AMERICA**

v.

Case Number 94-CR-162-001-B

**MARK ROBITAILLE**  
Defendant.

ENTERED ON DOCKET

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

DATE MAR 29 1995

The defendant, MARK ROBITAILLE, was represented by Regina Stephenson.

On motion of the United States the court has dismissed count(s) 11,12,13,14, & 15 of the Indictment.

The defendant pleaded guilty on December 14, 1994, to count(s) 1,2,3,4,5,6,7,8,9, & 10 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

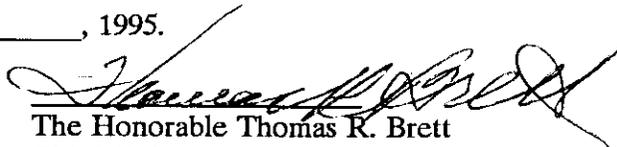
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiracy	10-13-94	1
26:5812, 5861(e), 5871 and 18:2(a)	Transfer of a Firearm and Aiding and Abetting	9-19-94	2
21:841(a)(1) & 841(b)(1)(c) & 18:2(b)	Delivery of Methamphetamine And Causing a Criminal Act	9-20-94	3
18:924(c)	Possession of a Firearm During a Drug Trafficking Crime		4
26:5822, 5861(f) & 5871	Manufacturing a Firearm		5,6, & 7
26:5841,5861(d) & 5871	Possession of an Unregistered Firearm		8,9, & 10

As pronounced on March 24, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 500, for count(s) 1 through 10 of the Indictment, which shall be due immediately.

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

Signed this the 27th day of March, 1995.

  
The Honorable Thomas R. Brett  
Chief United States District Judge

Defendant's SSN: 041-64-7285  
Defendant's Date of Birth: 02/13/62  
Defendant's mailing address: 2221 E. 2nd Place, Tulsa, OK  
Defendant's residence address: Tulsa County Jail, 500 So. Denver, Tulsa, OK 74103

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

Defendant: MARK ROBITAILLE  
Case Number: 94-CR-162-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 106 months, 46 months on each count as to Count 1,2,3,5,6,7,8,9, and 10, to be served concurrently and 60 months as to Count 4 to run consecutively to Counts 1,2,3,5,6,7,8, 9, and 10.

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

**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: MARK ROBITAILLE  
Case Number: 94-CR-162-001-B

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years on each of Counts 1 through 10 to be served concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking 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 seventy-two 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: MARK ROBITAILLE  
Case Number: 94-CR-162-001-B

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

This amount is the total of the fines imposed on individual counts, as follows: \$5,000 on Count 1 of the Indictment.

The defendant shall pay a fine of \$ 5,000. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall 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: MARK ROBITAILLE  
Case Number: 94-CR-162-001-B

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	23
Criminal History Category:	I
Imprisonment Range:	46 months to 57 months-Cts. 1,2,3,5,6,7,8,9, & 10 60 months - Ct. 4
Supervised Release Range:	2 to 3 years - Cts. 1 through 10
Fine Range:	\$ 7,500 to \$1,000,000 - Cts. 1 through 10
Restitution:	\$ N/A

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

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.

**FILED**

# United States District Court

MAR 29 1995

NORTHERN

DISTRICT OF

OKLAHOMA

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

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

Robert Lee Baker  
1645 Maple Ridge Lane  
Fort Mill, S. C. 29715

Case Number: 94-CR-109-001-B

ENTERED ON DOCKET  
MAR 29 1995  
DATE \_\_\_\_\_

(Name and Address of Defendant)

Jeffrey D. Fischer

Attorney for Defendant

THE DEFENDANT ENTERED A PLEA OF:

On December 16, 1994

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

THERE WAS A:

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

THERE WAS A:

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

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

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

having violated 18:1014, False Statement to a Financial Institution.

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 [Signature]  
Deputy

IT IS THE JUDGMENT OF THIS COURT THAT:

The defendant be placed on probation for a period of three years with a special condition that he serve the first ninety days in the Mecklenburg Satellite Jail work release program located at 2833 North Tyron Street, Charlotte, North Carolina. The defendant is to report to the Mecklenburg Satellite Jail at 11:00 a.m. on April 24, 1995. The defendant is further ordered to pay restitution during the term of probation to Boatmen's Bank of Catoosa, P.O. Box 3000, Catoosa, Oklahoma 74015  
Attn: Wanda Heaps, in the amount of \$13,783.68

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

**CONDITIONS OF PROBATION**

Where probation has been ordered the defendant shall:

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

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

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

IT IS FURTHER ORDERED THAT counts 2, 3, 4, 5, & 6 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:

March 24, 1995

Date of Imposition of Sentence

Thomas R. Brett  
Signature of Judicial Officer

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

March, 1995  
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

*[Handwritten signature]*

**FILED**

**UNITED STATES DISTRICT COURT  
Northern District of Oklahoma**

**MAR 29 1995**

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-122-001-B

ROBERT DENNIS BUNNER  
Defendant.

ENTERED ON DOCKET  
DATE MAR 29 1995

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

The defendant, ROBERT DENNIS BUNNER, was represented by Stephen J. Greubel.

On motion of the United States the court has dismissed count(s) 1,3, & 4 of the Indictment.

The defendant pleaded guilty on December 19, 1994, to count(s) 2 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:924 (c)(1) & (2)	Possession of a Firearm During a Drug Trafficking Crime and Aiding and Abetting	8/18/93	2

As pronounced on March 24, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 2 of the Indictment, which shall be due immediately.

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

Signed this the 29 day of March, 1995.

