

**FILED**

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

**OCT 31 1995**

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

UNITED STATES OF AMERICA

v.

Case Number 93-CR-001-002-C  
**RESENTENCING ON REMAND**

**ENTERED ON DOCKET**

GUESSINIA VERNERS  
AKA Guessinia Holland  
Defendant.

DATE 10/31/95

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

The defendant, GUESSINIA VERNERS , was represented by Charles W. Hack & Ronald L. Daniels.

The defendant was found guilty on October 21, 1993, on count(s) 1 of the Superseding Indictment after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

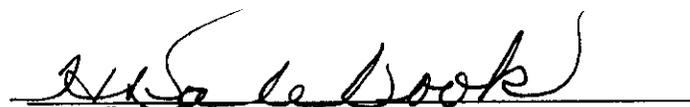
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:2, 21:841(a)(1) and (b)(1)(A)	Aiding & Abetting the Possession of Cocaine Base With Intent to Distribute	1/5/93	1

As pronounced on October 24, 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.

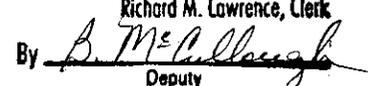
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 31 day of October, 1995.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 441-42-8060  
Defendant's Date of Birth: 03-23-41  
Defendant's mailing address: 720 E. 39th St. North, Tulsa, OK 74106  
Defendant's residence address: Bureau of Prisons

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

Richard M. Lawrence, Clerk  
By   
Deputy

Defendant: GUESSINIA VERNERS  
Case Number: 93-CR-001-002-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 120 months.

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: GUESSINIA VERNERS  
Case Number: 93-CR-001-002-C

### **SUPERVISED RELEASE**

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### **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: GUESSINIA VERNERS  
Case Number: 93-CR-001-002-C

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report, EXCEPT: The Court determined the defendant was a minimal participant and reduced the offense level four points pursuant to U.S.S.G. § 3B1.2(a) for a guideline sentence of 120 months.

**Guideline Range Determined by the Court:**

Total Offense Level:	28
Criminal History Category:	I
Imprisonment Range:	120 months
Supervised Release Range:	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.

*PA*

DATE 10/30/95

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**  
OCT 27 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-070-001-H

ANTHONY JOHN FINLEY  
Defendant.

**CORRECTED**  
**(AS TO ELECTRONIC MONITORING SPECIAL CONDITION)**

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

The defendant, ANTHONY JOHN FINLEY, was represented by Rex Duncan.

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

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2113(a)	Entering a Credit Union to Commit Felony	11/22/94	1

As pronounced on October 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 \$ 50.00, 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 26<sup>TH</sup> day of October, 1995.

  
The Honorable Sven Erik Holmes  
United States District Judge  
Northern District of Oklahoma ) SS

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

Richard M. Lawrence, Clerk

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

Defendant's SSN: 355-62-3437

Defendant's Date of Birth: 01/22/62

Defendant's residence and mailing address: 9715 E. 75th Street, Apt. #915, Tulsa, OK 74133

6

Defendant: ANTHONY JOHN FINLEY  
Case Number: 95-CR-070-001-H

### PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall 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 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.
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: ANTHONY JOHN FINLEY  
Case Number: 95-CR-070-001-H

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$18,000.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Cumis Insurance Society P.O. Box 1221 Madison, WI 53710	\$17,900
Covenant Federal Credit Union P.O. Box 55299 Tulsa, OK 64155	\$ 100

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: ANTHONY JOHN FINLEY  
Case Number: 95-CR-070-001-H

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 29,693.34

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): 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  
FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

DATE 10/23/95

UNITED STATES OF AMERICA )  
Plaintiff )  
VS )  
JOHN DAVID BARRETT )  
Defendant )

Case Number: 94-CR-024-001- C

**T L E D**

OCT 24 1995

ORDER REVOKING SUPERVISED RELEASE

Now on this 18th day of October, 1995, this cause comes on for sentencing after finding that the defendant violated the terms and conditions of supervised release as set forth in the Petition on Probation and Supervised Release filed on May 3, 1995. The defendant is present in person and with his attorney, Art Fleak. The Government is represented by Assistant United States Attorney Charles McLoughlin and the United States Probation Office by Dayton Wagoner.

The defendant was heretofore convicted after his plea of guilty to Count Thirteen of a twenty-nine count Indictment which charged him with Mail Fraud in violation of 18 U.S.C. § 1341. He was sentenced on July 31, 1991, to a term of eighteen (18) months custody of the Bureau of Prisons followed by a three (3) year term of Supervised Release. In addition to the standard conditions of supervision, the defendant was ordered to pay restitution in the amount of \$6,035.83 to Mack Oil Company as directed by the U.S. Probation Office. On February 14, 1994, jurisdiction of his case was transferred from the Western District of Oklahoma to the Northern District of Oklahoma, and he was ordered

to participate in alcohol counseling and treatment as directed by the Probation Office.

On April 13, 1995, the defendant pled guilty in the Northern District of Oklahoma to a four (4) count Indictment charging him with Uttering a Forged Instrument, said offenses having occurred between November 7, and November 23, 1994.

A revocation hearing was conducted on June 5, 1995, before this Court regarding the allegations cited in the Petition on Probation and Supervised Release filed on May 3, 1995. Those allegations included four counts of Uttering a Forged Instrument. At the hearing, the defendant stipulated that there was sufficient evidence to prove that the violations as alleged in the Petition were correct. Sentencing was set for July 6, 1995, then continued until October 18, 1995.

On October 18, 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 Grade B violations in accordance with U.S.S.G. § 7B1.1(a)(2), and that the defendant's original Criminal History Category of II was applicable for determining the imprisonment range. In addition, the Court found that a Grade B violation and a Criminal History Category of II establish an imprisonment range of six (6) to twelve (12) 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 nine (9) months. Said sentence is to run consecutive to the term

of imprisonment ordered in Case Number 95-CR-037-001<sup>C</sup>~~K~~. The defendant is ordered to pay the outstanding restitution balance of \$5,535.83 to Mack Oil Company.

The defendant will remain in the custody of the United States Marshal.

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

10-24-95  
Date

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

Richard M. Lawrence, Clerk  
By *Bruce M. Culbrough*  
Deputy

CW

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

FILED

OCT 24 1995

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

UNITED STATES OF AMERICA

Case Number 95-CR-057-004-C

v.

LARRY LEAVERN COLE, JR.  
Defendant.

