

FILED

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

APR 28 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-137-003-E

ENTERED ON DOCKET

DATE 4/28/95

WILLIAM JOSEPH CONROY
Defendant.

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

The defendant, WILLIAM JOSEPH CONROY, was represented by Keith Ward.

On motion of the United States the court has dismissed counts 2,5 and 20 of the Indictment.

The defendant pleaded guilty on January 20, 1995, to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846 & 841(a)(1)	Conspiracy to Possess with Intent to Distribute and to Distribute Marihuana	09/19/94	1

As pronounced on April 25, 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 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 27th day of April, 1995.


The Honorable James O. Ellison
Chief United States District Judge

Defendant's SSN: 367-64-9526
Defendant's Date of Birth: 12/16/66
Defendant's residence and mailing address: 1227 Commonwealth Circle, Naples, Florida 33942

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

Richard M. Lawrence, Clerk
By Richard M. Lawrence
Deputy

Defendant: WILLIAM JOSEPH CONROY
Case Number: 94-CR-137-003-E

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 6 months.

The Court makes the following recommendations to the Bureau of Prisons: That the Bureau of Prisons designate a Community Corrections facility offering programs for substance abuse treatment as the place of confinement.

The defendant is remanded to the custody of the United States Marshal and shall remain in said custody pending designation of the place of confinement by the Bureau of Prisons, and upon designation shall be released to self-surrender at the place of designation within forty-eight hours of his release from the custody of the U.S. Marshal Service.

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: WILLIAM JOSEPH CONROY
Case Number: 94-CR-137-003-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 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 be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 6 months, to commence within 72 hours of release from 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. The entire cost of this program shall be paid by the defendant.
6. 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: WILLIAM JOSEPH CONROY
Case Number: 94-CR-137-003-E

FINE

The defendant shall pay a fine of \$ 2,000. 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: WILLIAM JOSEPH CONROY
Case Number: 94-CR-137-003-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:	12
Criminal History Category:	I
Imprisonment Range:	10 months to 16 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
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

APR 28 1995

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

UNITED STATES OF AMERICA

v.

RESENTENCING
Case Number 92-CR-081-001-B

ENTERED ON DOCKET

DATE 4/28/95

DANA LAMAR JAMES
Defendant.

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

The defendant, DANA LAMAR JAMES, was represented by Stanley Monroe.

The defendant pleaded guilty on September 24, 1992, to count(s) One and Two of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841(a)(1) 21 USC 841(b)(1)(B)	Distribution of Cocaine	01/07/92	1
21 USC 843(b)	Use of a Communication Facility to Facilitate Commission of a Felony	01/07/92	2

As pronounced on April 21, 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) One and Two of the Indictment, which shall be due immediately.

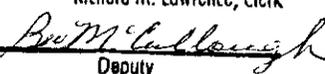
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 27th day of April, 1995.


James O. Ellison
United States District Judge

Defendant's SSN: 440-82-6908
Defendant's Date of Birth: 07/03/72
Defendant's mailing address: El Reno Federal Correctional Institution; El Reno, OK
Defendant's residence address: 432 East 28th Street North; Tulsa, OK 74106

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

Richard M. Lawrence, Clerk
By 
Deputy

Defendant: DANA LAMAR JAMES
Case Number: 92-CR-081-001-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. 63 months on Count One of the Indictment and 48 months on Count Two of the Indictment, each to run concurrently with each other, and concurrently with the term of imprisonment imposed in 92-CR-087-002-E.

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: DANA LAMAR JAMES
Case Number: 92-CR-081-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 years. 4 years on Count One of the Indictment, and 1 year on Count Two of the Indictment, each to run concurrently with the other and concurrently with the term of supervised release imposed in case number 92-CR-087-002-E.

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: DANA LAMAR JAMES
Case Number: 92-CR-081-001-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 \$ 2,500 in Count One. 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: DANA LAMAR JAMES
Case Number: 92-CR-081-001-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	Counts 1, 2
Criminal History Category:	I	
Imprisonment Range:	63 months to 78 months	Counts 1, 2
Supervised Release Range:	4 to 5 years	Count 1
	1 year	Count 2
Fine Range:	\$ 12,500 to \$ 4,000,000	Counts 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.

F I L E D

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

APR 28 1995

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

UNITED STATES OF AMERICA

v.

RESENTENCING
Case Number 92-CR-087-002-E

ENTERED ON DOCKET

DANA LAMAR JAMES
Defendant.

DATE 4/28/95

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

The defendant, DANA LAMAR JAMES, was represented by Stanley Monroe.

The defendant has been found not guilty on count Two of the Indictment and is discharged as to such count. IT IS ORDERED that the Defendant is acquitted and discharged, and any bond is exonerated.

The defendant was found guilty on count One of the Indictment on October 23, 1992, after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count, involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 841(a)(1) 21 USC 841(b)(1)(B) 18 USC 2	Distribution of Cocaine Base; and Aiding and Abetting	12/17/91	1

As pronounced on April 21, 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 \$ 50, for count One 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 April, 1995.


James O. Ellison
United States District Judge

Defendant's SSN: 440-82-6908
Defendant's Date of Birth: 07/03/72
Defendant's mailing address: El Reno Federal Correctional Institution; El Reno, OK
Defendant's residence address: 432 East 28th Street North; Tulsa, OK 74106

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

Richard M. Lawrence, Clerk
By 
Deputy

Defendant: DANA LAMAR JAMES
Case Number: 92-CR-087-002-E

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 Count One of the Indictment, to run concurrently with the terms of imprisonment imposed in 92-CR-081-001-B.

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: DANA LAMAR JAMES
Case Number: 92-CR-087-002-E

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 years. 4 years on Count One of the Indictment, to run concurrently with the terms of supervised release imposed in case number 92-CR-081-001-B.

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: DANA LAMAR JAMES
Case Number: 92-CR-087-002-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:	26
Criminal History Category:	I
Imprisonment Range:	63 months to 78 months
Supervised Release Range:	4 to 5 years
Fine Range:	\$ 12,500 to \$ 4,000,000
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.

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FILED

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

APR 27 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-173-001-BU

LARKIN B. RYAL
Defendant.

ENTERED ON DOCKET

DATE 4-27-95

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

The defendant, LARKIN B. RYAL, was represented by Keith Ward.

The defendant pleaded guilty to count(s) 1 on January 26, 1995, of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1014	False Statement to a Financial Institution	5/24/93	1

As pronounced on April 17, 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 \$ 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 27 day of April, 1995.



Michael Burrage
United States District Judge

Defendant's SSN: 446-68-5602

Defendant's Date of Birth: 03-24-59

Defendant's residence and mailing address: 5215 S. Wheeling Ave., Tulsa, Oklahoma 74105

Defendant: LARKIN B. RYAL
Case Number: 94-CR-173-001-BU

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for 0 months.

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: LARKIN B. RYAL
Case Number: 94-CR-173-001-BU

SUPERVISED RELEASE

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

While on supervised release, the defendant shall not commit another federal, state, or local crime; 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: LARKIN B. RYAL
Case Number: 94-CR-173-001-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:	4
Criminal History Category:	I
Imprisonment Range:	0 to 6 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 250 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

FILED
APR 27 1995 *rm*

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-172-001-C

ENTERED ON DOCKET
DATE 4-27-95

CATHY M. DOWNEY
Defendant.

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

The defendant, CATHY M. DOWNEY, was represented by Keith Ward.

The defendant pleaded guilty to count(s) 1 and 2 of the Information on January 12, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1344(1)	Bank Fraud	08/24/93	1
26 USC 7206(1)	False Federal Income Tax Statement	03/13/93	2

As pronounced on April 25, 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) One and Two 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 27 day of April, 1995.

H. Dale Cook

H. Dale Cook
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 R. Middleton
Deputy

Defendant's SSN: 448-50-4159

Defendant's Date of Birth: 05/08/50

Defendant's residence and mailing address: 202 South B. Avenue, Cleveland, Oklahoma 74020

Defendant: CATHY M. DOWNEY
Case Number: 94-CR-172-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 32 months as to counts 1 and 2, said counts to run concurrently each to the other.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on May 22, 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: CATHY M. DOWNEY
Case Number: 94-CR-172-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years as to Count 1, and 1 year as to Count 2, both counts 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 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 not accept any employment which would provide her access to the employers cash, bank accounts, or other negotiable assets.

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: CATHY M. DOWNEY
Case Number: 94-CR-172-001-C

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in Count One in the total amount of \$36,765.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Spres Oil Company 200 S. Broadway Cleveland, Oklahoma 74020	\$36,765

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.

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

Defendant: CATHY M. DOWNEY
Case Number: 94-CR-172-001-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:	22
Criminal History Category:	I
Imprisonment Range:	41 months to 51 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 10,000 to \$ 3,229,368
Restitution:	\$ 36,765

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

The sentence departs from the guideline range for the following reason(s): Due to extraordinary acceptance of responsibility, pursuant to USSG § 5K2.0.

10/14

aw

FILED

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

APR 27 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-159-001-BU

DAVID WAYNE GRUBB
Defendant.

ENTERED ON DOCKET

DATE 4/27/95

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

The defendant, DAVID WAYNE GRUBB, was represented by Roy W. Byars.

The defendant was found guilty on count(s) 1 of the Indictment on January 18, 1995 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

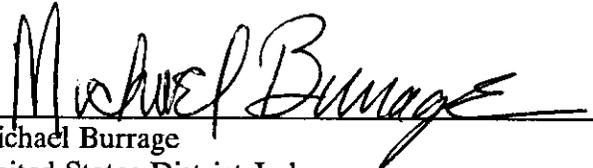
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)(1) and 924(a)(2)	Possession of a Firearm After Former Conviction of a Felony	7/25/94	1

As pronounced on April 17, 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 \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

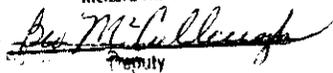
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 27 day of April, 1995.


Michael Burrage
United States District Judge

Defendant's SSN: 442-74-8722
Defendant's Date of Birth: 01-16-63
Defendant's mailing address: 10929 E. 23rd St., Tulsa, Oklahoma 74129
Defendant's residence address: C/O Tulsa County Jail, 500 So. Denver, Tulsa, Oklahoma 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
on 4/27/95

Richard M. Lawrence, Clerk
By 
Deputy

Defendant: DAVID WAYNE GRUBB
Case Number: 94-CR-159-001-BU

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 235 months.

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: DAVID WAYNE GRUBB
Case Number: 94-CR-159-001-BU

SUPERVISED RELEASE

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

While on supervised release, the defendant shall not commit another federal, state, or local crime; 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: DAVID WAYNE GRUBB
Case Number: 94-CR-159-001-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:	33
Criminal History Category:	IV
Imprisonment Range:	235 months to 293 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 17,500 to \$ 175,000
Restitution:	\$ N/A

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):

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): That the low end of the guideline range reflects the seriousness of the offense, his past criminal history, and the likelihood of recidivism.

UNITED STATES DISTRICT COURT **F I L E D**
Northern District of Oklahoma

APR 27 1995

UNITED STATES OF AMERICA

v.

Case Number 94-CR-152-001

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

LOUIS D. TIMMERMAN
Defendant.

ENTERED ON DOCKET
DATE 4/27/95

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

The defendant, LOUIS D. TIMMERMAN, was represented by Mark D. Lyons.

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

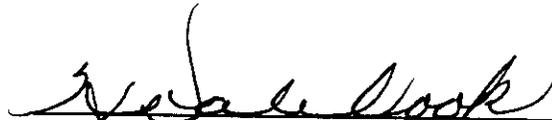
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341	Mail Fraud	09/01/90	1

As pronounced on April 25, 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 1 of the Information, which shall be due immediately.