  
The Honorable Thomas R. Brett  
Chief United States District Judge

Defendant's SSN: 514-54-1632  
Defendant's Date of Birth: 08/29/50  
Defendant's mailing address: 4503 S. 28th West Avenue, Tulsa, OK 74107  
Defendant's residence address: Tulsa County Jail, 500 S. Denver, Tulsa, OK 74103

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

Defendant: ROBERT DENNIS BUNNER  
Case Number: 94-CR-122-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months to be served consecutive to any other term of imprisonment imposed.

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

**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: ROBERT DENNIS BUNNER  
Case Number: 94-CR-122-001-B

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking 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 seventy-two 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: ROBERT DENNIS BUNNER  
Case Number: 94-CR-122-001-B

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 3,000. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall 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: ROBERT DENNIS BUNNER  
Case Number: 94-CR-122-001-B

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	NA
Criminal History Category:	NA
Imprisonment Range:	60 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 0 to \$ 250,000
Restitution:	\$ N/A

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.

*pfu*

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

MAR 28 1995

UNITED STATES OF AMERICA

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

v.

Case Number 94-CR-156-B

VERNON LYNN HOPPER, JR.  
Defendant.

ENTERED ON DOCKET  
DATE MAR 28 1995

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

The defendant, VERNON LYNN HOPPER, JR., was represented by Stephen Greubel.

The defendant pleaded guilty on December 19, 1994, to count(s) 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

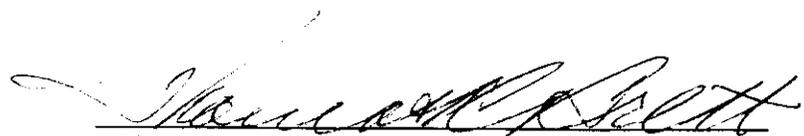
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1201	Kidnapping	6-1-92	1

As pronounced on March 27, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

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

Signed this the 28<sup>th</sup> day of March, 1995.

  
The Honorable Thomas R. Brett  
Chief United States District Judge

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

Defendant's SSN: 525-08-9847

Defendant's Date of Birth: 03/22/60

Defendant's residence and mailing address: Texas Department of Corrections, Ellis Unit 1, Huntsville, TX

Defendant: VERNON LYNN HOPPER, JR.  
Case Number: 94-CR-156-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of the defendant's life without parole, consecutive to the Life sentence previously imposed on May 5, 1994, in Mayes County, Oklahoma District Court, Case No. CF-93-73.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant should never be allowed to be confined in a prison that allows him to go outside the facility at any time for any reason.

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

**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: VERNON LYNN HOPPER, JR.  
Case Number: 94-CR-156-B

### SUPERVISED RELEASE

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

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.

### STANDARD CONDITIONS OF SUPERVISION

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

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within seventy-two 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: VERNON LYNN HOPPER, JR.  
Case Number: 94-CR-156-B

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 10,000. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release. In addition, while this defendant is confined in other jurisdictions, should he ever receive any income, at least one-half of it should be forwarded to the victim's family to satisfy the restitution imposed in this case. Upon payment of restitution, the defendant shall make similar payments toward the fine imposed in this case.

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: VERNON LYNN HOPPER, JR.  
Case Number: 94-CR-156-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$300.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Mary Aunko 1523 Est 4th Street Tulsa, OK 74120	\$300

Payments of restitution are to be made to the United States Attorney for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release. (In addition, while this defendant is confined in other jurisdictions, should he ever receive any income, at least one-half of it should be forwarded to the victim's family to satisfy the restitution imposed in this case. Upon payment of restitution, the defendant shall make similar payments toward the fine imposed in this case.)

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

Defendant: VERNON LYNN HOPPER, JR.  
Case Number: 94-CR-156-B

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	42
Criminal History Category:	V
Imprisonment Range:	360 months to life
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 25,000 to \$ 250,000
Restitution:	\$ 300

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

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: The aggravating factors present in this case, the defendant's criminal record consisting of similar offenses, and the need to keep the defendant confined for the rest of his life as punishment for this offense and to protect society.

**FILED**

**UNITED STATES DISTRICT COURT  
Northern District of Oklahoma**

MAR 28 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-122-002-B

ENTERED ON DOCKET

DATE MAR 28 1995

BENETTA B. BUNNER  
Defendant.

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

The defendant, BENETTA B. BUNNER, was represented by William D. Lunn.

On motion of the United States the court has dismissed count(s) 2 & 4 of the Indictment.

The defendant pleaded guilty on December 19, 1994, to count(s) 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

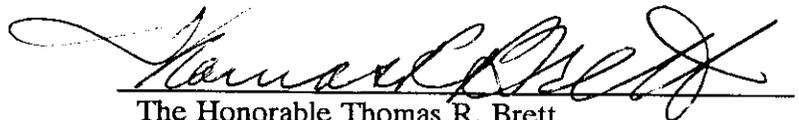
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21:841(a)(1) & 841(b)(1)(C) & 18:2	Possession With Intent to Distribute Methamphetamine and Aiding and Abetting	8-18-93	1

As pronounced on March 24, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

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

Signed this the 28<sup>th</sup> day of March, 1995.



The Honorable Thomas R. Brett  
Chief United States District Judge

Defendant's SSN: 440-58-1874  
Defendant's Date of Birth: 02/06/54  
Defendant's residence and mailing address: 4503 S. 28th West Avenue, Tulsa, OK 74107

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

Defendant: BENETTA B. BUNNER  
Case Number: 94-CR-122-002-B

### PROBATION

The defendant is hereby placed on probation for a term of 5 year(s).

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall serve the first 2 months (60 days) in community confinement, as scheduled, arranged, and approved by the U. S. Probation Office. The defendant may be allowed to maintain employment while in community confinement.
4. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 2 months, to commence within 72 hours following her release from community confinement. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office.