ENTERED ON DOCKET

DATE 10-25-95

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

The defendant, LARRY LEAVERN COLE, JR., was represented by Clifton Baker.

The defendant pleaded guilty to count(s) 1 of the Indictment on July 25, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846, 841(a)(1) and 841(b)(1)(B)(ii)(I)	Conspiracy to Possess Cocaine With Intent to Distribute	03/24/95	1

As pronounced on October 18, 1995, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Indictment, which shall be due immediately.

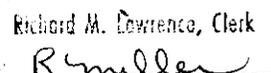
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 24<sup>th</sup> day of Oct, 1995.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 443-72-5693  
Defendant's Date of Birth: 01/25/75  
Defendant's residence and mailing address: 5115 North Utica, Tulsa, Oklahoma

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

Richard M. Lawrence, Clerk  
  
Deputy

41.

Defendant: LARRY LEAVERN COLE, JR.  
Case Number: 95-CR-057-004-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months.

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: LARRY LEAVERN COLE, JR.  
Case Number: 95-CR-057-004-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 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: LARRY LEAVERN COLE, JR.  
Case Number: 95-CR-057-004-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 \$ 1,000.00. 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: LARRY LEAVERN COLE, JR.  
Case Number: 95-CR-057-004-C

**RESTITUTION AND FORFEITURE**

**FORFEITURE**

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

\$34,700 in U.S. Currency

Defendant: LARRY LEAVERN COLE, JR.  
Case Number: 95-CR-057-004-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:	21
Criminal History Category:	III
Imprisonment Range:	60 months
Supervised Release Range:	4 to 5 years
Fine Range:	\$ 7,500 to \$ 2,000,000
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 exceeds 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

OCT 24 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-024-002-C

MARION KURTH LAUCIUS  
Defendant.

ENTERED ON DOCKET  
DATE 10-25-95

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

The defendant, MARION KURTH LAUCIUS, was represented by R. Thomas Seymour.

On motion of the United States the court has dismissed counts 7, 8, and 9 of the Superseding Indictment.

The defendant pleaded guilty on July 12, 1995, to counts 1 and 12 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of such counts, involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy	01/14/95	1
18 USC 1029(a)(2) and 18 USC 2(a)	Use of Unauthorized Access Device and Aiding and Abetting	11/19/94	12

As pronounced on October 17, 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 12 of the Superseding Indictment, which shall be due immediately.

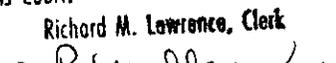
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 24 day of Oct, 1995.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 147-72-7193  
Defendant's Date of Birth: 01/20/65  
Defendant's residence and mailing address: 799 Hudson Parkway, Whiting, New Jersey 08749

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

Defendant: MARION KURTH LAUCIUS  
Case Number: 95-CR-024-002-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 as to each count, to run concurrently.

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: MARION KURTH LAUCIUS  
Case Number: 95-CR-024-002-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 2 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 abide by all conditions and orders handed down by the Wagoner County District Court in Coweta, Oklahoma, in cases D-93-117 and J-93-51.

### 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: MARION KURTH LAUCIUS  
Case Number: 95-CR-024-002-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$2,237.28

The defendant shall make restitution as to count 12 to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Sears and Roebuck Company 1901 South Yale Tulsa, Oklahoma 74122	\$2,237.28

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

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid as a condition of supervised release.

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

Defendant: MARION KURTH LAUCIUS  
Case Number: 95-CR-024-002-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:	12	
Criminal History Category:	I	
Imprisonment Range:	10 months to 16 months	(Cts. 1 & 12)
Supervised Release Range:	2 to 3 years	(Cts. 1 & 12)
Fine Range:	\$ 3,000 to \$ 30,000	(Cts. 1 & 12)
Restitution:	\$ 2,237.28	

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

**F I L E D**

OCT 24 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-024-001-C

ENTERED ON DOCKET

DATE 10.25-95

LAWRENCE JULIUS LAUCIUS  
Defendant.

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

The defendant, LAWRENCE JULIUS LAUCIUS, was represented by Stephen J. Knorr.

On motion of the United States the court has dismissed count(s) 2 through 8 and 10 through 12 of the Superseding Indictment.

The defendant pleaded guilty on July 12, 1995, to counts 1 and 9 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy	01/14/95	1
42 USC 408(a)(7)(B) and 18 USC 2(a)	Use of Fraudulent Social Security Number and Aiding and Abetting	12/13/94	9

As pronounced on October 17, 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 counts 1 and 9 of the Superseding Indictment, which shall be due immediately.

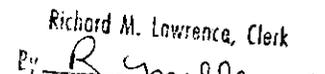
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 24<sup>th</sup> day of oct, 1995.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 143-72-8177  
Defendant's Date of Birth: 10/14/64  
Defendant's residence and mailing address: 799 Hudson Parkway, Whiting, New Jersey 08759

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: LAWRENCE JULIUS LAUCIUS  
Case Number: 95-CR-024-001-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 as to each count, to run concurrently.

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: LAWRENCE JULIUS LAUCIUS  
Case Number: 95-CR-024-001-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 2 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 abide by all conditions and orders handed down by the Wagoner County District Court in Coweta, Oklahoma, cases D-93-117 and J-93-51.

### 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: LAWRENCE JULIUS LAUCIUS  
Case Number: 95-CR-024-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution pursuant to Title 18, United States Code, Section 3583(d) in the total amount of \$2,918.72.

The defendant shall make restitution as to count 9 to the following persons in the following amounts:

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Gorilla Systems, Incorporated 7033 South Memorial Drive Tulsa, Oklahoma 74133	\$2,918.72

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: LAWRENCE JULIUS LAUCIUS  
Case Number: 95-CR-024-001-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:	12	
Criminal History Category:	I	
Imprisonment Range:	10 months to 16 months	(Cts. 1 & 9)
Supervised Release Range:	2 to 3 years	(Cts. 1 & 9)
Fine Range:	\$ 3,000 to \$ 30,000	(Cts. 1 & 9)
Restitution:	\$ 2,918.72	

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 **FILED**  
Northern District of Oklahoma  
OCT 24 1995

UNITED STATES OF AMERICA

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

v.

Case Number 95-CR-037-001-C

JOHN DAVID BARRETT  
Defendant.

ENTERED ON DOCKET

DATE 10/25/95

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

The defendant, JOHN DAVID BARRETT, was represented by Art Fleak.