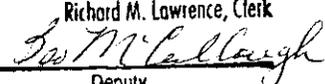
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the _____ day of _____, 1995.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 443-76-8960
Defendant's Date of Birth: 02/14/62
Defendant's residence and mailing address: 25105 East Pine Street, Catoosa, Oklahoma 74015

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: LOUIS D. TIMMERMAN
Case Number: 94-CR-152-001-C

PROBATION

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

While on probation, the defendant shall not commit another federal, state, or local crime; shall not illegally possess a controlled substance; 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.

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: LOUIS D. TIMMERMAN
Case Number: 94-CR-152-001-C

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 \$ 1,000. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of Probation.

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: LOUIS D. TIMMERMAN
Case Number: 94-CR-152-001-C

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$7,788.14.

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 Insurance Company P.O. Box 1409 Tulsa, Oklahoma 74101 Attention: Jerald Hunter	\$7,788.14

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: LOUIS D. TIMMERMAN
Case Number: 94-CR-152-001-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:	7
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ 7,788.14

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
GARY D. UNDERWOOD,)
)
Defendant.)

No. 93-CR-97-E ✓

ENTERED ON DOCKET

DATE APR 26 1995

FILED

APR 24 1995

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

O R D E R

Now before the Court is the Motion for Reduction of Sentence for Changed Circumstances under Fed.R.Crim.P. 35(b) (Docket #185), and the Defendant's Application for Immediate Ruling on Rule 35 (Docket #186).

The Plaintiff, United States of America seeks the reduction of Gary D. Underwood's sentence of 16 months custody, 3 years supervised release and \$1,500 fine to reflect the Defendant's substantial assistance in the prosecution of another person who has committed an offense. The government requests the Court to reduce Underwood's sentence of imprisonment only to "time served," and does not seek the reduction of the supervised release term or the fine. The government bases its motion on a letter from Assistant United States Attorney Kit Morrissey from the Southern District of Illinois. Attorney Morrissey stated that she believed that Mr. Underwood's testimony was complete and thoroughly truthful and that it was also critical to the conviction of John Follman.

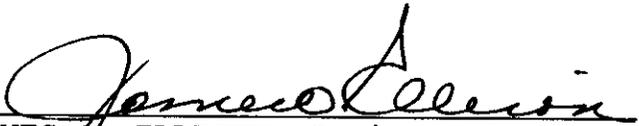
The Court finds that the Motion for Reduction of Sentence is well-founded and should be granted, as is the Application for

186

Immediate Ruling.

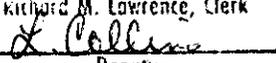
The Motion for Reduction of Sentence (Docket #185) is Granted, Defendants' sentence of imprisonment only is reduced to "time served," and the Application for Immediate Ruling (Docket #186) is Granted.

ORDERED this 24th day of April, 1995.


JAMES C. ELLISON, Senior Judge
UNITED STATES DISTRICT COURT

United States District Court) SS
Northern District of Oklahoma)

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

Richard M. Lawrence, Clerk
By 
Deputy

FILED

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

APR 26 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-083-B

KENNETH CODY JACKSON
Defendant.

ENTERED ON DOCKET
DATE APR 26 1995

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

The defendant, KENNETH CODY JACKSON, was represented by Stephen Greubel during trial and Jeffrey Fischer during sentencing.

The defendant was found guilty in October 18, 1994, on count(s) 1, 2, 3, & 4 of the Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:2119	Armed Car Jacking	11/29/93	1
18:924(c)(1)	Possession of a Firearm During a Violent Crime	11/29/93	2
18:922(g)(1) & 924(a)(2)	Possession of a Firearm After Former Conviction of a Felony	11/29/93	3
18:922(g)(2) & 924(a)(2)	Possession of a Firearm by a Fugitive From Justice	11/29/93	4

As pronounced on April 14, 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 \$ 200, for count(s) 1, 2, 3, 4 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.

United States District Court
Northern District of Oklahoma)
Signed this the 25 day of April, 1995.

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

By Richard M. Lawrence, Clerk

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

Defendant's SSN: None
Defendant's Date of Birth: 09/24/74
Defendant's residence and mailing address: Oklahoma Department of Corrections, Connor Correctional Center, P. O. Box 220, Hominy, Oklahoma

Defendant: KENNETH CODY JACKSON
Case Number: 94-CR-083-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 180 months as to Count 1; 120 months as to Counts 3 and 4, to run concurrently with sentence imposed in Count 1. Pursuant to the provisions of USSG §5G1.3(a), because the offenses in Counts 1, 3, and 4 were committed while the defendant was serving a term of imprisonment, including escape status, the sentences for these counts shall run consecutively to the undischarged term of imprisonment. In this case, the undischarged term of imprisonment was the ten year sentence imposed in Tulsa County, Oklahoma, District Court, Case No. CF-92-1798. Therefore, the sentences for Counts 1, 3, and 4 shall run consecutively to the sentence imposed in Tulsa County CF-92-1798. However, because the defendant has already received an incremental punishment for the escape offense in Oklahoma County, Oklahoma, District Court Case No. CRF-93-6745, and his possession of a stolen vehicle in Muskogee, Oklahoma, District Court Case No. CF-93-1030, the sentences in Counts 1, 3, and 4 of this Federal case shall run concurrently with those two state sentences.

As to Count 2, it is hereby ordered that the defendant be committed to the custody of the Bureau of Prisons for a term of 60 months, to run consecutively to the terms of imprisonment imposed in Counts 1, 3, and 4 and the previously described terms of Imprisonment imposed in state courts.

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: KENNETH CODY JACKSON

Case Number: 94-CR-083-B

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.

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: KENNETH CODY JACKSON
Case Number: 94-CR-083-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 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. During incarceration, one-half of the defendant's pay should be used to pay restitution and the fine.

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: KENNETH CODY JACKSON
Case Number: 94-CR-083-B

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$350.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Jami Campbell 6321 North Main Street Tulsa, Oklahoma	\$350

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.

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

Defendant: KENNETH CODY JACKSON
Case Number: 94-CR-083-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:	30
Criminal History Category:	VI
Imprisonment Range:	168 months to 210 months - Cts. 1, 3, & 4 60 months - Ct. 2
Supervised Release Range:	2 to 3 years - Cts. 1, 2, 3, & 4
Fine Range:	\$ 15,000 to \$ 150,000
Restitution:	\$ 350

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 reason(s): In determining a sentence within the range, the court considered the undischarged terms of imprisonment previously imposed, the defendant's lengthy criminal record, and the fact that he will also receive a five year consecutive term of imprisonment on Count 2.

cw
FILED

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

APR 25 1995

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

UNITED STATES OF AMERICA

AMENDED SENTENCING DATE
Case Number 94-CR-171-001-B

v.

ENTERED ON DOCKET
DATE APR 26 1995

RONALD HUGH HUTTON
Defendant.

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

The defendant, RONALD HUGH HUTTON, was represented by Don J. Gutteridge, Jr.

The defendant pleaded guilty to count(s) One & Two of the Information on January 13, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1014	FALSE STATEMENT TO BANK	12/5/91	1
26 USC 7206(1)	MAKING & SUBSCRIBING A FALSE U.S. INDIVIDUAL INCOME TAX RETURN	11/24/92	2

As pronounced on April 14, 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 2 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 25 day of April, 1995.

United States District Court)
Northern District of Oklahoma) **SS**

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

Richard M. Lawrence, Clerk

By [Signature]
Deputy

[Signature]
Thomas R. Brett, Chief
United States District Judge

Defendant's SSN: 448-42-3546

Defendant's Date of Birth: 7/16/46

Defendant's residence and mailing address: 2601 N.W. 160th Terrace, Oklahoma City, Oklahoma 73034

Defendant: RONALD HUGH HUTTON
Case Number: 94-CR-171-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 21 months on each of Counts One and Two, both counts to run concurrently each to the other.

The Court makes the following recommendations to the Bureau of Prisons: Recommend that the Bureau of Prisons designate El Reno Camp as the place of confinement.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 11:00 a.m. May 22, 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: RONALD HUGH HUTTON
Case Number: 94-CR-171-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to Count One; one year as to Count Two, both counts 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 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: RONALD HUGH HUTTON
Case Number: 94-CR-171-001-B

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution as to count 2 of the Information to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank IV, Oklahoma N.A. Attn: Asa Adamson P.O. Box 2360 Tulsa, Oklahoma 74103	\$50,000.00

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.

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

Defendant: RONALD HUGH HUTTON
Case Number: 94-CR-171-001-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:	16
Criminal History Category:	I
Imprisonment Range:	21 months to 27 months, Cts. 1 & 2
Supervised Release Range:	3 to 5 years, Ct. 1 1 year, Ct. 2

Fine Range:	\$ 5,000 to \$ 2,627,354, Cts. 1 & 2
Restitution:	\$1,045,189

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

Less than full restitution was ordered due to 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.

CW

FILED

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

APR 25 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-137-002-E

ENTERED ON DOCKET

DATE 4/25/95

FRANCISCO JAVIER GARCIA
Defendant.

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

The defendant, FRANCISCO JAVIER GARCIA, was represented by R. Lynn Thompson.

On motion of the United States the court has dismissed count(s) 1, 2, and 14 of the Indictment.

The defendant pleaded guilty on January 13, 1995, to count(s) 4 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1952	Interstate Travel to Facilitate a Narcotics Enterprise	09-15-94	4

As pronounced on April 21, 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) 4 of the Indictment, which shall be due immediately.

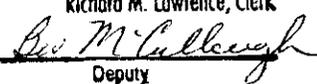
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 24th day of April, 1995.


The Honorable James O. Ellison
United States District Judge

Defendant's SSN: 457-49-6799
Defendant's Date of Birth: 03/23/73
Defendant's residence and mailing address: 1195 Delpha, Brownsville, Texas

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: FRANCISCO JAVIER GARCIA
Case Number: 94-CR-137-002-E

IMPRISONMENT

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

The Court makes the following recommendations to the Bureau of Prisons: Allow the defendant to serve his sentence at Federal Prison in Three Rivers, Texas, and to get treatment for substance abuse while there.

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: FRANCISCO JAVIER GARCIA
Case Number: 94-CR-137-002-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 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: FRANCISCO JAVIER GARCIA
Case Number: 94-CR-137-002-E

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 \$ 2,500. 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: FRANCISCO JAVIER GARCIA
Case Number: 94-CR-137-002-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:	23
Criminal History Category:	III
Imprisonment Range:	57 months to 60 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 10,000 to \$ 100,000
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.

cw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-054-001-B

RICHARD CARVER
Defendant.

ENTERED ON DOCKET
APR 20 1995
DATE _____

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

The defendant, RICHARD CARVER, was represented by Patrick A. Williams.

On motion of the United States the court has dismissed Count 2 of the Superseding Indictment.

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

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841(a)(1) and 841(b)(1)(C)	Possession of Controlled Substance With Intent to Distribute Cocaine	2-4-94	1

As pronounced on April 14, 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 \$ 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.

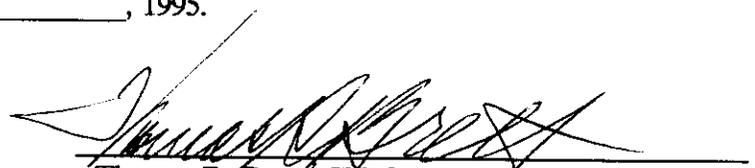
Signed this the 18 day of April, 1995.