### STANDARD CONDITIONS OF PROBATION

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 seventy-two 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: BENETTA B. BUNNER  
Case Number: 94-CR-122-002-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report, EXCEPT the Court found that the defendant was a minimal participant in the offense and reduced the offense level four points pursuant to USSG § 3B1.1(a). Also, the Court found that the defendant did not possess a dangerous weapon and further reduced the offense level two points pursuant to USSG § 2D1.1(b). These findings made by the Court were consistent with the plea agreement.

**Guideline Range Determined by the Court:**

Total Offense Level:	9
Criminal History Category:	I
Imprisonment Range:	4 months to 10 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 1,000,000
Restitution:	\$ N/A

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

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.

# United States District Court

NORTHERN

DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

DATE 3-21-95

UNITED STATES OF AMERICA

## JUDGMENT OF ACQUITTAL

v.

CASE NUMBER: 94-CR-148-001-K

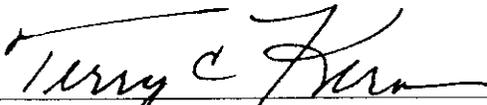
JERRY N. DUKE

**F I L E D**

MAR 21 1995

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

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 Terry C. Kern, U.S. District Judge

Name and Title of Judicial Officer

March 20, 1995

Date

105  
This is a true and correct copy of the original on file in the court.

Richard M. Lawrence, Clerk

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

# United States District Court FILED

ENTERED ON DOCKET

DATE 3-20-95

NORTHERN

DISTRICT OF

OKLAHOMA

MAR 17 1995

UNITED STATES OF AMERICA

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

## JUDGMENT OF ACQUITTAL

v.

CASE NUMBER:

94-CR-148-K

AERONAUTICAL SYSTEMS, INC.

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

*Terry C. Kern*  
\_\_\_\_\_  
Signature of Judicial Officer

TERRY C. KERN, U. S. DISTRICT JUDGE  
\_\_\_\_\_  
Name and Title of Judicial Officer

March 17, 1995  
\_\_\_\_\_  
Date

U. S. 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

FILED  
MAR 17 1995  
Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

# United States District Court

ENTERED ON DOCKET

DATE 3-20-95 NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

## JUDGMENT OF ACQUITTAL

v.

CASE NUMBER: 94-CR-148-K

PHIL RODRIGUEZ

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

Terry C. Kern  
Signature of Judicial Officer

TERRY C. KERN, U. S. DISTRICT JUDGE  
Name and Title of Judicial Officer

March 17, 1995  
Date

By \_\_\_\_\_  
Richard M. Lawrence, Clerk  
Lapoy

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

**FILED**

MAR 17 1995

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

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN H. WILLIAMS, JR.,

Defendant.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

Case No. 88-CR-52-E

ORDER DISMISSING INDICTMENT

NOW on this \_\_\_\_\_ day of MAR 16 1995, 1995, upon application of the United States of America and John H. Williams, Jr., the Court finds that the Indictment herein should be dismissed.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the Indictment herein be dismissed with prejudice.

JAMES O. ELLISON

JAMES O. ELLISON  
United States District Judge for the  
Northern District of Oklahoma

MAR 17 1995

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

MAR 16 1995 *mt*

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-145-003-E ✓

ANDY WONG AKA JOHN DOE #3  
(True Name: Chao Wen Li  
Defendant.

ENTERED ON DOCKET  
DATE 3-16-95 4

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

The defendant, ANDY WONG AKA JOHN DOE #3, was represented by Robert I. Mayes, Jr..

On motion of the United States the court has dismissed count(s) 2, 3, 4, & 5 of the Superseding Indictment.

The defendant pleaded guilty on December 16, 1994, to count(s) 1 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiracy	08/17/94	1

As pronounced on March 10, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Superseding Indictment, which shall be due immediately.

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

Signed this the 15<sup>th</sup> day of March, 1994.

*James O. Ellison*  
The Honorable James O. Ellison  
United States District Judge

Defendant's SSN: 625-56-6394  
Defendant's Date of Birth: 07/30/65  
Defendant's mailing address: 659 Geneva Avenue, San Francisco, CA 94112  
Defendant's residence address: c/o U. S. Bureau of Prisons

United States District Court )  
Northern District of Oklahoma ) SS

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

Richard M. Lawrence, Clerk  
By R. Miller  
Deputy

Defendant: ANDY WONG AKA JOHN DOE #3  
Case Number: 94-CR-145-003-E

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 9 months.

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

**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: ANDY WONG AKA JOHN DOE #3

Case Number: 94-CR-145-003-E

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The defendant shall comply with the rules and regulations of the Immigration and Naturalization Service (INS), and if deported from this country, either voluntarily or involuntarily, he shall not reenter the United States illegally. Upon any reentry into the United States during the period of court-ordered supervision, the defendant shall report to the nearest U. S. Probation Office within 72 hours.

### 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 seventy-two 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: ANDY WONG AKA JOHN DOE #3  
Case Number: 94-CR-145-003-E

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$7,568.78 as to Count I of the Superseding Indictment.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
General Motors Company Attn: Lynna Starr P. O. Box 80055 Salinas, California 93912 Acct. #5407-8902-6151-2760 (1-800-395-8141 Ext. 5006)	\$ 972.00
AT&T Universal Card Services Attn: Sean O'Donnell 8787 Baypine Road Jacksonville, Florida 32256 Acct. #4784-5500-0119-4826 (904-954-2550)	\$5,394.60
Bank of America Attn: Monte Dunn 1925 W. John Carpenter Freeway Irving, Texas 75063-3297 Acct. #5254-0022-1118-3544 (214-444-7441)	\$1,202.18

Payments of restitution are to be made to the United States Attorney for transfer to the payee(s).