The defendant pleaded guilty to counts 1 through 4 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offenses:

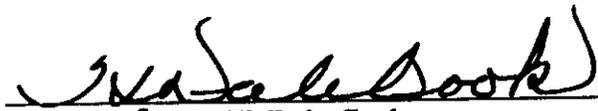
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 513(a)	Uttering a Forged Instrument	11/07/94	1&2
18 USC 513(a)	Uttering a Forged Instrument	11/17/94	3
18 USC 513(a)	uttering a Forged Instrument	11/23/94	4

As pronounced on October 18, 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 \$ 200, for count 1 through 4 of the Indictment, which shall be due immediately.

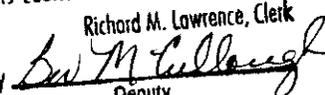
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 24<sup>th</sup> day of Oct, 1995.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 448-66-5763  
Defendant's Date of Birth: 04/06/61  
Defendant's residence and mailing address: 500 South Denver Avenue, Tulsa, Oklahoma 74103

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

Defendant: JOHN DAVID BARRETT  
Case Number: 95-CR-037-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 15 months on each of counts 1 through 4, with each count to run concurrently; but the entire sentence to run consecutively to the sentence imposed upon revocation of a term of supervised release in Northern District of Oklahoma, Case No. 94-CR-024-001-C.

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: JOHN DAVID BARRETT  
Case Number: 95-CR-037-001-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years on each of counts 1 through 4, with each term 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.
6. The defendant shall not obtain any employment without first fully disclosing the nature of his criminal past to the prospective employer. The defendant shall permit full disclosure of the nature of his criminal past to any employer or prospective employer by the U.S. probation office. The defendant shall be barred from self-employment, contract employment, or employment as a consultant during the term of his supervised release unless first authorized by the Court or the probation office.

### STANDARD CONDITIONS OF SUPERVISION

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

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within 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: JOHN DAVID BARRETT  
Case Number: 95-CR-037-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$3,717.20.

The defendant shall make restitution as to count 1 to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
American Central Gas Companies, Inc. 5727 South Lewis, Suite 600 Tulsa, Oklahoma 74105	\$3,717.20

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: JOHN DAVID BARRETT  
Case Number: 95-CR-037-001-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:	10	
Criminal History Category:	IV	
Imprisonment Range:	15 to 21 months	(Cts. 1 thru 4)
Supervised Release Range:	2 to 3 years	(Cts. 1 thru 4)
Fine Range:	\$ 2,000 to \$20,000	(Cts. 1 thru 4)
Restitution:	\$ 3,717.20	

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.

pp

*cu*

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

*mt* OCT 24 1995

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

UNITED STATES OF AMERICA

Case Number 94-CR-121-003-C

v.

ENTERED ON DOCKET  
DATE 10-25-95

STEPHEN PAUL TIMPANI  
Defendant.

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

The defendant, STEPHEN PAUL TIMPANI, was represented by Sondra Houston.

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

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846, 841(b)(1)(A)(viii)	Conspiracy to Possess Controlled Substance With Intent to Distribute	08/23/94	1

As pronounced on October 17, 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 \$ 50.00, 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 24<sup>th</sup> day of Oct, 1995.

*H. Dale Cook*

The Honorable 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. Muller  
Deputy

Defendant's SSN: 549-80-8654

Defendant's Date of Birth: 03/01/50

Defendant's residence and mailing address: 3020 Oceanside Blvd., #49, Oceanside, CA 92054

93.

Defendant: STEPHEN PAUL TIMPANI  
Case Number: 94-CR-121-003-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 31 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends placement in a facility wherein a program of substance abuse treatment is available to the defendant.

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: **STEPHEN PAUL TIMPANI**  
Case Number: **94-CR-121-003-C**

### **SUPERVISED RELEASE**

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
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: STEPHEN PAUL TIMPANI  
Case Number: 95-CR-121-003-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 \$ 1,500.00. 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 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: STEPHEN PAUL TIMPANI  
Case Number: 94-CR-121-003-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:	29
Criminal History Category:	II
Imprisonment Range:	120 months to 121 months
Supervised Release Range:	5 years
Fine Range:	\$15,000 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 departs from the guideline range for the following reason(s): Upon motion of the government, as a result of defendant's substantial assistance.

**FILED**

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

OCT 24 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-174-001-C

JOE W. GWARTNEY  
Defendant.

ENTERED ON DOCKET

DATE 10-25-95

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

The defendant, JOE W. GWARTNEY, was represented by Keith Ward.

On motion of the United States the court has dismissed count(s) 1, 3-6, 8-14, 17-34, 36 and 37 of the Indictment.

The defendant pleaded guilty to count(s) 2, 7, 15, 16, and 35 of the Indictment on June 14, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1005 and 2(b)	False Entries in Bank Records Causing a Criminal Act	07/17/92	2, 7, 15, 16, and 35

As pronounced on October 18, 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 \$ 250.00, for count(s) 2, 7, 15, 16, and 35 of the Indictment, which shall be due immediately.

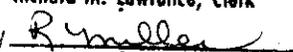
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 24<sup>th</sup> day of Oct, 1995.

  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 446-56-5524  
Defendant's Date of Birth: 06/27/52  
Defendant's residence and mailing address: 3806½ S. Victor, Tulsa, OK 74105

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: JOE W. GWARTNEY  
Case Number: 94-CR-174-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 months, as to all counts to run concurrently, each to the other.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be required to participate in the Inmate Financial Responsibility Program.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on November 27, 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: JOE W. GWARTNEY  
Case Number: 94-CR-174-001-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years, as to all 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 submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. You are prohibited from engaging in any form of employment within the banking industry, or any employment which would give you access to bank accounts, securities, or other negotiable assets of any business, individual, or other entity.
7. You shall abide by the Internal Revenue laws of the United States, and provide any requested documentation of such compliance.

### 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: JOE W. GWARTNEY  
Case Number: 94-CR-174-001-C

**FINE**

The defendant shall pay a fine of \$ 10,000.00 on Count Two of the Indictment. 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 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: JOE W. GWARTNEY  
Case Number: 94-CR-174-001-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:	14
Criminal History Category:	II
Imprisonment Range:	18 months to 24 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 1,000 to \$ 1,000,000
Restitution:	\$ N/A

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

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

*mm* **OCT 23 1995**

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-075-001-B

MELISSA C. DAVIS  
 Defendant.