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


Thomas R. Brett, Chief
United States District Judge

Defendant's SSN: 443-50-3130

Defendant's Date of Birth: 04-33-49

Defendant's residence and mailing address: 3500 West Apache, Tulsa, Oklahoma 74127

Defendant: RICHARD CARVER
Case Number: 94-CR-054-001-B

PROBATION

The defendant is hereby placed on probation for a term of three (3) 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 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.
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 120 days, (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 perform 200 hours of community service during the first 18 months of probation. This community service can be performed during the 120 days of home confinement, and may, in part, be satisfied by the defendant's direct participation in demonstrations and presentations of the drug abuse video program produced by the defendant at the direction of the Court.

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: RICHARD CARVER
Case Number: 94-CR-054-001-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 as directed by the U.S. Probation Office during the period of probation.

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 CARVER
Case Number: 94-CR-054-001-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:	12
Criminal History Category:	I
Imprisonment Range:	10 months to 16 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 3,000 to \$ 1,000,000
Restitution:	\$ N/A

The sentence departs from the guideline range for the following reason(s): Because there is a unique combination of mitigating factors in this case of a kind and to a degree not adequately considered by the U.S. Sentencing Commission when the guidelines were formulated, the Court finds that a downward departure is warranted.

That combination of factors includes the following: The defendant's aberrant conduct as exhibited by his lack of prior criminal record; his long history of stable employment; his family responsibilities; his rehabilitative efforts and abstinence from illegal drugs since his arrest; and his unique ability to perform a valuable community service as exhibited by the defendant's production and proposed distribution of a drug prevention video program.

Based on these mitigating factors, the Court finds that a term of probation with appropriate conditions is justified in this case. Therefore, the Court departs downward to an offense level of 9. The corresponding guideline range of 4 to 10 months permits a sentence of probation provided that a special condition of home detention or community confinement is also imposed.

aw

FILED

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

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-164-001-B

JERRY LEE HENSLEY
Defendant.

ENTERED ON DOCKET
APR 20 1995
DATE _____

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

The defendant, JERRY LEE HENSLEY, was represented by Steve Knorr.

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

The defendant pleaded guilty on January 11, 1995, to count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341	Mail Fraud	06/05/93	1

As pronounced on April 14, 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 \$ 50, for count 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 18 day of April, 1995.

United States District Court)
Northern District of Oklahoma) SS

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

Richard M. Lawrence, Clerk

By [Signature]
Deputy

[Signature]
The Honorable Thomas R. Brett
Chief United States District Judge

Defendant's SSN: 444-50-1158

Defendant's Date of Birth: 12/10/48

Defendant's residence and mailing address: 4848 South Darlington, #609, Tulsa, Oklahoma 74135

Defendant: JERRY LEE HENSLEY
Case Number: 94-CR-164-001-B

PROBATION

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

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 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 1 week 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. If so directed, 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.
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 perform 120 hours of community service within the first year of supervision as directed by the Probation Office. The defendant shall complete no less than 8 hours per month.

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: JERRY LEE HENSLEY
Case Number: 94-CR-164-001-B

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$4,375.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Club's Choice Inc. 2715 Hogarth Street Eau Claire, Wisconsin 54703 Attention: Scott Reffett	\$4,375

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: JERRY LEE HENSLEY
Case Number: 94-CR-164-001-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:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 4,375

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.

dw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

APR 18 1995

UNITED STATES OF AMERICA

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

v.

Case Number 94-CR-096-001-B

FRANK GERALD BURNS
Defendant.

ENTERED ON DOCKET
APR 20 1995
DATE _____

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

The defendant, FRANK GERALD BURNS, was represented by Jo Stanley Glenn.

The defendant pleaded guilty to count 1 of the Indictment on January 9, 1995. 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 922(g)(1) and 924(a)(2)	Possession of a Firearm After Former Conviction of a Felony	02/10/94	1

As pronounced on April 14, 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 18 day of April, 1995.

United States District Court)
Northern District of Oklahoma) SS

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

Richard M. Lawrence, Clerk

By [Signature]
Deputy

[Signature]
Thomas R. Brett, Chief
United States District Judge

Defendant's SSN: 444-76-4620
Defendant's Date of Birth: 07/27/63
Defendant's mailing address: RT. 1, BOX 430 SAND SPRINGS, OKLAHOMA 74063
Defendant's residence address: C/O TULSA COUNTY JAIL, 500 SOUTH DENVER, TULSA, OKLAHOMA 74103

Defendant: FRANK GERALD BURNS
Case Number: 94-CR-096-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 40 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: FRANK GERALD BURNS

Case Number: 94-CR-096-001-B

SUPERVISED RELEASE

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

While on supervised release, the defendant shall not commit another federal, state, or local crime; 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.
6. 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: FRANK GERALD BURNS
Case Number: 94-CR-096-001-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 \$ 1,500. This fine shall be paid 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, as directed by the U.S. Probation office.

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

Defendant: FRANK GERALD BURNS
Case Number: 94-CR-096-001-B

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except: The Court finds the defendant did not possess a firearm in connection with a felony crime; and accordingly, will not apply USSG 2K2.1(b)(5).

Guideline Range Determined by the Court:

Total Offense Level:	17
Criminal History Category:	IV
Imprisonment Range:	37 months to 46 months,
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 5,000 to \$ 50,000
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.

aw

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

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-169-001-B

LARRY JOE LEUELLEN
Defendant.

ENTERED ON DOCKET
DATE APR 19 1995

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

The defendant, LARRY JOE LEUELLEN, was represented by F. Eugene Hough.

The defendant pleaded guilty on January 6, 1995, to count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
26 USC 7201	Attempt to Evade or Defeat Tax	04/17/89	1

As pronounced on April 14, 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 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 18th day of April, 1995.

United States District Court)
Northern District of Oklahoma) SS

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

Richard M. Lawrence, Clerk

By [Signature]
Deputy

[Signature]
The Honorable Thomas R. Brett
Chief United States District Judge

Defendant's SSN: 492-40-1809

Defendant's Date of Birth: 02/20/38

Defendant's residence and mailing address: 1400 West Blue Star Drive, Apartment H-1, Claremore, Oklahoma 74017

Defendant: LARRY JOE LEUELLEN
Case Number: 94-CR-169-001-B

PROBATION

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

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 be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 60 days, to commence as determined by the Probation Office. 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. If so directed, 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.
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 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: LARRY JOE LEUELLEN
Case Number: 94-CR-169-001-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:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
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.

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

APR 18 1995

UNITED STATES OF AMERICA

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

v.

Case Number 94-CR-168-001-B

CAROLYN LEUELLEN
Defendant.

ENTERED ON DOCKET
APR 19 1995
DATE _____

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

The defendant, CAROLYN LEUELLEN, was represented by F. Eugene Hough.

The defendant pleaded guilty on January 6, 1995, to count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
26 USC 7201	Attempt to Evade or Defeat Tax	04/17/89	1

As pronounced on April 14, 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 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.

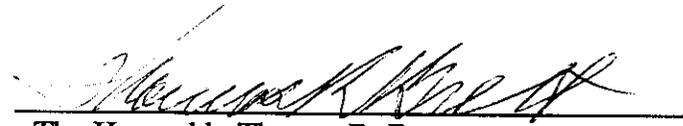
Signed this the 18 day of April, 1995.

United States District Court
Northern District of Oklahoma

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

Richard M. Lawrence, Clerk

By  Deputy



The Honorable Thomas R. Brett
Chief United States District Judge

Defendant's SSN: 441-44-2476

Defendant's Date of Birth: 06/24/46

Defendant's residence and mailing address: 1400 West Blue Star Drive, Apartment H-1, Claremore, Oklahoma 74017

Defendant: CAROLYN LEUELLEN
Case Number: 94-CR-168-001-B

PROBATION

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

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 be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 60 days, to commence as determined by the Probation Office. 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. If so directed, the defendant shall wear an electronic device and shall observe the rules specified by the Probation Office.
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 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: CAROLYN LEUELLEN
Case Number: 94-CR-168-001-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:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
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.

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-171-001-B

RONALD HUGH HUTTON
Defendant.

ENTERED ON DOCKET
DATE APR 19 1995

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

The defendant, RONALD HUGH HUTTON, was represented by Don J. Gutteridge, JR..

The defendant pleaded guilty to count(s) One & Two of the Information on January 13, 1995. 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 1014	FALSE STATEMENT TO BANK	12/5/91	1
26 USC 7206(1)	MAKING & SUBSCRIBING A FALSE U.S. INDIVIDUAL INCOME TAX RETURN	11/24/92	2

As pronounced on November 14, 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 2 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 18 day of April, 1995.

United States District Court)
Northern District of Oklahoma) SS

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

Richard M. Lawrence, Clerk

By

[Signature]

[Signature]
Thomas R. Brett, Chief
United States District Judge

Defendant's SSN: 448-42-3546

Defendant's Date of Birth: 7/16/46

Defendant's residence and mailing address: 2601 N.W. 160th TERRACE, OKLAHOMA CITY, OKLAHOMA 73034

Defendant: RONALD HUGH HUTTON
Case Number: 94-CR-171-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 21 months on each of Counts One and Two, both counts to run concurrently each to the other.

The Court makes the following recommendations to the Bureau of Prisons: Recommend that the Bureau of Prisons designate El Reno Camp as the place of confinement.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 11:00 a.m. May 22, 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: RONALD HUGH HUTTON
Case Number: 94-CR-171-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to Count One; one year as to Count Two, both counts 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.
1. 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: RONALD HUGH HUTTON
Case Number: 94-CR-171-001-B

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution as to count 2 of the Information to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank IV, Oklahoma N.A. Attn: Asa Adamson P.O. Box 2360 Tulsa, Oklahoma 74103	\$50,000.00

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.

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

Defendant: RONALD HUGH HUTTON
Case Number: 94-CR-171-001-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:	16
Criminal History Category:	I
Imprisonment Range:	21 months to 27 months, Cts. 1 & 2
Supervised Release Range:	3 to 5 years, Ct. 1 1 year, Ct. 2
Fine Range:	\$ 5,000 to \$ 2,627,354, Cts. 1 & 2
Restitution:	\$1,045,189

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

Less than full restitution was ordered due to 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.

F I L E D

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

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-088-001-E

ENTERED ON DOCKET

CALVIN SHARP ENRIGHT, II
Defendant.

DATE 4/19/95

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

The defendant, CALVIN SHARP ENRIGHT, II, was represented by C. Merle Gile.

The defendant pleaded guilty on June 24, 1994, to count(s) 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

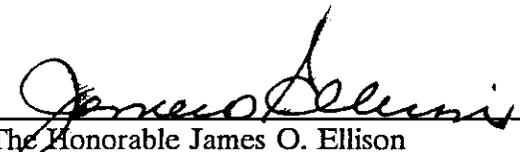
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
41:53 & 43 and 18:2	Anti-Kickback Act of 1986 and Aiding and Abetting	12/31/92	1

As pronounced on April 5, 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 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 15th day of April, 1995.


The Honorable James O. Ellison
United States District Judge

Defendant's SSN: 431-54-3564
Defendant's Date of Birth: 05/06/35
Defendant's residence and mailing address: 2307 NW Grand Blvd., Oklahoma City, OK 73116

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 Bruce M. Callaway
Deputy

Defendant: CALVIN SHARP ENRIGHT, II
Case Number: 94-CR-088-001-E

PROBATION

The defendant is hereby placed on probation for a term of three year(s) to run concurrently with term imposed in 94-CR-060-001-E and 94-CR-090-001-E.