Restitution shall be paid in full immediately. Restitution is ordered joint and several with codefendants Sam Lau, Jacky Lu, and Wing Lau. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

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

Defendant: ANDY WONG AKA JOHN DOE #3  
Case Number: 94-CR-145-003-E

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 7,568.78

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.

*W*

**F I L E D**

**UNITED STATES DISTRICT COURT  
Northern District of Oklahoma**

MAR 16 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-127-001-B

JAIME OGAZ-NEVAREZ  
Defendant.

ENTERED ON DOCKET  
MAR 16 1995  
DATE

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

The defendant, JAIME OGAZ-NEVAREZ, was represented by Robert Issac Mayes, Jr.

On motion of the United States the court has dismissed count(s) 1 of the Indictment.

On December 8, 1994, the defendant was found guilty by jury on count(s) 1 & 2 of the Superseding Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

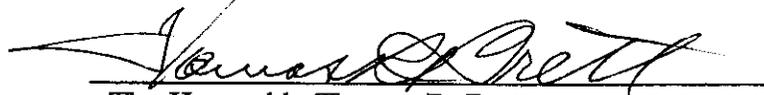
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21:846, 841(a)((1) & 841(b)(1)(B)(vii)	Conspiracy to Possess With Intent to Distribute 100 Kilograms or More of Marijuana	09/08/94	1
21:841(a)(1) & 841(b)(1)(B)(vii)	Possession With Intent to Distribute 100 Kilograms or More of Marijuana	09/08/94	2

As pronounced on March 8, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 & 2 of the Superseding Indictment, which shall be due immediately.

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

Signed this the 9<sup>th</sup> day of March, 1995.

  
The Honorable Thomas R. Brett  
United States District Judge

Defendant's SSN: None  
Defendant's Date of Birth: 12/13/61  
Defendant's mailing address: 116 N. Memorial, Tulsa, Oklahoma  
Defendant's residence address: Tulsa County Jail, Tulsa, Oklahoma 74103

Defendant: JAIME OGAZ-NEVAREZ  
Case Number: 94-CR-127-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 63 months on each of Counts 1 and 2, all sentences to run concurrently, each to the other.

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

**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: JAIME OGAZ-NEVAREZ

Case Number: 94-CR-127-001-B

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years as to each of Counts 1 and 2, both terms to run concurrently.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall comply with the rules and regulations of the INS, and if deported from this country, either voluntarily or involuntarily, he shall not reenter the United States illegally. Upon any reentry into the United States during the period of Court-ordered supervision, the defendant shall report to the nearest U. S. Probation Office within 72 hours.

**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 seventy-two 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: JAIME OGAZ-NEVAREZ  
Case Number: 94-CR-127-001-B

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 2,000 as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall 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: JAIME OGAZ-NEVAREZ  
Case Number: 94-CR-127-001-B

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	26
Criminal History Category:	I
Imprisonment Range:	63 months to 78 months - Cts. 1 & 2
Supervised Release Range:	4 to 5 years - Cts. 1 & 2
Fine Range:	\$ 12,500 to \$ 4,000,000 - Cts. 1 & 2
Restitution:	\$ N/A

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

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.

Defendant: JAIME OGAZ-NEVAREZ  
Case Number: 94-CR-127-001-B

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

**FOR DRUG TRAFFICKERS PURSUANT TO 21 U.S.C. § 862(a)(1)(A)**

IT IS ORDERED that the defendant shall be ineligible for all federal benefits for a period of 60 months ending March 7, 2000.

**Pursuant to 21 U.S.C. § 862(a)(1)(A), this denial of federal benefits does not include any retirement, welfare, Social Security, health, disability, veteran's benefit, public housing, or other similar benefit, of any other benefit for which payment or services are required for eligibility.**

*THE CLERK OF COURT IS RESPONSIBLE FOR SENDING A COPY OF THIS PAGE AND THE FIRST PAGE OF THIS JUDGMENT TO: U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, WASHINGTON D.C. 20531.*

**FILED**

MAR 15 1995

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT COURT OF OKLAHOMA

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

UNITED STATES OF AMERICA )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
John Frederick Haggerty )  
 )  
Defendant. )

Docket No. 91-CR-148-001-E

JUDGMENT AND COMMITMENT ORDER  
ON REVOCATION OF SUPERVISED RELEASE

MAR 15 1995

Now on this 10th day of March, 1995, this cause comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Amended Petition on Supervised Release filed on February 16, 1995. The defendant is present in person and with his attorney, Regina Stephenson. The Government is represented by Assistant United States Attorney Kevin Leach, and the United States Probation Office is represented by Brad Cheffey.

The defendant was heretofore convicted on his plea of guilty to a one-count Indictment which charged Possession of a Firearm After Having Been Convicted of a Felony, in violation of 18, United States Code, § 922(g). He was subsequently sentenced on May 15, 1992, to a twenty-one month (21) month custody term with two (2) years supervised release. The standard conditions of supervised release recommended by the Sentencing Commission were imposed. Haggerty appealed the sentence to the 10th Circuit Court of Appeals, which remanded the case to the district court for resentencing. On November 23, 1993, Haggerty was resentenced to

the custody of the Bureau of Prisons for twenty-one months, with a two year term of supervised release to follow. The standard conditions of supervised release were imposed, along with a special condition to include a program of testing and treatment for drug and alcohol abuse (to include inpatient) as directed by the probation office. Haggerty was released from custody on December 22, 1993.