ENTERED ON DOCKET  
 DATE 10-24-95

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

The defendant, MELISSA C. DAVIS, was represented by Stephen Knorr.

The defendant pleaded guilty to count(s) 1 of the Information on July 21, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 656	Misapplication of Bank Funds by Bank Employee	09/20/94	1

As pronounced on October 19, 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 \$ 50.00, 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 23 day of October, 1995.



The Honorable Thomas R. Brett  
 Chief United States District Judge

United States District Court )  
 Northern District of Oklahoma ) SS

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

Richard M. Lawrence, Clerk

By R. Miller  
 Deputy

Defendant's SSN: 440-90-3882  
 Defendant's Date of Birth: 04/12/72  
 Defendant's residence and mailing address: 6706 S. Zunis, Unit 1802, Tulsa, OK 74136

Defendant: MELISSA C. DAVIS  
Case Number: 95-CR-075-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of zero 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: MELISSA C. DAVIS  
Case Number: 95-CR-075-001-B

### SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
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 60 days, to commence on October 23, 1995. 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.
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 Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of probation.

### 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: MELISSA C. DAVIS  
Case Number: 95-CR-075-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$10,650.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
American State Bank Attn: William Beaty 3816 N. Peoria Tulsa, OK 74106	\$10,650

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 supervised release.

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

Defendant: MELISSA C. DAVIS  
Case Number: 95-CR-075-001-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:	9
Criminal History Category:	I
Imprisonment Range:	4 months to 10 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 1,000,000
Restitution:	\$ 10,650

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

The sentence departs from the guideline range for the following reason(s): The Court departs from the prescribed guideline range as authorized by USSG § 5K2.0. The defendant is three months pregnant, has a minor child, and her criminal conduct was aberrant in nature. Accordingly, her conduct and background is unique and not adequately considered by the sentencing guidelines.

*lv*

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

OCT 24 1995

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-039-001-B

ENTERED ON DOCKET

JOSEPH BRENT LOFTIS  
Defendant.

DATE 10/24/95

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

The defendant, JOSEPH BRENT LOFTIS, was represented by Curtis Biram.

On motion of the United States the court has dismissed count(s) 1, 2, & 3 of the Indictment; counts 1 & 2 of the Superseding Indictment; count 1 of the Complaint 94-121M; counts 1, 2, & 3 of the Second Superseding Indictment, and counts 1 & 2 of the Third Superseding Indictment.

The defendant pleaded guilty On December 15, 1994, to count(s) 3 & 4 of the Third Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

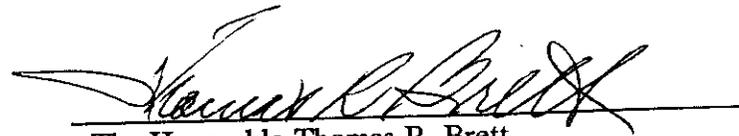
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1344(1)	Bank Fraud	7/24/91	3
18:1014 & 2	False Statement to Financial Institution and Causing a Criminal Act	5/16/92	4

As pronounced on October 19, 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) 3 & 4 of the Third 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 24 day of Oct., 1995.



The Honorable Thomas R. Brett  
Chief United States District Judge

Defendant's SSN: 447-56-2013

Defendant's Date of Birth: 11-10-54

Defendant's residence and mailing address: 5556 S. Delaware Court, Tulsa, OK 74105

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 Richard M. Lawrence  
Deputy

Defendant: JOSEPH BRENT LOFTIS  
Case Number: 94-CR-039-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 months as to Count 3 and 4, to run concurrently.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be required to participate in the Inmate Financial Responsibility Program.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 11:00 a.m. on November 27, 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: JOSEPH BRENT LOFTIS  
Case Number: 94-CR-039-001-B

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 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 submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. You are prohibited from engaging in any form of employment which would give you access to bank accounts, securities, other negotiable assets of any individual, business, or other entity. In addition, you are prohibited from soliciting others to invest money or other assets, for any purpose, or from assisting or advising others in the solicitation of investors. All employment must be approved in advance by the U. S. Probation Officer.
7. You shall abide by the Internal Revenue laws of the United States, and provide any requested documentation of such compliance.

### 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: JOSEPH BRENT LOFTIS  
Case Number: 94-CR-039-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution as to Count 3 in the total amount of \$60,000.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank IV 515 S. Boulder Tulsa, OK 74103	\$8,400
Tulsa Operating Group Attn: Roger Williams 179 Selden Hill Drive West Hartford, CN 06107	19,418
Gibson Well Service, Inc. 7400 E. Orchard Road, Suite 370 Englewood, CO	6,026
Pat's Roustabout Service P. O. Box 154 Wamsutter, WY	2,678
Willie Custom Dirt Service P. O. Box 71 Wamsutter, WY	669
Baroid Drilling Fluids, Inc. 4976 West Paige Casper, WY	4,176
Hyland Enterprises, Inc. P. O. Box 2377 Rawlins, WY	4,017
B and M Water Service P. O. Box 268 Wamsutter, WY	669
Homeco International, Inc. 57 Mesa Drive Rock Springs, WY	2,008
Caldera and Clements Minerals Attn: Paul Clements 820 N.E. 63rd Street OKC, OK 73105	11,939

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: JOSEPH BRENT LOFTIS  
Case Number: 94-CR-039-001-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report, EXCEPT, in paragraph 19, the Caldera and Clements Minerals amount should be \$39,000 instead of \$98,260, with a total loss of \$272,745.

**Guideline Range Determined by the Court:**

Total Offense Level:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months - cts. 3 & 4
Supervised Release Range:	3 to 5 years - cts. 3 & 4
Fine Range:	\$ 4,000 to \$ 2,000,000 - cts 3 & 4
Restitution:	\$ 272,745

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

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

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

20

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

*rw* OCT 24 1995

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

UNITED STATES OF AMERICA

Case Number 95-CR-039-001-C

v.

ENTERED ON DOCKET

DATE 10-24-95

LANCE J. SHERWOOD  
Defendant.

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

The defendant, LANCE J. SHERWOOD, was represented by Curtis Biram.

The defendant pleaded guilty to count(s) 1 and 2 of the Indictment on July 6, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

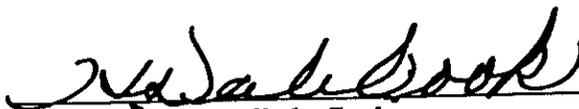
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(j) and 924(a)(2)	Possession and Sale of Stolen Firearms	09/09/93	1 & 2

As pronounced on October 17, 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 \$ 100.00, for count(s) 1 and 2 of the Indictment, which shall be due immediately.