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 three months in community confinement. The three month term is to commence at 12:00 p.m. on May 15, 1995, at a Community Corrections Center designated by the Bureau of Prisons. The defendant may be allowed to maintain employment while in community confinement.

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: CALVIN SHARP ENRIGHT, II
Case Number: 94-CR-088-001-E

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except the court finds the defendant was not an organizer and leader under USSG § 3B1.1(c), and reduces the offense level to level 13.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the fine imposed on the corporate defendant.

The sentence departs from the guideline range for the following reason(s): Pursuant to USSG §§ 5K2.0 and 5K2.10, due to overstatement of loss and misconduct of victim.

FILED

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

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-087-001-E

ENTERED ON DOCKET

ELECTRO ENTERPRISES, INC
Defendant.

DATE 4/19/95

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

The defendant, ELECTRO ENTERPRISES, INC, was represented by C. Merle Gile.

The defendant pleaded guilty on June 24, 1994, to count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
41 USC 53&54 and 18 USC 2	Anti-Kickback Act of 1986 and Aiding and Abetting	12/31/92	1

As pronounced on April 5, 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 \$ 200, for count 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 15th day of April, 1995.


The Honorable James O. Ellison
Senior United States District Judge

Defendant's SSN: N/A
Defendant's Date of Birth: N/A
Defendant's mailing address: P.O. Box 11456, Oklahoma City, OK 73136
Defendant's residence address: 3601 North I-35, Oklahoma City, OK 73136

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 Ben M. Callaway
Deputy

Defendant: ELECTRO ENTERPRISES, INC
Case Number: 94-CR-087-001-E

PROBATION

The defendant is hereby placed on probation for a term of 3 years to run concurrently with the terms imposed in 94-CR-060-003-E and 94-CR-090-003-E.

While on probation, the defendant shall not commit another federal, state, or local crime; 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. You shall make a written report to the U.S. Probation Office, at 6 month intervals, regarding the organization's progress in implementing the program to prevent and detect violations of the law. In those reports, you shall disclose any criminal prosecution, civil litigation, or administrative proceeding commenced against the organization, or any investigation or formal inquiry by governmental authorities of which the organization learned since its last report.
3. You shall submit to (A) a reasonable number of regular or unannounced examinations of your books and records at appropriate business premises by the probation officer or experts engaged by the Court; and (B) interrogation of knowledgeable individuals within the organization. Compensation to and costs of any experts engaged by the Court shall be paid by the organization.

The following additional conditions are imposed until such time as the fine and Special Monetary Assessment are paid in full:

1. You shall submit, at 6 months intervals, a written report to the U.S. Probation Officer regarding the organization's financial condition and results of business operations, and accounting for the disposition of all funds received.
2. You shall notify the U.S. Probation Officer immediately upon learning of (A) any material adverse change in you business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.

Defendant: ELECTRO ENTERPRISES, INC
Case Number: 94-CR-087-001-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:	15
Criminal History Category:	NA
Imprisonment Range:	NA
Supervised Release Range:	NA
Fine Range:	\$114,750 to \$214,750
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of imposition of a fine in 94-CR-060-003-E.

The sentence is within the guideline range, and the court finds no reason to depart from the sentence called for by application of the guidelines.

FILED

APR 18 1995

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 94-CR-084-001-E

ENTERED ON DOCKET

CALVIN SHARP ENRIGHT, III
Defendant.

DATE 4/19/95

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

The defendant, CALVIN SHARP ENRIGHT, III, was represented by Keith Ward.

The defendant pleaded guilty on June 24, 1994, to count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense:

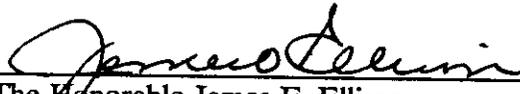
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
41 USC 53&54 and 18 USC 2	Anti-Kickback Act of 1986 and Aiding and Abetting.	12/31/92	1

As pronounced on April 5, 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 1 of the Information, which shall be due immediately.

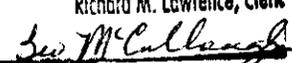
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 15th day of April, 1995.


The Honorable James E. Ellison
Senior United States District Judge

Defendant's SSN: 446-72-7000
Defendant's Date of Birth: 11/09/60
Defendant's residence and mailing address: 702 Shadow Glen, Southlake, TX 76092

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: CALVIN SHARP ENRIGHT, III
Case Number: 94-CR-084-001-E

PROBATION

The defendant is hereby placed on probation for a term of 3 years to run concurrently with terms imposed in 94-CR-60-002-E and 94-CR-90-002-E.

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 3 months in community confinement. The 3 month term to commence at 12:00 p.m. on May 15, 1995, at a Community Correction Center designated by the Bureau of Prisons. The defendant may be allowed to maintain employment while in community confinement.
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. It is the recommendation of the Court that Calvin Sharp Enright, III, shall be permitted to provide his own daily transportation to and from the designated community confinement facility and his place of employment only.

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: CALVIN SHARP ENRIGHT, III
Case Number: 94-CR-084-001-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:	14
Criminal History Category:	I
Imprisonment Range:	15 months to 21 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 4,000 to \$ 40,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of imposition of a fine in 94-CR-60-001-E.

The sentence departs from the guideline range upon motion of the government, as a result of defendant's substantial assistance, and pursuant to USSG §§ 5K2.0 and 5K2.10 due to overstatement of the loss and victim misconduct.

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR 14 1995 *RL*

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

Case Number: 88-CR-

88-CR-144-B ✓

ENTERED ON DOCKET

DATE APR 18 1995

UNITED STATES OF AMERICA)
Plaintiff)
VS)
ALONZO KAVEN STEWART)
Defendant)

ORDER REVOKING TERM OF SUPERVISED RELEASE

Now on this 7th day of April, 1995, this cause comes on for sentencing after finding that the defendant violated his term of supervised release conditions as set out in the Petition on Supervised Release filed on January 4, 1995. The defendant is present in person and with his attorney, Richard Couch. The Government is represented by Assistant United States Attorney Lucy Creekmore and the United States Probation Office by Ann Farley.

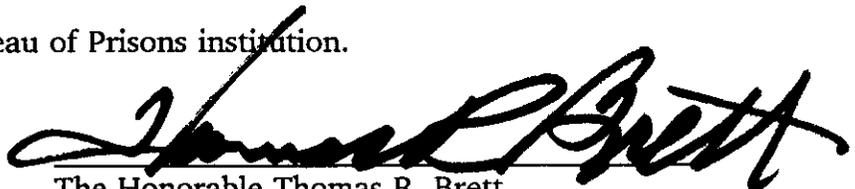
The defendant was heretofore convicted on his plea of guilty to Count One of a two-count Indictment which charged him with Receipt and Possession of a Firearm After Former Conviction of a Felony, in violation of 18 U.S.C. § 922(g)(1). He was sentenced on June 1, 1989, to eighteen months in the custody of the U.S. Bureau of Prisons followed by a three year term of supervised release. The standard conditions of supervision were imposed. The defendant was released from the custody of the U.S. Bureau of Prisons on November 18, 1992.

A revocation hearing was conducted on March 6, 1995, before this Court on behalf of the Honorable H. Dale Cook regarding the allegations noted in the Petition on Supervised Release filed on January 4, 1995. The Court determined that the evidence supported a finding that the defendant was in possession of a .22 caliber pistol, in violation of Conditions No. 1 and No. 16 of the Conditions of Supervised Release, and revoked the defendant's supervision. Sentencing was set for April 7, 1995.

On April 7, 1995, as a result of the sentencing hearing, the Court found that the violations of supervised release occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guidelines was applicable. Further, the Court found that the violations of supervised release constitute a Grade B violation and thus necessitate revocation, in accordance with U.S.S.G. § 7B1.3(a)(1), and that the defendant's original criminal history category of IV was applicable for determining the imprisonment range. In addition, the Court found that a Grade B violation and a Criminal History Category of IV establish an imprisonment range of twelve to eighteen months pursuant to U.S.S.G § 7B1.4(a). 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 7 are not mandatory but must be considered by the Court, the following is ordered:

The defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of six (6) months, which is to run consecutively to the Northern District of Oklahoma Case No. 94-CR-055-001-E.

The defendant is remanded to the custody of the United States Marshal for transportation to the designated Bureau of Prisons institution.



The Honorable Thomas R. Brett
Chief United States District Judge

Date

4-13-95

FILED

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-090-003-E

ELECTRO ENTERPRISES, INC
Defendant.

ENTERED ON DOCKET

DATE 4/18/95

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

The defendant, ELECTRO ENTERPRISES, INC, was represented by C. Merle Gile.

The defendant pleaded guilty on June 24, 1994, to count 1 of the Information. 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 1341 and 1346	Mail Fraud	02/04/91	1

As pronounced on April 5, 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 \$ 200, for count 1 of the Information, which shall be due immediately.

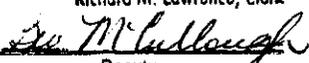
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 15th day of April, 1995.


The Honorable James O. Ellison
Senior United States District Judge

Defendant's SSN: N/A
Defendant's Date of Birth: N/A
Defendant's mailing address: P.O. Box 11456, Oklahoma City, OK 73136
Defendant's residence address: 3601 North I-35, Oklahoma City, OK 73136

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 
Reputy

Defendant: ELECTRO ENTERPRISES, INC
Case Number: 94-CR-090-003-E

PROBATION

The defendant is hereby placed on probation for a term of 3 years to run concurrently with the terms imposed in 94-CR-060-003-E and 94-CR-087-001-E.

While on probation, the defendant shall not commit another federal, state, or local crime; 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. You shall make a written report to the U.S. Probation Office, at 6 month intervals, regarding the organization's progress in implementing the program to prevent and detect violations of the law. In those reports, you shall disclose any criminal prosecution, civil litigation, or administrative proceeding commenced against the organization, or any investigation or formal inquiry by governmental authorities of which the organization learned since its last report.
3. You shall submit to (A) a reasonable number of regular or unannounced examinations of your books and records at appropriate business premises by the probation officer or experts engaged by the Court; and (B) interrogation of knowledgeable individuals within the organization. Compensation to and costs of any experts engaged by the Court shall be paid by the organization.

The following additional conditions are imposed until such time as the fine and Special Monetary Assessment are paid in full:

1. You shall submit, at 6 months intervals, a written report to the U.S. Probation Officer regarding the organization's financial condition and results of business operations, and accounting for the disposition of all funds received.
2. You shall notify the U.S. Probation Officer immediately upon learning of (A) any material adverse change in you business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.

Defendant: ELECTRO ENTERPRISES, INC
Case Number: 94-CR-090-003-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:	15
Criminal History Category:	NA
Imprisonment Range:	NA
Supervised Release Range:	NA
Fine Range:	\$114,750 to \$214,750
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of imposition of a fine in 94-CR-060-003-E.

The sentence is within the guideline range, 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**

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-090-002-E

ENTERED ON DOCKET

CALVIN SHARP ENRIGHT, III
Defendant.

DATE 4/18/95

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

The defendant, CALVIN SHARP ENRIGHT, III, was represented by Keith Ward.

The defendant pleaded guilty on June 24, 1994, to count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense:

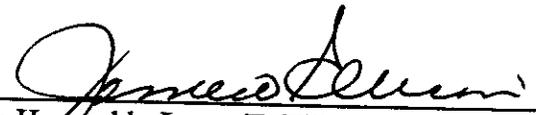
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341 and 1346	Mail Fraud	02/04/91	1

As pronounced on April 5, 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 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 15th day of April, 1995.