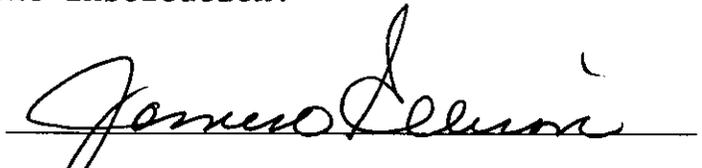
On February 17, 1995, a revocation hearing was concluded regarding the allegations noted in the Amended Petition on Supervised Release, said allegations being that the defendant; (1) submitted positive urinalysis tests as well as failed to submit to urinalysis testing as directed; and (2) failed to successfully complete substance abuse treatment. Haggerty was found in violation of his term of supervised release as memorialized in the amended petition. A sentencing hearing was set for March 10, 1995.

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 V is now applicable for determining the imprisonment range. The Court finds that a Grade C violation and a Criminal History Category of V establish a revocation imprisonment range of 7-13 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 is ordered:

Haggerty's term of supervised release is revoked and Haggerty is sentenced to a period of nine (9) months in the custody of the Bureau of Prisons. The Court recommends to the Bureau of Prisons that Haggerty serve his sentence in an institution which provides substance abuse treatment. No term of supervised release is to follow the period of incarceration.

The defendant is ordered to be held by the U.S. Marshal's Service pending transfer to the institution.



James O. Ellison, Senior  
United States District Judge

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET

UNITED STATES OF AMERICA

DATE 3-13-95

v.

Case Number 94-CR-155-001-K

RICHARD CONROY BELL  
Defendant.

**F I L E D**

MAR 13 1995

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

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

The defendant, RICHARD CONROY BELL, was represented by Lawrence Johnson.

The defendant pleaded guilty on December 7, 1994, to count(s) 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

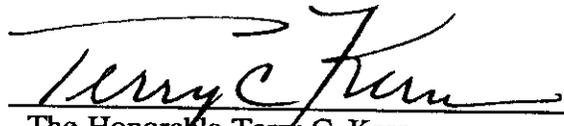
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1343	Wire Fraud	5-1-93	1

As pronounced on March 10, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Information, which shall be due immediately.

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

Signed this the 13 day of March, 1994.

  
The Honorable Terry C. Kern  
United States District Judge

Defendant's SSN: 585-54-9839

Defendant's Date of Birth: 03-16-53

Defendant's residence and mailing address: 9819 S. Richmond, Tulsa, Oklahoma 74137

Defendant: RICHARD CONROY BELL  
Case Number: 94-CR-155-001-K

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 44 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons place the defendant in a minimum security facility in the State of Texas for service of the sentence..

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on April 10, 1995.

**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: RICHARD CONROY BELL

Case Number: 94-CR-155-001-K

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. You are prohibited from engaging in any form of employment which would give you access to bank accounts, securities, or other negotiable assets of any individual, business, or other entity. Specifically, you are prohibited from soliciting others to invest money or other assets for any purpose. In addition, you are prohibited from assisting or advising others in the solicitation of investors.

**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 seventy-two 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: RICHARD CONROY BELL  
Case Number: 94-CR-155-001-k

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$ 15,000. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall 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: RICHARD CONROY BELL  
Case Number: 94-CR-155-001-K

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	21
Criminal History Category:	I
Imprisonment Range:	37 months to 46 months
Supervised Release Range:	1 to 3 years
Fine Range:	\$ 7,500 to \$ 16,228,078
Restitution:	\$ 8,114,039

Full restitution is not ordered for the following reason(s): Restitution not imposed pursuant to 18 USC § 3663(d).

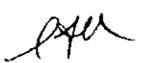
The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

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



*ew*

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET

DATE 3-13-95

UNITED STATES OF AMERICA

v.

Case Number 94-CR-123-001-K

PHYLLIS CHRISTINE HENSON  
aka:Phyllis Christine Magee  
Defendant.

**FILED**

MAR 13 1995

**JUDGMENT IN A CRIMINAL CASE**  
(For Offenses Committed On or After November 1, 1987)  
Richard M. Lawrence, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

The defendant, PHYLLIS CHRISTINE HENSON, was represented by Richard D. Amatucci.

On motion of the United States the court has dismissed count(s) 2 of the Indictment.

The defendant pleaded guilty on December 1, 1994, to count(s) 1 and 3 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

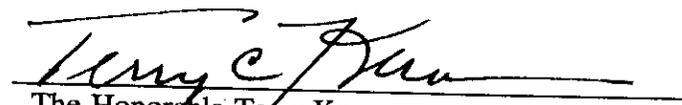
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21:841(a)(1) & 841(b)(1)(B)(viii) & 18:2	Possession With Intent to Distribute Methamphetamine and Aiding and Abetting	6/9/94	1
21:856 & 18:2	Controlling a Building Where Controlled Substances are Kept and Aiding and Abetting	6/9/94	3

As pronounced on March 3, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 and 3 of the Indictment, which shall be due immediately.

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

Signed this the 10 day of March, 1995.

  
The Honorable Terry Kern  
United States District Judge

Defendant's SSN: 448-68-2057

Defendant's Date of Birth: 08/06/61

Defendant's residence and mailing address: c/o U. S. Marshal, Tulsa County Jail, Tulsa, Oklahoma 74103

Defendant: PHYLLIS CHRISTINE HENSON  
Case Number: 94-CR-123-001-K

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 68 months on each of Counts 1 and 3 to run concurrently, each to the other.

The Court makes the following recommendations to the Bureau of Prisons: That the Bureau of Prisons designate the defendant's place of confinement in a facility that provides substance abuse treatment.

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

**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: PHYLLIS CHRISTINE HENSON  
Case Number: 94-CR-123-001-K

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years on Count 1 and 3 years on Count 3, as to each count to run concurrently, each to the other.