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

Signed this the 24<sup>th</sup> day of Oct, 1995.

  
The Honorable 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: 513-88-2697

Defendant's Date of Birth: 04/27/71

Defendant's residence and mailing address: 1807 East 21st Court, Tulsa, OK

Defendant: LANCE J. SHERWOOD  
Case Number: 95-CR-039-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 13 months on each count, to be served concurrently.

The Court makes the following recommendations to the Bureau of Prisons: Classification provisions permitting, the court recommends that the Bureau of Prisons designate the Intensive Confinement Center in Lewisburg, Pennsylvania, as the place of service.

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

**RETURN**

I have executed this Judgment as follows:

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

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

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

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

Defendant: LANCE J. SHERWOOD  
Case Number: 95-CR-039-001-C

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to each of Counts One and Two, 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: LANCE J. SHERWOOD  
Case Number: 95-CR-039-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$775.00 on Count One.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
First Cash Pawn Attn: Craig Stamps 332 West Hurst Street Hurst, Texas	\$775.00

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: LANCE J. SHERWOOD  
Case Number: 95-CR-039-001-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:	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 - Cts. 1 & 2
Restitution:	\$ 775.00

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.

9 cert. 

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

FILED

OCT 24 1995

UNITED STATES OF AMERICA

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

v.

Case Number 95-CR-072-001-C

THOMAS RAY HARTNESS  
Defendant.

ENTERED ON DOCKET  
DATE 10-24-95

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

The defendant, THOMAS RAY HARTNESS, was represented by Stephen Knorr.

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

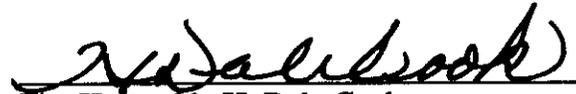
Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1163	Embezzlement and Theft from Indian Tribal Organization	May, 1994	1

As pronounced on October 17, 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 \$ 50.00, 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.

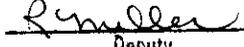
Signed this the 24<sup>th</sup> day of Oct, 1995.

  
The Honorable 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   
Deputy

Defendant's SSN: 461-96-5653  
Defendant's Date of Birth: 04/09/52  
Defendant's residence and mailing address: 502 S. Pettit, Hominy, OK 74035

Defendant: THOMAS RAY HARTNESS  
Case Number: 95-CR-072-001-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 13 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: THOMAS RAY HARTNESS  
Case Number: 95-CR-072-001-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 participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is 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: THOMAS RAY HARTNESS  
Case Number: 95-CR-072-001-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$7,000.00.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Hominy Indian Village Committee Attn: Carol Hutchens - Treasurer P.O. Box 309 Hominy, OK 74035	\$7,000.00

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: THOMAS RAY HARTNESS  
Case Number: 95-CR-072-001-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:	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:	\$ 22,388.56

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): 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  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
LUIGY ANTHONY RODRIGUEZ, )  
a/k/a Keing Wilson Kottheimer, )  
a/k/a Robert Wilson Thomas, Jr., )  
a/k/a Anthony Luigy Rodriguez, )  
)  
Defendant. )

ENTERED ON DOCKET  
DATE OCT 23 1995  
Case No. 95-CR-90-K

**FILED**  
OCT 18 1995  
Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT

APPLICATION FOR ORDER OF DISMISSAL

The United States of America, by and through Stephen C. Lewis, United States Attorney, by F. L. Dunn, III, Assistant United States Attorney, based upon the defendant's plea of guilty to Count One of the Indictment, hereby requests the court to enter an order dismissing Counts Two and Three.

Respectfully submitted,

STEPHEN C. LEWIS  
UNITED STATES ATTORNEY

By: [Signature]  
F. L. Dunn, III  
Assistant United States Attorney

**FILED**  
OCT 20 1995  
Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ORDER OF DISMISSAL

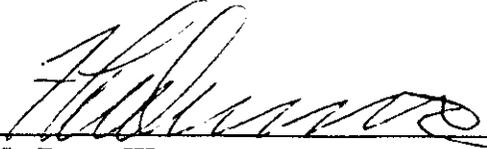
Upon the application of the United States Attorney, the Court finds that Counts Two and Three of the Indictment filed in the above styled and numbered cause should be and the same are hereby ordered dismissed.

**s/ TERRY C. KERN**

TERRY C. KERN  
United States District Judge

CERTIFICATE OF DELIVERY

I hereby certify that on the \_\_\_\_ day of October, 1995, I caused a true and correct copy of the above and foregoing instrument to be delivered to GORDON S. HARMAN, Attorney for Defendant, 2021 So. Lewis Ave., Suite 640, Tulsa, OK 74104-5726.

  
\_\_\_\_\_  
F. L. Dunn, III

dw

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET  
DATE 10-19-95

UNITED STATES OF AMERICA

v.

Case Number 95-CR-090-001-K

LUIGY RODRIGUEZ

AKA: KEING WILSON KOTTHEIMER; ROBERT WILSON THOMAS, JR.;  
AND ANTHONY LUIGY RODRIGUEZ

Defendant.

**FILED**

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

OCT 19 1995

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

The defendant, LUIGY RODRIGUEZ, was represented by Gordon Harman.

On motion of the United States the court has dismissed count(s) 2 and 3 of the Indictment.

The defendant pleaded guilty to count(s) 1 of the Indictment on October 17, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

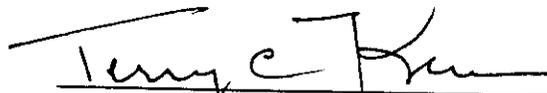
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1542	Making False Statements	01/27/95	1

As pronounced on October 17, 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 \$ 50.00, 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 19 day of October, 1995.

  
The Honorable Terry Kern  
United States District Judge

Defendant's SSN: 577-90-5858

Defendant's Date of Birth: 11/16/67

Defendant's residence and mailing address: 1605 Landeco Lane #35B, Grand Forks, ND 58201

Defendant: LUIGY RODRIGUEZ  
Case Number: 95-CR-090-001-K

### PROBATION

The defendant is hereby placed on probation for a term of 5 year(s) to run concurrently with sentence imposed in Count One (95-CR-136-B).