The Honorable James E. Ellison
Senior United States District Judge

Defendant's SSN: 446-72-7000
Defendant's Date of Birth: 11/09/60
Defendant's residence and mailing address: 702 Shadow Glen, Southlake, TX 76092

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 Dev M. Callough
Deputy

Defendant: CALVIN SHARP ENRIGHT, III
Case Number: 94-CR-090-002-E

PROBATION

The defendant is hereby placed on probation for a term of 3 years to run concurrently with terms imposed in 94-CR-60-002-E and 94-CR-84-001-E.

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 3 months in community confinement. The 3 month term to commence at 12:00 p.m. on May 15, 1995, at a Community Correction Center designated by the Bureau of Prisons. The defendant may be allowed to maintain employment while in community confinement.
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. It is the recommendation of the Court that Calvin Sharp Enright, III, shall be permitted to provide his own daily transportation to and from the designated community confinement facility and his place of employment only.

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: CALVIN SHARP ENRIGHT, III
Case Number: 94-CR-090-002-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:	14
Criminal History Category:	I
Imprisonment Range:	15 months to 21 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 4,000 to \$ 40,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of imposition of a fine in 94-CR-60-001-E.

The sentence departs from the guideline range upon motion of the government, as a result of defendant's substantial assistance, and pursuant to USSG §§ 5K2.0 and 5K2.10 due to overstatement of the loss and victim misconduct.

FILED

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

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-090-001-E

ENTERED ON DOCKET

DATE 4/18/95

CALVIN SHARP ENRIGHT, II
Defendant.

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

The defendant, CALVIN SHARP ENRIGHT, II, was represented by C. Merle Gile.

The defendant pleaded guilty on June 24, 1994, to count(s) 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

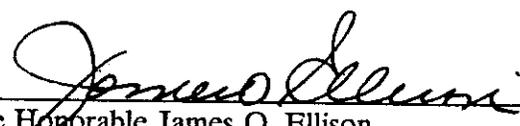
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1341 & 1346	Mail Fraud	2/4/91	1

As pronounced on April 5, 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 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 15th day of April, 1995.

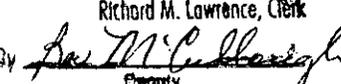

The Honorable James O. Ellison
United States District Judge

Defendant's SSN: 431-54-3564

Defendant's Date of Birth: 05/06/35

Defendant's residence and mailing address: 2307 NW Grand Blvd., Oklahoma City, OK 74136

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 
Clerk

Defendant: CALVIN SHARP ENRIGHT, II
Case Number: 94-CR-090-001-E

PROBATION

The defendant is hereby placed on probation for a term of three year(s) to run concurrently with the term imposed in 94-CR-60-001-E and 94-CR-88-001-E.

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 three months in community confinement. The three month term is to commence at 12:00 p.m. on May 15, 1995, at a Community Corrections Center designated by the Bureau of Prisons. The defendant may be allowed to maintain employment while in community confinement.

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: CALVIN SHARP ENRIGHT, II
Case Number: 94-CR-090-001-E

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except the court finds the defendant was not an organizer and leader under USSG § 3B1.1(c), and reduces the offense level to level 13.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the fine imposed on the corporate defendant.

The sentence departs from the guideline range for the following reason(s): Pursuant to USSG §§ 5K2.0 and 5K2.10, due to overstatement of loss and misconduct of victim.

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

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-060-003-E

ENTERED ON DOCKET

**ELECTRO ENTERPRISES, INC.
Defendant.**

DATE 4/18/95

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

The defendant, ELECTRO ENTERPRISES, INC., was represented by C. Merle Gile.

The defendant pleaded guilty on June 24, 1994, to count(s) 1 and 2 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

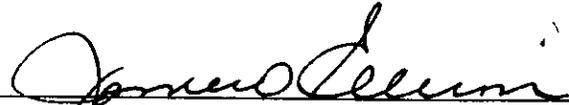
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiracy to Commit Violation of Anti-Kickback Act of 1986	1/1/88	1
18:1341 & 1346	Mail Fraud	1/1/88	1

As pronounced on April 5, 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 \$ 400, for count(s) 1 and 2 of the Information, which shall be due immediately.

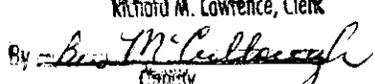
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 15th day of April, 1995.


The Honorable James O. Ellison
United States District Judge

Defendant's SSN: N/A
Defendant's Date of Birth: N/A
Defendant's mailing address: P. O. Box 11456, Oklahoma City, OK 73136
Defendant's residence address: 3601 N. I-35, Oklahoma City, OK 73136

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 
Clerk

Defendant: ELECTRO ENTERPRISES, INC.
Case Number: 94-CR-060-003-E

PROBATION

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

While on probation, the defendant shall not commit another federal, state, or local crime; 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. You shall make a written report to the U.S. Probation Office, at 6 month intervals, regarding the organization's progress in implementing the program to prevent and detect violations of the law. In those reports, you shall disclose any criminal prosecution, civil litigation, or administrative proceeding commenced against the organization, or any investigation or formal inquiry by governmental authorities of which the organization learned since its last report.
3. You shall submit to (A) a reasonable number of regular or unannounced examinations of your books and records at appropriate business premises by the probation officer or experts engaged by the Court; and (B) interrogation of knowledgeable individuals within the organization. Compensation to and costs of any experts engaged by the Court shall be paid by the organization.

The following additional conditions are imposed until such time as the fine and Special Monetary Assessment are paid in full:

1. You shall submit, at 6 months intervals, a written report to the U.S. Probation Officer regarding the organization's financial condition and results of business operations, and accounting for the disposition of all funds received.
2. You shall notify the U.S. Probation Officer immediately upon learning of (A) any material adverse change in you business or financial condition or prospects, or (B) the commencement of any bankruptcy proceeding, major civil litigation, criminal prosecution, or administrative proceeding against the organization, or any investigation or formal inquiry by governmental authorities regarding the organization.

Defendant: ELECTRO ENTERPRISES, INC.
Case Number: 94-CR-060-003-E

FINE

The defendant shall pay a fine of \$ 114,750. This fine shall be paid in four equal installments paid quarterly beginning in May 1995.

This amount is the total of the fines imposed on individual counts, as follows: \$114,750 as to Count 1.

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: ELECTRO ENTERPRISES, INC.
Case Number: 94-CR-060-003-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:	15
Criminal History Category:	N/A
Imprisonment Range:	N/A
Supervised Release Range:	N/A
Fine Range:	\$ 114,750 to \$ 214,750
Restitution:	\$ N/A

The sentence is within the guideline range, and the court finds no reason to depart from the sentence called for by application of the guidelines.

FILED

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

APR 17 1995

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID WAYNE GRUBB,)
)
 Defendant.)

Case No. 94-CR-159-BU

ENTERED ON DOCKET

DATE APR 18 1995

ORDER

This matter comes before the Court upon the pro se motion of Defendant, David Wayne Grubb, for new trial based upon ineffective assistance of counsel.¹ Plaintiff, United States of America, has responded to the motion and Defendant has replied thereto. Upon due consideration of the parties' submissions and the record herein, the Court makes its determination.²

In his motion, Defendant seeks a new trial claiming that his trial counsel's performance was ineffective. Defendant presents a litany of complaints concerning his trial counsel, including

¹Based upon the filing of the instant motion, Defendant's trial counsel, Stephen Greubel, filed a motion to withdraw as counsel for Defendant. The Court granted the motion and ordered the Federal Public Defender to submit the name of a private attorney for appointment to represent Defendant in any further proceedings. R.W. Byars was subsequently appointed to represent Defendant.

²In his reply, Defendant appears to request an evidentiary hearing. As discussed infra., Defendant has not stated a colorable claim for ineffective assistance of counsel. Indeed, Defendant has not alleged any specific facts and circumstances outside the record which, if proven, would entitle him to a new trial based upon ineffective assistance of counsel. Therefore, the Court finds that an evidentiary hearing is not necessary. United States v. Sands, 968 F.2d 1058, 1066 (10th Cir. 1992).

alleged failures (1) to call a fingerprint expert, (2) to call only two out of five defense witnesses, (3) to prepare testifying witnesses for trial, (4) to object to Plaintiff's treatment of testifying witnesses, (5) to make any objections during trial, (6) to conduct redirect examination as to testifying defense witnesses, (7) to ask questions of witnesses requested by Defendant, (8) to object to Defendant's father standing up during closing argument and stating he was David Grubb also and (9) to obtain a full outcome of cross-examination of Mr. DeVoe. He complains that his trial counsel's case load was too heavy to give Defendant's case proper attention and investigation. Defendant further complains of the investigation performed by the investigator for trial counsel, the failure of his trial counsel to inform Defendant of rulings on motions and the failure of the county jail to provide him with legal materials. Finally, he complains of an alleged question asked by trial counsel to Plaintiff's counsel as to whether she could give Defendant the death penalty.

To establish that his trial counsel was constitutionally ineffective, Defendant must prove that his trial counsel's performance was deficient and that the deficient performance prejudiced Defendant's defense. Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674 (1984). To prove deficient performance, Defendant must show that his trial counsel "made errors so serious that counsel was not functioning as the 'counsel' guaranteed [Defendant] by the Sixth Amendment." Id. at 687, 104 S.Ct. at 2064. This requires a showing that trial

counsel's representation fell below an objective standard of reasonableness. Id. at 688, 104 S.Ct. at 2064. Strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable. Id. at 690, 104 S.Ct. at 2066. Furthermore, the Court "must indulge a strong presumption that the trial counsel's conduct falls within the wide range of reasonable professional assistance; that is, [Defendant] must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.'" Id. at 689, 104 S.Ct. at 2065 (quoting Michel v. Louisiana, 350 U.S. 91, 101, 76 S.Ct. 158, 164, 100 L.Ed. 83 (1955)).

If Defendant establishes a deficient performance, he must also demonstrate that his trial counsel's deficiency was prejudicial to his defense. To establish trial counsel's deficiency was prejudicial, Defendant must show that trial counsel's errors "were so serious as to deprive [him] of a fair trial, a trial whose result is reliable." Id. at 687, 104 S.Ct. at 2064. In this regard, Defendant must show that there is a reasonable probability that, but for trial counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome. Id. at 694, 104 S.Ct. at 2068.

Having reviewed the complaints of Defendant, the Court finds that Defendant is not entitled to a new trial based upon ineffective assistance of counsel. The Court finds that Defendant

has failed to establish either the performance or prejudice components of Strickland in regard to his complaints.

Defendant, in his motion, complains that his trial counsel failed to call a fingerprint expert in support of his defense. Defendant argues that Plaintiff's fingerprint expert's opinion was inconsistent with the American Academy of Forensic Sciences in regard to removing fingerprints off of firearms. Defendant asserts that his trial counsel should not have relied upon Plaintiff's expert in establishing his defense.

In regard to this complaint, the Court finds that Defendant has failed to overcome the presumption that the challenged action of not obtaining a fingerprint expert was sound trial strategy. The Court also notes that Plaintiff's fingerprint expert testified that no fingerprints were removed from the subject firearm. Such testimony was not incriminating to Defendant. The Court also notes that Defendant has failed to specify how the fingerprint expert's opinion was inconsistent with the American Academy of Forensic Sciences. Furthermore, the Court opines that trial counsel's cross-examination of Plaintiff's fingerprint expert was thorough.