While on supervised release, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. 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.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking 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 seventy-two 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: PHYLLIS CHRISTINE HENSON  
Case Number: 94-CR-123-001-K

**FINE**

The Court has determined that the defendant does not have the ability to pay interest, and it is accordingly ordered that the interest requirement is waived.

The defendant shall pay a fine of \$750 on each of Counts 1 and 3, for a total of \$ 1,500. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall 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: PHYLLIS CHRISTINE HENSON  
Case Number: 94-CR-123-001-K

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	25
Criminal History Category:	II
Imprisonment Range:	63 months to 78 months - Cts. 1 & 3
Supervised Release Range:	4 to 5 years - Ct. 1 2 to 3 years - Ct. 3
Fine Range:	\$ 10,000 to \$ 2,500,000 - Cts. 1 & 3
Restitution:	\$ N/A

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

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.

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

FILED

MAR 7 1995

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
LEONARD HAROLD BUNCH, )  
 )  
Defendant. )

No. 92-CR-54-04-E ✓

ORDER

8003-8-95

NOW BEFORE THE COURT is the Motion of Leonard Harold Bunch, filed pursuant to 28 U.S.C. § 2855. Defendant was sentenced by the Court on December 29, 1992, pursuant to his entering a guilty plea. Bunch's Motion addresses three issues, which will be individually addressed by the Court.

1. The trial court erred at sentencing, by enhancing Bunch's base offense level for Conspiracy to Possess with Intent to Distribute Cocaine and Cocaine Base by two points pursuant to 2D1.1(b)(1), Possession of a Firearm During the Commission of a Drug Trafficking Offense, while also sentencing Bunch to 60 months for Conspiracy to Possess Firearms During a Drug Trafficking Offense, to run concurrently with the drug conspiracy sentence.

Defendant Bunch alleges that "double counting" has transpired, in that the same conduct has been punished cumulatively under separate guidelines provisions. Because he was convicted and sentenced for Conspiracy to Possess Firearms, he asserts that it is improper for an enhancement for firearm possession be added to his sentence for Conspiracy to Possess with Intent to Distribute Cocaine. Defendant's argument is predicated upon Section 2K2.4 of the Sentencing Guidelines.

144

To avoid double counting, when a sentence under [§ 2K2.4] is imposed in conjunction with a sentence for an underlying offense, any specific offense characteristic for firearm discharge, use, or possession is not applied in respect to such underlying offense.

U.S.S.G. § 2K2.4, comment.

This section of the guidelines is only applicable to convictions under 18 U.S.C. § 924(c), which is concerned with the use or carrying of a firearm in the commission of a felony.<sup>1</sup> Defendant was not convicted of an offense under 18 U.S.C. § 924(c). Therefore, it is inappropriate to apply § 2K2.4 to Defendant's sentence.

"[A] conspiracy to use or carry firearms during and in relation to the commission of a drug trafficking offense is distinct from a conspiracy to commit the drug trafficking offense." U.S. v. Morehead, 959 F.2d 1489, 1509 (10th Cir. 1992). Defendant was found guilty of both forms of conspiracy. In Morehead, a defendant was acquitted of a charge under 18 U.S.C. 924(c), convicted under 18 U.S.C. 371, and received an enhanced sentence for firearm possession under 21 U.S.C. § 846:

[defendant's] acquittal on the substantive § 924(c) charge does not persuade us as to the inapplicability of U.S.S.G. § 2D1.1 because the standard to convict on § 924(c) "is much higher than that necessary for an enhancement under the Guidelines."

Morehead, 959 F.2d at 1512; citing U.S. v. Goddard, 929 F.2d

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<sup>1</sup> The provision also applies to convictions under 18 U.S.C. § 844(h) or § 929(a). Defendant was not convicted under either of these statutes.

546, 549 (10th Cir. 1991). While Defendant Bunch was not actually acquitted of the § 924(c) charge (instead, it was dismissed in the plea agreement), the facts in the present case are essentially the same as in Morehead, from a sentencing perspective. The application of U.S.S.G. § 2D1.1 to Bunch's conviction for Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine was not inappropriate.

**2. The Court failed to make appropriate factual findings regarding petitioner's involvement with drugs in the context of the conspiracy.**

Defendant asserts that at sentencing, the Court accorded him greater involvement with cocaine than the Court's factual findings state. Defendant recounts that he was to be sentenced at base offense level 34, but that the level was raised to 36 at time of sentencing. Defendant contests the higher offense level because he objects to the government's "new evidence," which was "testimony by informant Flowers, and seized financial records of the petitioner's co-defendants." Memorandum in Support of 28 U.S.C. § 2255 Motion at 5. Defendant states that "none of the 'new evidence' pointed to the petitioner, but instead involved his co-defendant's." *Id.* Defendant refers the Court to the Sentencing Transcript.

The government claims that Defendant's argument is without merit, for three reasons: Defendant received a finding of drug quantity far less than the maximum stipulated to in the plea agreement; Defendant failed to object to the Court's findings regarding drug quantity, either prior to, or at, sentencing; and, Defendant failed to pursue the issue on direct appeal.

Government's Response Brief at 4.

The Court recognizes that, absent the plea agreement, the government could have proven Defendant participated in a conspiracy involving as much as 1,865 grams of cocaine. The Court notes that Defendant's plea agreement contained a stipulation that Defendant was involved with less than 1,500 grams of cocaine. Although the stipulation was not binding on the Court (thus permitting the Court to find that the conspiracy involved an amount of cocaine in excess of 1,500 grams), the Court acknowledged the stipulation and relied upon it at sentencing.

The Court has reviewed the Record, and found that the Defendant did not object to the Court's factual findings as to the quantity of drugs, either before, or at, sentencing. The rule evinced in U.S. v. Saucedo, that entirely factual issues are waived if not objected to at sentencing, is applicable to Defendant's Motion. Id., 950 F.2d 1508, 1519 (10th Cir. 1991).