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. Pursuant to 8 USC § 1252a, the defendant is hereby deported and shall remain outside the United States. The Court further orders that the defendant remain in the custody of the U. S. Marshal's Service until his prompt delivery to a duly authorized immigration official for such deportation.

### 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: LUIGY RODRIGUEZ  
Case Number: 95-CR-090-001-K

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	6
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:	\$ 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.

*dw*

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET

UNITED STATES OF AMERICA

DATE 10-19-95

v.

Case Number 95-CR-136-001-K

LUIGY RODRIGUEZ AKA: KEING WILSON KOTTHEIMER; ROBERT WILSON THOMAS, JR.; AND ANTHONY LUIGY RODRIGUEZ

Defendant.

**FILED**

OCT 19 1995

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

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

The defendant, LUIGY RODRIGUEZ AKA: KEING WILSON KOTTHEIMER; ROBERT WILSON THOMAS, JR.; AND ANTHONY LUIGY RODRIGUEZ, was represented by Gordon Harman.

The defendant pleaded guilty to count(s) 1 of the Information on October 17, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1542	Making False Statements	05/30/90	1

As pronounced on October 17, 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 \$ 50.00, 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 19 day of October, 1995.

  
The Honorable Terry Kern  
United States District Judge

Defendant's SSN: 577-90-5858

Defendant's Date of Birth: 11/16/67

Defendant's residence and mailing address: 1605 Landeco Lane #35B, Grand Forks, ND 58201

/ )

Defendant: LUIGY RODRIGUEZ  
Case Number: 95-CR-136-001-B

### PROBATION

The defendant is hereby placed on probation for a term of 5 year(s) to run concurrently with sentence imposed in Count 1 (95-CR-90-001-K).

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. Pursuant to 8 USC § 1252a, the defendant is hereby deported and shall remain outside the United States. The Court further orders that the defendant remain in the custody of the U.S. Marshal's Service until his prompt delivery to a duly authorized immigration official for such deportation.

### 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: LUIGY RODRIGUEZ  
Case Number: 95-CR-136-001-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:	6
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:	\$ N/A

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

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

FILED

OCT 18 1995

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

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LARRY LEAVERN COLE, JR., )  
 )  
 Defendant. )

No. 95-CR-57-C

ENTERED ON DOCKET

DATE OCT 19 1995

PRELIMINARY ORDER OF FORFEITURE

WHEREAS, in the Indictment in the above case, the United States sought forfeiture of specific property of the above-captioned Defendants pursuant to 21 U.S.C. § 853 as either proceeds of the unlawful drug activities charged in Count One or property used or intended to be used to facilitate said violations;

AND WHEREAS, on October 18, 1995, defendant executed a consent decree of forfeiture, forfeiting Defendant's interest in \$34,730.00 alleged in the indictment as subject to forfeiture;

AND WHEREAS, by virtue of said Consent Decree, the United States is now entitled to possession of said currency, pursuant to 21 U.S.C. §§ 848, 846, 841(a)(1), 1952 and 853 and Rule 32(b)(2) of the Federal Rules Criminal Procedure;

Accordingly, it is hereby ORDERED, ADJUDGED AND DECREED:

1. That based upon the Consent Decree, the United States is hereby authorized to seize the following property and it is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1): the defendant's interest in the seized currency, \$34,730.00.

2. That all of the aforementioned forfeited property is to be held by the United States Marshals Service, in their custody and control.

3. That pursuant to 21 U.S.C. § 853(n)(1), the United States Marshal forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the Marshals intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the Defendant Larry Leavern Cole, having or claiming a legal interest in the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in each of the forfeited properties and any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order of Forfeiture, as a substitute for published notice as to those persons so notified.

4. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

ORDERED this 18<sup>th</sup> day of October, 1995.

  
UNITED STATES DISTRICT JUDGE

Presented by:

STEPHEN C. LEWIS  
United States Attorney

  
CATHERINE DEPEW HART  
Assistant United States Attorney

CDH:mjl

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**  
IN OPEN COURT

OCT 1 1995

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LONNIE D. VAUGHAN, )  
 )  
 Defendant. )

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

Case No. 95-CR-69-C

EOD 10/18/95

PRELIMINARY ORDER OF FORFEITURE

Based upon the Consent Decree for Forfeiture entered into between the parties in the above-styled case, and for the reasons stated at bar, it is hereby

ORDERED, ADJUDGED, AND DECREED that pursuant to 18 U.S.C. § 982 and 19 U.S.C. § 1613 the following currency is hereby condemned and forfeited to the United States of America:

\$20,000.00 In United  
States Currency, paid by  
cashier's check.

The Court finds that the above-described forfeited asset constitutes, or was derived from, proceeds the Defendant obtained, directly or indirectly, or represents such proceeds, as a result of his participation in the money laundering of drug proceeds, in violation of 18 U.S.C. § 1956(a)(1)(B)(i), and is money traceable, or represents money traceable, to an offense in violation of 18 U.S.C. § 5324, and is thereby subject to forfeiture pursuant to 18 U.S.C. § 982 and 19 U.S.C. § 1613.

IT IS FURTHER ORDERED that the above-described currency shall be seized forthwith by the United States Marshal for the Northern District of Oklahoma or by the United States Department of the Treasury, Internal Revenue Service Criminal Investigation Division, or its respective duly authorized representative, and disposed of in according to law.

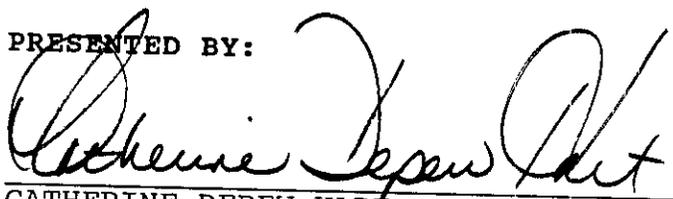
ENTERED this 17<sup>th</sup> day of October, 1995.

(Signed) H. Dale Cook

---

H. DALE COOK  
Senior United States District Judge

PRESENTED BY:



---

CATHERINE DEPEW HART  
Assistant United States Attorney

N:\UDD\CHOOK\FC\VAUGHAN1\04780

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**  
IN OPEN COURT

OCT 1 1995

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 LONNIE D. VAUGHAN, )  
 )  
 Defendant. )

Richard M. Lawrence, Clerk  
U. S. DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA  
Case No. 95-CR-69-C

ENTERED                       
DATE OCT 13 1995

PRELIMINARY ORDER OF FORFEITURE

Based upon the Consent Decree for Forfeiture entered into between the parties in the above-styled case, and for the reasons stated at bar, it is hereby

ORDERED, ADJUDGED, AND DECREED that pursuant to 18 U.S.C. § 982 and 19 U.S.C. § 1613 the following currency is hereby condemned and forfeited to the United States of America:

\$20,000.00 In United States Currency, paid by cashier's check.