Defendant complains that only two of five witnesses were called on behalf of Defendant, that they were not prepared by trial counsel, that trial counsel failed to object to Plaintiff's counsel putting down the witnesses and that trial counsel failed to conduct redirect examination of the witnesses. As to the absent witnesses, Defendant has failed to provide their identity and has failed to provide the probable testimony of these witnesses. He also has

failed to explain the prejudice by the lack of their testimony. The Court notes that Defendant's trial counsel subpoenaed three of the witnesses that Plaintiff called at trial. Defendant's trial counsel cross-examined them at trial. It thus appears that trial counsel did in fact use five witnesses for Defendant. In regard to the witnesses that were specifically called as defense witnesses, Defendant has failed to state how the witnesses were unprepared and how the witnesses were "put down" by Plaintiff's counsel. The Court finds that Defendant has failed to show that trial counsel's performance was unreasonable or prejudicial. As to redirect examination of the witnesses, the Court finds that Defendant has failed to overcome that this might be considered sound trial strategy.

Defendant next complains that his trial counsel failed to ask certain questions of defense witnesses requested by Defendant. The Court, however, again concludes that trial counsel's failure to ask such questions did not fall below the objective standard of reasonableness. Moreover, the Court finds that Defendant has failed to show that the lack of such questions prejudiced his trial.

Additionally, Defendant contends that his trial counsel was ineffective because he would not object to anything through the course of the trial. The Court, however, finds this allegation too general to establish that his trial counsel's performance was unreasonable. A mere failure to object to evidence does not render counsel ineffective. Yarrington v. Davies, 992 F.2d 1077, 1080

(10th Cir. 1993). The Court finds that Defendant has failed to identify any specific objections which should have been made by trial counsel. In addition, the Court finds that Defendant has failed to demonstrate how the lack of such objections prejudiced the outcome of his trial.

Defendant also complains that his trial counsel's performance was deficient in regard to the cross-examination of Mr. DeVoe. He contends that trial counsel made a "big deal" about Mr. DeVoe changing his testimony. Defendant states that his trial counsel would not release Mr. DeVoe as a witness and requested the transcript of the suppression hearing. Defendant complains that there was never a full outcome of Mr. DeVoe's testimony.

The Court finds that Defendant has failed to overcome the presumption that the decision not to pursue impeachment of Mr. DeVoe after reviewing the suppression hearing transcript was not sound trial strategy. The Court also finds that Defendant has failed to show that the decision resulted in the required prejudice.

Defendant additionally complains that his trial counsel was deficient in failing to object when Defendant's father stood up during trial counsel's closing argument and stated that he was David Grubb also. The Court, however, finds that Defendant has failed to overcome the presumption that trial counsel's failure to object was sound trial strategy or that it prejudiced Defendant's trial.

Defendant also that his trial counsel did not give his case proper attention due to case overload. The Court, however, disagrees. The Court finds that trial counsel's performance did not fall below the objective standard of reasonableness.³

In addition, Defendant complains that the investigation conducted by the investigator for his trial counsel was very poor. Specifically, Defendant complains that the investigator failed to investigate and uncover the fact that 25 to 75 other persons had access to Defendant's room in the months of June and July of 1994. Defendant contends that such testimony should have been presented by trial counsel. Defendant, however, fails to provide any of the names of the 25 to 75 persons who allegedly had access to Defendant's room. Moreover, three witnesses, who worked at the business where Defendant lived, testified at trial that Defendant was the only person who had control of his room. The Court finds that Defendant has failed to show that his trial counsel's investigation was deficient or prejudicial.

Defendant further alleges that his trial counsel failed to inform him of rulings made on motions filed by trial counsel or the outcome of the jury instructions. The Court finds such complaint without merit. Even if Defendant did not receive a copy of the

³In his reply, Defendant alleges that his trial counsel used Plaintiff's specialists, specifically Alcohol, Tobacco and Firearm agents, to investigate matters that should have been investigated by specialists for Defendant. In particular, Defendant points to the matter of authenticity of the firearm at issue. Defendant, however, has not specified how authenticity was an issue in this case and how trial counsel's failure to obtain a specialist to determine authenticity would have changed the outcome of this trial.

Court's Order addressing the pretrial motions, Defendant was present in the courtroom when the Court rendered its rulings on the pretrial motions. As to the jury instructions, the Court does not understand the basis of Defendant's complaint. The Court, however, finds that even if Defendant did not consult Defendant in regard to the jury instructions, Defendant has failed to show that such error caused the outcome of the trial to be different.

Defendant further complains that the county jail did not provide Defendant with legal materials or access to a law library. The Court finds, however, that the county jail was not required to provide Defendant with access to legal materials or a law library since Defendant had been appointed legal counsel to represent him at his trial. Love v. Summit County, 776 F.2d 908, 913-914 (10th Cir. 1985), cert. denied, 479 U.S. 814 (1986) (access to law library is not essential if alternative sources of legal assistance are available).

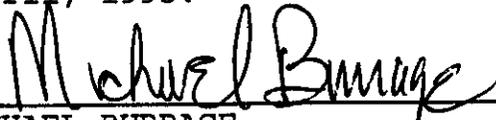
Finally, Defendant alleges that his trial counsel told him that he had asked Plaintiff's counsel if she could give Defendant the death penalty. Although Defendant states that trial counsel said he was not serious, he contends that this shows trial counsel's overall interest in Defendant's case. Plaintiff, in response, states that it recalls no such statement by Defendant's trial counsel.

The Court finds that trial counsel's statement, even if true, does not establish that trial counsel's performance was deficient. In addition, the Court finds such a statement incredible.

Defendant's trial counsel knows that the Court determines the sentence of a convicted defendant and not Plaintiff's counsel.

Based upon the foregoing, the Court DENIES Defendant's Motion for New Trial (Docket No. 22).

ENTERED this 17th day of April, 1995.



MICHAEL BURRAGE
UNITED STATES DISTRICT JUDGE

F I L E D

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

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-060-001-E

ENTERED ON DOCKET

DATE 4/18/95

CALVIN SHARP ENRIGHT, II
Defendant.

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

The defendant, CALVIN SHARP ENRIGHT, II, was represented by C. Merle Gile.

The defendant pleaded guilty on June 24, 1994, to count(s) 1 and 2 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiracy and Violation of Anti-Kickback Act of 1986	1-1-88	1
18:1341 & 1346	Mail Fraud	1-1-88	2

As pronounced on April 5, 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 \$ 100, for count(s) 1 and 2 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 15th day of April, 1995.

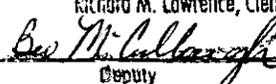

The Honorable James O. Ellison
United States District Judge

Defendant's SSN: 431-54-3564

Defendant's Date of Birth: 05/06/35

Defendant's residence and mailing address: 2307 NW Grand Blvd., Oklahoma City, OK 73116

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: CALVIN SHARP ENRIGHT, II
Case Number: 94-CR-060-001-E

PROBATION

The defendant is hereby placed on probation for a term of three 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 three months in community confinement. The three month term is to commence at 12:00 p.m. on May 15, 1995, at a Community Corrections Center designated by the Bureau of Prisons. The defendant may be allowed to maintain employment while in community confinement.

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: CALVIN SHARP ENRIGHT, II
Case Number: 94-CR-060-001-E

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except the court finds the defendant was not an organizer and leader under USSG § 3B1.1(c), and reduces the offense level to level 13.

Guideline Range Determined by the Court:

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months - Cts. 1 & 2
Supervised Release Range:	2 to 3 years - Cts. 1 & 2
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ N/A

The fine is waived or is below the guideline range because of the fine imposed on the corporate defendant.

The sentence departs from the guideline range for the following reason(s): Pursuant to USSG §§ 5K2.0 and 5K2.10, due to overstatement of loss and misconduct of victim.

v

FILED

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

APR 18 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-060-002-E

ENTERED ON DOCKET

CALVIN SHARP ENRIGHT, III
Defendant.

DATE 4/18/95

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

The defendant, CALVIN SHARP ENRIGHT, III, was represented by Keith Ward.

The defendant pleaded guilty on June 24, 1994, to counts 1 and 2 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

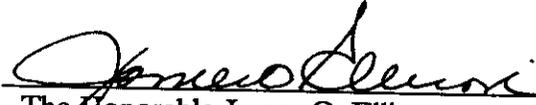
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy and Violation of Anti-Kickback Act of 1986	01/01/88	1
18 USC 1341 and 1346	Mail Fraud	01/01/88	2

As pronounced on April 5, 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 counts 1 and 2 of the Information, which shall be due immediately.

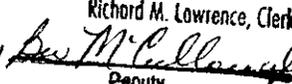
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 15th day of April, 1995.


The Honorable James O. Ellison
Senior United States District Judge

Defendant's SSN: 446-72-7000
Defendant's Date of Birth: 11/09/60
Defendant's residence and mailing address: 702 Shadow Glen, Southlake, TX 76092

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: CALVIN SHARP ENRIGHT, III
Case Number: 94-CR-060-002-E

PROBATION

The defendant is hereby placed on probation for a term of 3 years in counts 1 and 2 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.
3. The defendant shall serve 3 months in community confinement. The 3 month term to commence at 12:00 p.m. on May 15, 1995, at a Community Correction Center designated by the Bureau of Prisons. The defendant may be allowed to maintain employment while in community confinement.
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. It is the recommendation of the Court that Calvin Sharp Enright, III, shall be permitted to provide his own daily transportation to and from the designated community confinement facility and his place of employment only.

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: CALVIN SHARP ENRIGHT, III
Case Number: 94-CR-060-002-E

FINE

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 during the period of Probation.

This amount is the total of the fines imposed on individual counts, as follows: \$15,000 on count 1.

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: CALVIN SHARP ENRIGHT, III
Case Number: 94-CR-060-002-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:	14	
Criminal History Category:	I	
Imprisonment Range:	15 months to 21 months	(Cts. 1 and 2)
Supervised Release Range:	2 to 3 years	(Cts. 1 and 2)
Fine Range:	\$ 4,000 to \$ 40,000	(Cts. 1 and 2)
Restitution:	\$ N/A	

The sentence departs from the guideline range upon motion of the government, as a result of defendant's substantial assistance, and pursuant to USSG §§ 5K2.0 and 5K2.10 due to overstatement of the loss and victim misconduct.

W

FILED

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

APR 17 1995

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
DAVID WAYNE GRUBB,)
)
Defendant.)

Case No. 94-CR-159-BU

ENTERED ON DOCKET

DATE APR 18 1995

ORDER

This matter comes before the Court upon the pro se motion of Defendant, David Wayne Grubb, for new trial based upon ineffective assistance of counsel.¹ Plaintiff, United States of America, has responded to the motion and Defendant has replied thereto. Upon due consideration of the parties' submissions and the record herein, the Court makes its determination.²

In his motion, Defendant seeks a new trial claiming that his trial counsel's performance was ineffective. Defendant presents a litany of complaints concerning his trial counsel, including

¹Based upon the filing of the instant motion, Defendant's trial counsel, Stephen Greubel, filed a motion to withdraw as counsel for Defendant. The Court granted the motion and ordered the Federal Public Defender to submit the name of a private attorney for appointment to represent Defendant in any further proceedings. R.W. Byars was subsequently appointed to represent Defendant.