Defendant did not challenge his sentence -- as related to drug quantities -- on direct appeal. See U.S. v. Bunch, 28 F.3d 113 (10th Cir. 1994).

A defendant who fails to present an issue on direct appeal is barred from raising the issue in a § 2555 motion, unless he can show cause for his procedural default and actual prejudice resulting from the alleged errors, or can show that a fundamental miscarriage of justice will occur if his claim is not addressed (citations omitted).

U.S. v. Allen, 16 F.3d 377, 378 (10th Cir. 1994).

As discussed in Allen, Defendant's arguments in his Motion as to the quantity of drugs attributable to him are procedurally barred. This procedural bar is inapplicable, however, when cause and prejudice or a miscarriage of justice is shown. Id. Because Defendant is proceeding pro se, and because judicial efficiency will not be furthered by enforcing the procedural bar, the Court elects to consider Defendant's Motion on the merits. The Court finds that the facts as to Defendant's involvement with cocaine, in the quantity assigned at sentencing, were sufficient to support the sentence.

**3. Bunch had ineffective counsel on appeal because the issues in (1) and (2), supra, were not raised on direct appeal, and because counsel filed an "Anders" brief.**

Bunch protests that his lawyer did not address the issues which have been addressed in this motion. "Even if counsel believe that the issues are 'frivolous' he is still bound by law and code of ethics to present the best possible argument in behalf of his or her client." Memorandum in Support of Motion at 8. The Court rejected Defendant's arguments in this Motion regarding application of the sentencing guidelines and drug quantity. Had these issues been raised by Defendant's counsel, it is extraordinarily implausible that they would have held any more merit than as presented by Defendant. The duty of counsel to "present the best possible argument" does not mean that counsel has a duty to present every possible argument. Furthermore, contrary to Defendant's assertion, counsel does not have a duty to present "frivolous" arguments.

Defendant argues that his counsel's failure to file a timely appeal violated his right to due process:

[the Tenth Circuit] examined the timely filing of the Petitioner's Notice of Appeal by his trial counsel, and the following was discovered "It is clear this Court lacks jurisdiction to hear and decide this appeal" (citation omitted).

At this point the Petitioner argues that his right to Effective Assistance of Counsel on first appeal was violated according to Evitts v. Lucey, 469 U.S. 387, 396-99 (1985); and United States v. Frady, (456 U.S. 152 (1982)).

Memorandum in Support of Motion at 10.

The Court refers Defendant to the final lines of the Tenth Circuit's opinion which denied his appeal:

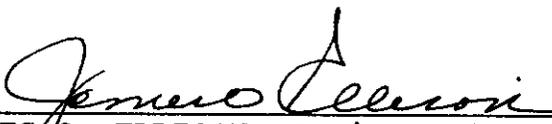
[i]t is clear this court lacks jurisdiction to hear and decide this appeal. *This court has nevertheless examined the record on appeal. There is no merit to Mr. Bunch's appeal.*

Bunch, 28 F.2d at 113 (table) (Order and Judgment at 2).

Because the Circuit Court examined the merits of Defendant's appeal, any claim of ineffective assistance of counsel based on counsel's tardy filing of the appeal is moot.

IT IS THEREFORE ORDERED that Defendant's Motion (docket #137) is hereby denied.

So ORDERED this 7<sup>th</sup> day of March, 1995.

  
\_\_\_\_\_  
JAMES O. ELLISON, Senior Judge  
UNITED STATES DISTRICT COURT

*cu*

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

MAR 7 - 1995

UNITED STATES OF AMERICA

v.

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA  
Case Number 94-CR-140-001-C

ROBYN LANETTE CARTWRIGHT  
Defendant.

ENTERED ON DOCKET  
DATE 3-7-95

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

The defendant, ROBYN LANETTE CARTWRIGHT, was represented by William D. Lunn.

The defendant pleaded guilty on November 21, 1994, to count(s) 1 and 2 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiracy to Commit Mail Fraud	01/27/93	1
18:1341 & 2(b)	Mail Fraud and Causing a Criminal Act	12/23/91	2

As pronounced on March 2, 1995, 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.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for count(s) 1 and 2 of the Indictment, which shall be due immediately.

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

Signed this the 7<sup>th</sup> day of March, 1995.

*H. Dale Cook*  
The Honorable H. Dale Cook  
United States District Judge

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.

Defendant's SSN: 441-68-6938

Defendant's Date of Birth: 06/18/68

Defendant's residence and mailing address: 694 E. 61st #13, Tulsa, Oklahoma 74136

Richard M. Lawrence, Clerk  
*R. Miller*  
Deputy

Defendant: ROBYN LANETTE CARTWRIGHT  
Case Number: 94-CR-140-001-C

### PROBATION

The defendant is hereby placed on probation for a term of 5 years as to each count to run concurrently.

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; shall comply with the standard conditions that have been adopted by this court (set forth below); and shall comply with the following additional conditions:

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 4 months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF PROBATION

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 seventy-two 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: ROBYN LANETTE CARTWRIGHT  
Case Number: 94-CR-140-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$5,000 as to Count 1.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Mid-Continent Casualty Company 1620 South Boulder Tulsa, Oklahoma 74103	\$ 862.51
State Farm Insurance Company 10956 Audelia Road Dallas, Texas 75243	\$1,062.95
Equity Fire and Casualty Company 1204 S. Harvard Tulsa, Oklahoma 74112	\$1,573.34
Atlanta Casualty Company P. O. Box 81168 Atlanta, Georgia 30366	\$1,458.91
Employers Mutual Companies 1702 N. Collins Blvd., Suite 200 Richardson, Texas 75080	\$ 42.29

Payments of restitution are to be made to the United States Attorney for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

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

Defendant: ROBYN LANETTE CARTWRIGHT  
Case Number: 94-CR-140-001-C

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months - Cts. 1 & 2
Supervised Release Range:	2 to 3 years - Cts. 1 & 2
Fine Range:	\$ 1,000 to \$ 10,000 - Cts 1 & 2
Restitution:	\$ NA

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

Full restitution is not ordered for the following reason(s): Defendant's inability to pay.