The Court finds that the above-described forfeited asset constitutes, or was derived from, proceeds the Defendant obtained, directly or indirectly, or represents such proceeds, as a result of his participation in the money laundering of drug proceeds, in violation of 18 U.S.C. § 1956(a)(1)(B)(i), and is money traceable, or represents money traceable, to an offense in violation of 18 U.S.C. § 5324, and is thereby subject to forfeiture pursuant to 18 U.S.C. § 982 and 19 U.S.C. § 1613.

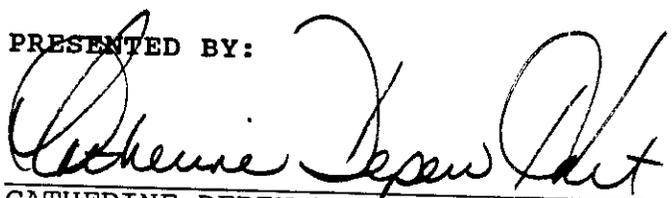
IT IS FURTHER ORDERED that the above-described currency shall be seized forthwith by the United States Marshal for the Northern District of Oklahoma or by the United States Department of the Treasury, Internal Revenue Service Criminal Investigation Division, or its respective duly authorized representative, and disposed of in according to law.

ENTERED this 17<sup>th</sup> day of October, 1995.

(Signed) H. Dale Cook

\_\_\_\_\_  
H. DALE COOK  
Senior United States District Judge

PRESENTED BY:



\_\_\_\_\_  
CATHERINE DEPEW HART  
Assistant United States Attorney

N:\UDD\CHOOK\FC\VAUGHAN1\04780

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

OCT 17 1995

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 ARLANDO DEMONT BREWER and )  
 YOLANDA P. REED, )  
 )  
 Defendants. )

No. 95-CR-93-C

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

ENTERED ON DOCKET  
DATE OCT 18 1995

ORDER

Now on this 17 day of October, 1995, this cause comes on to be heard in the matter of the plaintiff's motion to dismiss the Indictment against defendant Yolanda P. Reed in the above styled cause. The Court finds that said motion ought to be granted and the Indictment is dismissed without prejudice.

IT IS SO ORDERED.

(Signed) H. Dale Cook

H. DALE COOK  
U.S. DISTRICT COURT JUDGE

AGREED TO AND APPROVED AS TO FORM:

\_\_\_\_\_  
ART FLEAK  
Attorney for Defendant Reed

\_\_\_\_\_  
YOLANDA P. REED  
Defendant

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

OCT 16 1995

UNITED STATES OF AMERICA

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

v.

Case Number 95-CR-038-001-BU

ENTERED ON DOCKET

DATE 10-16-95

DOUGLAS GARFIELD GARBER  
Defendant.

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

The defendant, DOUGLAS GARFIELD GARBER, was represented by Stephen J. Knorr.

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

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

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1001 and 2(b)	False Statement to Government Agency and Causing a Criminal Act	01/15/94	1

As pronounced on October 5, 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 \$ 50.00, for count(s) 1 of the Information, which shall be due immediately.

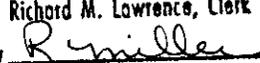
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 13<sup>th</sup> day of October, 1995.

  
The Honorable Michael Burrage  
United States District Judge

United States District Court )  
Northern District of Oklahoma ) SS

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

Richard M. Lawrence, Clerk  
By   
Deputy

Defendant's SSN: 554-72-8565

Defendant's Date of Birth: 05/15/47

Defendant's residence and mailing address: 15743 Church Street, Poyner, Texas 75782

6'

Defendant: DOUGLAS GARFIELD GARBER  
Case Number: 95-CR-038-001-BU

### PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall 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 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. The defendant is permitted to travel to New Orleans, LA., from December 8 through December 11, 1995, to attend his daughter's wedding.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF PROBATION

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

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

Defendant: DOUGLAS GARFIELD GARBER  
Case Number: 95-CR-038-001-BU

**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 \$ 500.00 on Count 1. 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: DOUGLAS GARFIELD GARBER  
Case Number: 95-CR-038-001-BU

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$1,369 as to Count 1.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Beneficial Tax Masters Attn: Anne C. Knapper One Christine Centre 301 N. Walnut Wilmington, Delaware 19601	\$1,369.00

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 during the period of probation.

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

Defendant: DOUGLAS GARFIELD GARBER  
Case Number: 95-CR-038-001-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:	7
Criminal History Category:	III
Imprisonment Range:	4 months to 10 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ 1,369

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**

OCT 13 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-030-001-BU

MIKEL W. CONLEY  
Defendant.

ENTERED ON DOCKET  
DATE 10-13-95

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

The defendant, MIKEL W. CONLEY, was represented by Cameron Martin.

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

The defendant pleaded guilty to count(s) 3 of the Indictment on June 27, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
26 USC 5841, 5861(d) and 5871	Possession of Unregistered Firearm	01/28/95	3

As pronounced on October 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 \$ 50.00, for count(s) 3 of the Indictment, which shall be due immediately.

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

Signed this the 11<sup>th</sup> day of October, 1995.

Michael Burrage  
The Honorable Michael Burrage  
United States District Judge

Defendant's SSN: 446-74-0925  
Defendant's Date of Birth: 05/15/64  
Defendant's residence and mailing address: 533 N. 39th West Ave., Tulsa, OK 74127

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 R. Muller  
Deputy

Defendant: MIKEL W. CONLEY  
Case Number: 95-CR-030-001-BU

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 56 months.

The Court makes the following recommendations to the Bureau of Prisons: Designate facility at FCI, El Reno, provided defendant meets all classification requirements. Also recommends the defendant receive chemical dependency treatment.

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

**RETURN**

I have executed this Judgment as follows:

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

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

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

Defendant: MIKEL W. CONLEY  
Case Number: 95-CR-030-001-BU

### SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall 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: MIKEL W. CONLEY  
Case Number: 95-CR-030-001-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:	17
Criminal History Category:	VI
Imprisonment Range:	51 months to 63 months - Ct. 3
Supervised Release Range:	2 to 3 years - Ct. 3
Fine Range:	\$ 5,000 to \$ 50,000 - Ct. 3
Restitution:	\$ N/A

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

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

*PJ*

**FILED**

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

001 6, 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-064-001-B

JUNIOR PEKO  
Defendant.