²In his reply, Defendant appears to request an evidentiary hearing. As discussed infra., Defendant has not stated a colorable claim for ineffective assistance of counsel. Indeed, Defendant has not alleged any specific facts and circumstances outside the record which, if proven, would entitle him to a new trial based upon ineffective assistance of counsel. Therefore, the Court finds that an evidentiary hearing is not necessary. United States v. Sands, 968 F.2d 1058, 1066 (10th Cir. 1992).

alleged failures (1) to call a fingerprint expert, (2) to call only two out of five defense witnesses, (3) to prepare testifying witnesses for trial, (4) to object to Plaintiff's treatment of testifying witnesses, (5) to make any objections during trial, (6) to conduct redirect examination as to testifying defense witnesses, (7) to ask questions of witnesses requested by Defendant, (8) to object to Defendant's father standing up during closing argument and stating he was David Grubb also and (9) to obtain a full outcome of cross-examination of Mr. DeVoe. He complains that his trial counsel's case load was too heavy to give Defendant's case proper attention and investigation. Defendant further complains of the investigation performed by the investigator for trial counsel, the failure of his trial counsel to inform Defendant of rulings on motions and the failure of the county jail to provide him with legal materials. Finally, he complains of an alleged question asked by trial counsel to Plaintiff's counsel as to whether she could give Defendant the death penalty.

To establish that his trial counsel was constitutionally ineffective, Defendant must prove that his trial counsel's performance was deficient and that the deficient performance prejudiced Defendant's defense. Strickland v. Washington, 466 U.S. 668, 687, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674 (1984). To prove deficient performance, Defendant must show that his trial counsel "made errors so serious that counsel was not functioning as the 'counsel' guaranteed [Defendant] by the Sixth Amendment." Id. at 687, 104 S.Ct. at 2064. This requires a showing that trial

counsel's representation fell below an objective standard of reasonableness. Id. at 688, 104 S.Ct. at 2064. Strategic choices made after thorough investigation of law and facts relevant to plausible options are virtually unchallengeable. Id. at 690, 104 S.Ct. at 2066. Furthermore, the Court "must indulge a strong presumption that the trial counsel's conduct falls within the wide range of reasonable professional assistance; that is, [Defendant] must overcome the presumption that, under the circumstances, the challenged action 'might be considered sound trial strategy.'" Id. at 689, 104 S.Ct. at 2065 (quoting Michel v. Louisiana, 350 U.S. 91, 101, 76 S.Ct. 158, 164, 100 L.Ed. 83 (1955)).

If Defendant establishes a deficient performance, he must also demonstrate that his trial counsel's deficiency was prejudicial to his defense. To establish trial counsel's deficiency was prejudicial, Defendant must show that trial counsel's errors "were so serious as to deprive [him] of a fair trial, a trial whose result is reliable." Id. at 687, 104 S.Ct. at 2064. In this regard, Defendant must show that there is a reasonable probability that, but for trial counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome. Id. at 694, 104 S.Ct. at 2068.

Having reviewed the complaints of Defendant, the Court finds that Defendant is not entitled to a new trial based upon ineffective assistance of counsel. The Court finds that Defendant

has failed to establish either the performance or prejudice components of Strickland in regard to his complaints.

Defendant, in his motion, complains that his trial counsel failed to call a fingerprint expert in support of his defense. Defendant argues that Plaintiff's fingerprint expert's opinion was inconsistent with the American Academy of Forensic Sciences in regard to removing fingerprints off of firearms. Defendant asserts that his trial counsel should not have relied upon Plaintiff's expert in establishing his defense.

In regard to this complaint, the Court finds that Defendant has failed to overcome the presumption that the challenged action of not obtaining a fingerprint expert was sound trial strategy. The Court also notes that Plaintiff's fingerprint expert testified that no fingerprints were removed from the subject firearm. Such testimony was not incriminating to Defendant. The Court also notes that Defendant has failed to specify how the fingerprint expert's opinion was inconsistent with the American Academy of Forensic Sciences. Furthermore, the Court opines that trial counsel's cross-examination of Plaintiff's fingerprint expert was thorough.

Defendant complains that only two of five witnesses were called on behalf of Defendant, that they were not prepared by trial counsel, that trial counsel failed to object to Plaintiff's counsel putting down the witnesses and that trial counsel failed to conduct redirect examination of the witnesses. As to the absent witnesses, Defendant has failed to provide their identity and has failed to provide the probable testimony of these witnesses. He also has

failed to explain the prejudice by the lack of their testimony. The Court notes that Defendant's trial counsel subpoenaed three of the witnesses that Plaintiff called at trial. Defendant's trial counsel cross-examined them at trial. It thus appears that trial counsel did in fact use five witnesses for Defendant. In regard to the witnesses that were specifically called as defense witnesses, Defendant has failed to state how the witnesses were unprepared and how the witnesses were "put down" by Plaintiff's counsel. The Court finds that Defendant has failed to show that trial counsel's performance was unreasonable or prejudicial. As to redirect examination of the witnesses, the Court finds that Defendant has failed to overcome that this might be considered sound trial strategy.

Defendant next complains that his trial counsel failed to ask certain questions of defense witnesses requested by Defendant. The Court, however, again concludes that trial counsel's failure to ask such questions did not fall below the objective standard of reasonableness. Moreover, the Court finds that Defendant has failed to show that the lack of such questions prejudiced his trial.

Additionally, Defendant contends that his trial counsel was ineffective because he would not object to anything through the course of the trial. The Court, however, finds this allegation too general to establish that his trial counsel's performance was unreasonable. A mere failure to object to evidence does not render counsel ineffective. Yarrington v. Davies, 992 F.2d 1077, 1080

(10th Cir. 1993). The Court finds that Defendant has failed to identify any specific objections which should have been made by trial counsel. In addition, the Court finds that Defendant has failed to demonstrate how the lack of such objections prejudiced the outcome of his trial.

Defendant also complains that his trial counsel's performance was deficient in regard to the cross-examination of Mr. DeVoe. He contends that trial counsel made a "big deal" about Mr. DeVoe changing his testimony. Defendant states that his trial counsel would not release Mr. DeVoe as a witness and requested the transcript of the suppression hearing. Defendant complains that there was never a full outcome of Mr. DeVoe's testimony.

The Court finds that Defendant has failed to overcome the presumption that the decision not to pursue impeachment of Mr. DeVoe after reviewing the suppression hearing transcript was not sound trial strategy. The Court also finds that Defendant has failed to show that the decision resulted in the required prejudice.

Defendant additionally complains that his trial counsel was deficient in failing to object when Defendant's father stood up during trial counsel's closing argument and stated that he was David Grubb also. The Court, however, finds that Defendant has failed to overcome the presumption that trial counsel's failure to object was sound trial strategy or that it prejudiced Defendant's trial.

Defendant also that his trial counsel did not give his case proper attention due to case overload. The Court, however, disagrees. The Court finds that trial counsel's performance did not fall below the objective standard of reasonableness.³

In addition, Defendant complains that the investigation conducted by the investigator for his trial counsel was very poor. Specifically, Defendant complains that the investigator failed to investigate and uncover the fact that 25 to 75 other persons had access to Defendant's room in the months of June and July of 1994. Defendant contends that such testimony should have been presented by trial counsel. Defendant, however, fails to provide any of the names of the 25 to 75 persons who allegedly had access to Defendant's room. Moreover, three witnesses, who worked at the business where Defendant lived, testified at trial that Defendant was the only person who had control of his room. The Court finds that Defendant has failed to show that his trial counsel's investigation was deficient or prejudicial.

Defendant further alleges that his trial counsel failed to inform him of rulings made on motions filed by trial counsel or the outcome of the jury instructions. The Court finds such complaint without merit. Even if Defendant did not receive a copy of the

³In his reply, Defendant alleges that his trial counsel used Plaintiff's specialists, specifically Alcohol, Tobacco and Firearm agents, to investigate matters that should have been investigated by specialists for Defendant. In particular, Defendant points to the matter of authenticity of the firearm at issue. Defendant, however, has not specified how authenticity was an issue in this case and how trial counsel's failure to obtain a specialist to determine authenticity would have changed the outcome of this trial.

Court's Order addressing the pretrial motions, Defendant was present in the courtroom when the Court rendered its rulings on the pretrial motions. As to the jury instructions, the Court does not understand the basis of Defendant's complaint. The Court, however, finds that even if Defendant did not consult Defendant in regard to the jury instructions, Defendant has failed to show that such error caused the outcome of the trial to be different.

Defendant further complains that the county jail did not provide Defendant with legal materials or access to a law library. The Court finds, however, that the county jail was not required to provide Defendant with access to legal materials or a law library since Defendant had been appointed legal counsel to represent him at his trial. Love v. Summit County, 776 F.2d 908, 913-914 (10th Cir. 1985), cert. denied, 479 U.S. 814 (1986) (access to law library is not essential if alternative sources of legal assistance are available).

Finally, Defendant alleges that his trial counsel told him that he had asked Plaintiff's counsel if she could give Defendant the death penalty. Although Defendant states that trial counsel said he was not serious, he contends that this shows trial counsel's overall interest in Defendant's case. Plaintiff, in response, states that it recalls no such statement by Defendant's trial counsel.

The Court finds that trial counsel's statement, even if true, does not establish that trial counsel's performance was deficient. In addition, the Court finds such a statement incredible.

Defendant's trial counsel knows that the Court determines the sentence of a convicted defendant and not Plaintiff's counsel.

Based upon the foregoing, the Court DENIES Defendant's Motion for New Trial (Docket No. 22).

ENTERED this 17th day of April, 1995.



MICHAEL BURRAGE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

APR 17 1995

UNITED STATES OF AMERICA

v.

Case Number 94-CR-167-001-C

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

MARCUS ALBARRAN
Defendant.

ENTERED ON DOCKET

DATE 4-17-95

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

The defendant, MARCUS ALBARRAN, was represented by STEPHEN J. GREUBEL.

The defendant pleaded guilty to count(s) I of the Information on December 12, 1994. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

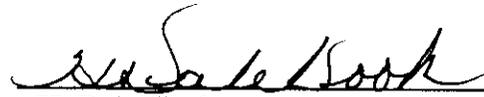
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 659	THEFT FROM INTERSTATE SHIPMENT	11/07/94	I

As pronounced on April 12, 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 \$ 50, for count(s) I 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 17th day of April, 1995.


H. Dale Cook
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 R. Miller
Deputy

Defendant's SSN: 572-98-5273

Defendant's Date of Birth: 11-24-54

Defendant's residence and mailing address: C/O TULSA COUNTY JAIL, 500 SO. DENVER, TULSA, OKLAHOMA 74103

Defendant: MARCUS ALBARRAN
Case Number: 94-CR-167-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 10 months.

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

The Court recommends that the defendant be placed in a facility that can adequately address the substance abuse and provide treatment for such during service of this sentence.

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: MARCUS ALBARRAN

Case Number: 94-CR-167-001-C

SUPERVISED RELEASE

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

While on supervised release, the defendant shall not commit another federal, state, or local crime; 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 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. 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: **MARCUS ALBARRAN**
Case Number: 94-CR-167-001-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:	7
Criminal History Category:	IV
Imprisonment Range:	8 months to 14 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ N/A

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):

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

F I L E D

APR 14 1995 *rm*

UNITED STATES OF AMERICA

v.

Case Number 94-CR-136-001-C

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

MIKE GARRISON
Defendant.

ENTERED ON DOCKET

DATE 4-14-95

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

The defendant, MIKE GARRISON, was represented by Stephen J. Knorr.

The defendant pleaded guilty on December 9, 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 & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:641	Embezzlement of Funds of the United States	09/30/91	1

As pronounced on April 11, 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 14th day of April, 1995.



The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 444-60-3184

Defendant's Date of Birth: 12/03/56

Defendant's residence and mailing address: 742 Park Plaza Dr. #F, Jenks, OK 74043

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: MIKE GARRISON
Case Number: 94-CR-136-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 8 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9 a.m. on May 15, 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: MIKE GARRISON
Case Number: 94-CR-136-001-C

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 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: MIKE GARRISON
Case Number: 94-CR-136-001-C

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$7,000.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Resolution Trust Corp. 4900 Main Street Kansas City, MO 64112	\$7,000

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.