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.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

MAR 6 - 1995

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

United States of America, )  
 )  
 Plaintiff )  
 )  
 v. )  
 )  
 Brett Finney )  
 )  
 Defendant )

Case No.: 94-CR-072-001-C

DATE 3-7-95

ORDER REVOKING SUPERVISED RELEASE

Now on this 2nd day of March, 1995, this cause comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed January 12, 1995. The defendant is present in person and represented by counsel, Regina Stephenson. The Government is represented by Assistant United States Attorney John Russell, and the United States Probation Office is represented by Frank M. Coffman.

Pursuant to the Sentencing Reform Act of 1984, the Court finds that the instant offense and the violations noted in the Petition on Supervised Release filed January 12, 1995, 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), and that the defendant'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 the Court.

Richard M. Lawrence, Clerk  
By R. Miller  
Deputy

original criminal history category of II is applicable for determining the imprisonment range. In addition, the Court finds that Grade C violations and a criminal history category of II establish a revocation imprisonment range of four to ten months, in accordance with U.S.S.G. § 7B1.4(a) and Title 18, U.S.C. § 3583(e). In consideration of these findings and pursuant to U.S. v. Lee, 957 F 2d 770 (10th Cir., 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 the judgment of the Court that the defendant, Brett Finney., is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of seven months. It is recommended that the U.S. Bureau of Prisons place the defendant at a facility where the defendant's drug and alcohol problems may be addressed. The previous order of restitution remains in effect and a part of this judgement.

The defendant is remanded to the custody of the U.S. Marshal's Service.

  
The Honorable H. Dale Cook  
United States District Judge

UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**  
MAR 01 1995

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

UNITED STATES OF AMERICA )  
Plaintiff )  
VS )  
KIMBERLY SUE HAMILTON )  
Defendant )

Case Number: 94-CR-056-001-B

ENTERED ON FILE  
MAR 02 1995

ORDER REVOKING PROBATION

Now on this 27th day of February, 1995, this cause comes on for sentencing after finding that the defendant violated a standard probation condition which prohibits commission of a state crime, as set out in the Petition on Probation filed on January 12, 1995. The defendant is present in person and with her attorney, William Lunn. The Government is represented by Assistant United States Attorney Neal Kirkpatrick, and the United States Probation Office is represented by Ann Farley.

The defendant was heretofore convicted on her plea of guilty to Count One of a three-count Indictment which charged her with Conspiracy to Utter a Stolen U.S. Treasury Check, in violation of 18 U.S.C. § 371. She was sentenced on August 4, 1994, to three years probation. The standard conditions of probation were imposed, as were the special conditions that the defendant shall participate in a mental health treatment program as directed by the probation officer, as well as serve the first two months in community confinement at the Freedom House in Tulsa, Oklahoma. The defendant was released from community confinement on October 6, 1994.

79

A revocation hearing was conducted on January 30, 1995, with a finding that the defendant violated a condition of her probation as presented in the Petition on Probation. Therefore, pursuant to the Sentencing Reform Act of 1984, the Court finds that the violation occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guidelines is applicable. Further, the Court finds that the violation of probation constitutes a Grade B violation in accordance with U.S.S.G. § 7B1.1(a)(2), and that the defendant's original criminal history category of II is applicable for determining the imprisonment range. In addition, the Court finds that a Grade B violation and a criminal history category of II establish a revocation imprisonment range of six months in accordance with U.S.S.G. § 7B1.4(a)(b)(3) and 18 U.S.C. § 3565(a). In consideration of these findings and pursuant to U.S. vs. Lee, 957 F 2d 770 (10th Cir. 1992), in which the courts determined that the policy statements in Chapter 7 were not mandatory but must be considered by the Court, the following sentence is ordered:

The defendant is hereby committed to the custody of the Bureau of Prisons to be imprisoned for a term of four months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of three years. Within 72 hours of release from the custody of the Bureau of Prisons, the defendant shall report in person to the probation office in the district to which she is released. While on supervised release, the defendant shall not commit another federal, state, or local crime, shall comply with the standard conditions that have been adopted by this Court, and shall comply with the following additional conditions:

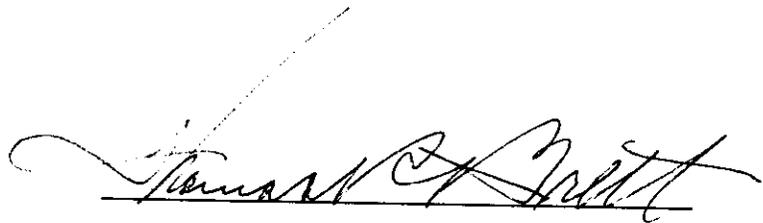
The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the probation officer, until such time as released from the program by the probation officer.

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

The defendant shall not change residences without the prior approval of the probation officer.

The defendant shall pay any unpaid portion of her prior \$250 fine, for which the interest has been waived, as directed by the probation officer.

Voluntary surrender to the Bureau of Prisons is allowed and the defendant is ordered to report to the designated Bureau of Prisons placement no later than April 3, 1995, at 11:00 a.m.



The Honorable Thomas R. Brett, Chief  
United States District Judge

March / 31, 1995  
Date