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

Defendant: MIKE GARRISON
Case Number: 94-CR-136-001-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:	III
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 7,000

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

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

APR 7 1995

Le

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES RANDOLPH CARTER,)
)
 Defendants.)

Case No. 90-CR-141-E ✓

ENTERED ON DOCKET

DATE APR 12 1995

O R D E R

Now before the Court is the 28 U.S.C. §2255 Motion to Vacate, Set Aside, or Correct Sentence by a person in Federal Custody of the Defendant James Randolph Carter (Carter) (Docket # 18).

Carter pled guilty to one count of Possession of Methamphetamine with Intent to Distribute. He claims that his sentence should be reduced because of the type of methamphetamine relied on in the scoring of his sentence. Because two types of methamphetamine exist (D-methamphetamine and L-methamphetamine), and one type is scored more punitively than the other, Carter contends that the Government should have been required to prove which of the two types of methamphetamine he possessed. The Government indicted Defendant for possession of "methamphetamine" without reference to varieties "D" or "L," and offered no proof either before or during sentencing, as to which type of methamphetamine was involved. Carter argues that sentencing should have been scored based on the less-severe type of methamphetamine, because the drug was not tested to determine its type, and therefore, the Government did not carry its burden of proving that

the aggravating factor of D-methamphetamine existed.

Relying on United States v. Deninno, 29 F.3d 572 (10th Cir. 1994), *reh'g. denied* (August 8, 1994), the Government contends that failure to object to the type of methamphetamine at the sentencing stage constitutes waiver of the issue on appeal. Thus, the Government urges that Defendant is procedurally barred from appealing his sentence. The Government also notes that United States v. Patrick, 983 F.2d 206 (11th Cir. 1993), the case relied on by Defendant, is distinguishable in that Patrick did raise this issue at sentencing.

In Deninno, the court noted that the penalties associated with D-methamphetamine are severe, and that some proof on the issue is required. "We agree with the Eleventh Circuit that for sentencing '[t]here must be proof, not a play on words, to justify the added deprivation of liberty that follows the scoring of the drug as D-methamphetamine." Deninno at 580, citing Patrick at 209. The Tenth Circuit analyzed the trial court record, and found that the defendant never challenged the presentence report, which "clearly" calculated defendant's base offense level using D-methamphetamine. Furthermore, no objection was made by the defendant at sentencing. Deninno at 580, fn. 6. The court reasoned,

"[a]lthough the burden of proof is on the government, the burden of alleging factual inaccuracies of the presentence report is on the defendant. Federal Rule of Criminal Procedure 32(c)(3)(D). Failure to object to a fact in a presentence report, or failure to object at the hearing, acts as an admission of fact... Therefore, the issue was not properly preserved for appeal."

Deninno at 580.

The Tenth Circuit explained that because the defendant did not object in a timely fashion, the court was procedurally barred from considering the defendant's appeal.

The type of methamphetamine is a factual issue for the sentencing court to determine. Therefore, it would be reviewed for clear error if the defendant had properly made an objection. Since Mr. Deninno failed to object, the only appropriate standard of review is plain error. However, factual disputes do not rise to the level of plain error. United States v. Saucedo, 950 F.2d 1508, 1518 (10th Cir.1991). By failing to make any objections to the scoring of the methamphetamine, Mr. Deninno has in effect waived the issue for appeal.

Id. Moreover, the court in Deninno notes that the type of methamphetamine is not an element of the crime, therefore, there are no due process implications.

Defendant in this case did not object to sentencing in a timely manner. For the reasons stated in Deninno, this Court cannot consider Defendant's appeal of his sentence on this basis.

Defendant also argues that his sentence should be reduced because of an incorrect calculation by the Court concerning the amount of methamphetamine he was convicted of possessing. He claims that he possessed only 8 ounces of methamphetamine with a purity of 16%, which should have resulted in his being sentenced for possession of 1.28 ounces of "pure L-methamphetamine. He relies on the United States v. Carroll, 6 F.3d 735, 746 (11th Cir. 1993):

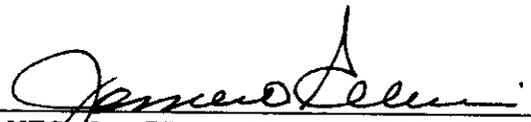
Likewise, we conclude that the only way to calculate the quantity of "Pure methamphetamine" in determining a defendant's base offense level under §2D1.1(c) is to multiple (sic) the purity of the mixture or substance times the weight of the mixture or substance."

While this statement is applicable to the determination of the amount of pure methamphetamine, it does not address the basis on which Defendant's guideline ranger was calculated. A footnote to

§2D1.1(c), which is recognized by the Carroll Court, however, states that "In the case of a mixture or substance containing PCP or methamphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the pure PCP or methamphetamine, whichever is greater." Pursuant to this footnote, Defendant's guideline range was properly calculated on the basis of the entire weight of the mixture or substance.

Defendant's Motion to Vacate, Set Aside, or Correct Sentence by a person in Federal Custody (Docket # 18) is denied.

SO ORDERED this 7th day of April, 1995.



JAMES O. ELLISON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

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

F I L E D

APR 4 - 1995 *Le*

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

CASE NO. 91-CR-158-C ✓

JERRY CRAIG COLEMAN,

Defendant.

ENTERED ON DOCKET

DATE APR 05 1995

ORDER ON DEFENDANT COLEMAN'S MOTION TO VACATE, SET ASIDE,
OR CORRECT SENTENCE UNDER 28 U.S.C § 2255

This cause comes before the Court on Defendant Coleman's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. The Court finds Defendant's motion unpersuasive. For the reasons stated below, therefore, this Court denies Defendant's motion.

FACTS

Defendant was tried and convicted on both counts of a two (2) count indictment. Defendant was convicted under Count I of armed bank robbery under 18 U.S.C. § 2113(d) and under Count II for possession of a firearm during a crime of violence under 18 U.S.C. § 924(c). Subsequently, this Court, pursuant to the Federal Sentencing Guidelines, sentenced Defendant to 322 months (262 months under § 2113(d) and 60 months under § 924(c)). Defendant appealed his conviction and sentence. The Court of Appeals for the Tenth Circuit affirmed this Court's judgment. United States v. Coleman, 9 F.3d 1480 (10th Cir. 1993).

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DISCUSSION

Defendant asserts four grounds in this motion. First, Defendant claims that the Government obtained a conviction of Defendant through improper evidence and false testimony. Second, Defendant contends that this Court erred in its imposition of Defendant's sentence under the Federal Sentencing Guidelines. Specifically, Defendant argues that this Court did not consider a downward departure, even though the Court possessed the authority to do so. Third, Defendant asserts that the bank security officer did not possess the probable cause to raise his weapon or to detain Defendant. Fourth, Defendant claims that Defendant was denied effective assistance of counsel.

I. IMPROPER CONVICTION

Defendant asserts that the Government obtained Defendant's conviction through the use of false testimony and improper evidence. Specifically, Defendant contends that the Government misled the jury regarding whether the circumstances involving the gun were dangerous. Defendant further states that, at the time of the bank robbery, the gun was not removed from the security guard's holster until after Defendant was detained outside the bank.

The Court of Appeals specifically found that the security officer's gun was not in the officer's gun holster. Coleman, 9 F.3d at 1483. Such a finding is not subject to collateral attack.

II. IMPROPER SENTENCE

Defendant contends that this Court erred in imposing Defendant's sentence under the Sentencing Guidelines because the Court possessed the authority to consider a downward departure in Defendant's sentence, and failed to do so.

The facts in the instant case are similar to the situation in United States v. Rodriguez, 30 F.3d 1318 (10th Cir. 1994). In Rodriguez, the defendant was convicted of possession with intent to distribute marijuana. The defendant appealed the trial court's denial of the defendant's request to grant a downward departure in sentencing. Rodriguez, 30 F.3d at 1318-19. Further, the defendant stated that the trial judge's language was ambiguous and evidenced that the judge misunderstood the discretionary authority to grant a downward departure. Rodriguez, 30 F.3d at 1319. The Court of Appeals found that no ambiguity existed and held:

[U]nless the judge's language **unambiguously** states that the judge does not believe he has the authority to downward depart, we will not review his decision. Absent such a misunderstanding on the sentencing judge's part, illegality, or an incorrect application of the guidelines, we will not review the denial of a downward departure.

Rodriguez, 30 F.3d at 1319.

In the instant case, the Court was well aware that it had the discretion to depart downward if it had a factual and legal basis for such a departure. The Court found that no legal or factual basis existed to allow a downward departure. The Court knew, therefore, that it was without discretion to do so. Any misunderstanding by defendant of the Court's statement in that regard is of no legal consequence.

III. LACK OF PROBABLE CAUSE

Defendant claims that the bank security officer lacked probable cause when the officer drew his gun and when he detained defendant.

This argument is meritless because a private bank security officer does not need probable cause to move his gun. Further, this issue should have been raised on direct appeal and is not a proper issue to raise in a §2255 proceeding.

IV. INEFFECTIVE ASSISTANCE OF COUNSEL

Finally, Defendant claims that he was denied effective assistance of counsel. The standard for effective assistance of counsel is stated in Strickland v. Washington, 466 U.S. 668, 687 (1984). In that case, the Supreme Court held that "[t]he benchmark for judging any claim of effectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result." Strickland, 466 U.S. at 689. The Court further explained that the proper standard for the measure of attorney performance is simple reasonableness under prevailing professional norms. Strickland, 466 U.S. at 689.

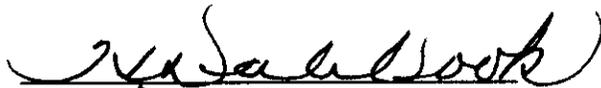
Therefore, to state a claim for ineffective assistance of counsel, a defendant must first identify acts or omissions that are not alleged to have been the result of reasonable professional judgement. Strickland, 466 U.S. at 690. Then the Court must determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professional competent assistance. Strickland, 466 U.S. at 690. In making that determination, a court should keep in mind that the counsel's function is to make the adversarial testing process work in the particular case, and also that there is a strong presumption that counsel has rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgement. Strickland, 466 U.S. at 691. If the court finds that counsel's performance was not within this standard, the defendant must then show that the counsel's unreasonable acts or omissions were prejudicial to the defense in order to constitute ineffective assistance of counsel under the Sixth Amendment to the Constitution. Strickland, 466 U.S. at 692.

Defendant alleges several acts which he claims constitute unreasonable acts or omissions including failure to investigate, failure to object to jury instructions, failure to obtain trial transcripts, refusal to subpoena a crucial witness, and failure to advise Defendant of potential plea agreements. The Court has considered separately each of these acts and omissions. From the Court's observation of Defendant's counsel at the pre-trial conference, trial, hearing, and other proceedings conducted before this Court, the Court

concludes that no basis exists for Defendant's claim. The Court finds that Defendant's counsel met the standard of reasonableness in providing effective assistance of counsel, thereby discharging his duties under the Sixth Amendment. In addition, this Court concludes that even if the alleged unreasonable acts or omissions had not met this standard, such acts and omissions neither prejudiced the defense nor would have altered the conclusion reached by the trial court. Defendant's claim of ineffective assistance of counsel, therefore, fails both prongs of the test in Strickland.

It is therefore the Order of the Court, that Defendant Coleman's motion to vacate, set aside, or correct sentence by person in federal custody under 28 U.S.C. § 2255 is denied.

IT IS SO ORDERED this 31st day of March, 1995.



H. DALE COOK
United States District Judge