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

The defendant, JUNIOR PEKO, was represented by Craig Bryant.

On motion of the United States the court has dismissed count(s) 1, 2, and 3 of the Indictment.

The defendant pleaded guilty on June 22, 1995, to count(s) 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:641	Embezzlement & Conversion of Public Money, A Misdemeanor	09/06/94	1

As pronounced on September 27, 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 \$ 25, 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 3<sup>rd</sup> day of October, 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  
*[Signature]*  
Deputy  
The Honorable John L. Wagner  
United States Magistrate Judge

Defendant's SSN: 555-31-2098  
Defendant's Date of Birth: 02/21/60  
Defendant's residence and mailing address: 5659 Encelia, Twenty-Nine Palms, CA 92277

**ENTERED ON DOCKET**

DATE 10-6-95

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

Defendant: JUNIOR PEKO  
Case Number: 95-CR-064-001-B

**PROBATION**

The defendant is hereby placed on probation for a term of 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 serve the first 4 months in community confinement, as scheduled, arranged, and approved by the U. S. Probation Office. The defendant may be allowed to maintain employment while in community confinement.

The Court recommends that the Bureau of Prisons designate the CCR in Riverside, California, provided such placement meets all classification requirements. The defendant is to surrender to the Bureau of Prisons as notified 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 requirements.
- 14) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: JUNIOR PEKO  
Case Number: 95-CR-064-001-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 \$ 1,000. 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: JUNIOR PEKO  
Case Number: 95-CR-064-001-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:	II
Imprisonment Range:	4 months to 10 months
Supervised Release Range:	1 year
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 5,651.18

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

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

**FILED**

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

OCT 6 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-064-002-B

JANICE JENNIFER PEKO  
Defendant.

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

The defendant, JANICE JENNIFER PEKO, was represented by Jack Short.

The defendant pleaded guilty on June 22, 1995, to count(s) 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:641	Embezzlement and Conversion of Public Money, A Misdemeanor	09/06/94	1

As pronounced on September 27, 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 \$ 25, 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 5<sup>th</sup> day of October, 1995.

*[Signature]*  
 The Honorable John L. Wagner  
 United States Magistrate Judge

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

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

ENTERED ON DOCKET  
DATE 10-6-95

Defendant's SSN: 568-55-4507  
Defendant's Date of Birth: 08/07/65  
Defendant's residence and mailing address: 5649 Eacelia, Twenty-Nine Palms, California 92277

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

Defendant: JANICE JENNIFER PEKO  
Case Number: 95-CR-064-002-B

### PROBATION

The defendant is hereby placed on probation for a term of 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 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: JANICE JENNIFER PEKO  
Case Number: 95-CR-064-002-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 \$ 200. 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: JANICE JENNIFER PEKO  
Case Number: 95-CR-064-002-B

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report, except the range of probation is 0 to 5 years not 1 to 5 years as stated in 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:	1 year
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 5,651.18

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

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

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

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET

UNITED STATES OF AMERICA

DATE OCT 06 1995

v.

Case Number 95-CR-074-001-H ✓

JANICE LAPHAM  
Defendant.

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

**FILED**  
OCT 5 1995  
Richard M. Lawrence, Court Clerk  
U.S. DISTRICT COURT

The defendant, JANICE LAPHAM, was represented by Stan Monroe.

The defendant pleaded guilty to count(s) 1 of the Information on June 30, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1029(a)(2) and (b)(1)	Fraudulent Use of An Unauthorized Access Device	12/30/92	1

As pronounced on October 2, 1995, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, 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 5<sup>TH</sup> day of OCTOBER, 1995.

  
\_\_\_\_\_  
The Honorable Sven Erik Holmes  
United States District Judge  
↓

Defendant's SSN: 445-46-8719  
Defendant's Date of Birth: 11/02/46  
Defendant's residence and mailing address: 2108 North 26th Street, Broken Arrow, Oklahoma 74014

Defendant: JANICE LAPHAM  
Case Number: 95-CR-074-001-H

### PROBATION

The defendant is hereby placed on probation for a term of 36 month(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 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 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.
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: JANICE LAPHAM  
Case Number: 95-CR-074-001-H

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$7,267.51.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Chase VISA P.O. Box 15008 Acct. No. 4226903491097 Wilmington, Delaware 19850-5008	\$4,667.51
AVCOM Productions, Inc. Attn: Charles Halliburton 3158 So. 108th East Avenue, Suite 275 Tulsa, Oklahoma 74146-1621	\$2,600.00

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 during the period of probation.

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

Defendant: JANICE LAPHAM  
Case Number: 95-CR-074-001-H

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 8,167.51

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

Full restitution is not ordered for the following reason(s): Defendant has previously paid a portion of the restitution owed to the victims. In addition, the defendant shall receive credit for any payments to the victim, AVCOM, which were recently made and were not received by the victim prior to sentencing. The defendant asserts that a \$150 payment was mailed to AVCOM on September 27, 1995, thereby leaving an unpaid balance of \$2,450. If this occurred, this payment shall be credited toward the \$2,600 amount imposed as part of this sentence.

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

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

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

*[Handwritten mark]*

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

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 ANDRE LAMONT GREEN and )  
 MARQUITA LATICE HANKINS, )  
 )  
 Defendants. )

ENTERED ON DOCKET

DATE OCT - 6 1995

No. 95-CR-77-K ✓

**FILED**

OCT 03 1995

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

O R D E R

Before the Court is the motion of defendant Green to dismiss counts five and six of the indictment, the motion having been orally joined by defendant Hankins. On August 1, 1995 a forfeiture order was entered in State of Oklahoma v. One Thousand Six Hundred Fifteen Dollars, No. CJ-95-1194 in the District Court of Tulsa County, State of Oklahoma. Among other items, the court ordered that one J.P. Sauer .44 cal. revolver, Serial Number 210414 be forfeited to plaintiff, the State of Oklahoma. This is the same firearm described in counts five and six of the present indictment. Count five charges both defendants with possession of a firearm during a drug trafficking crime; count six charges defendant Green with possession of a firearm after prior conviction of a felony.

Defendants argue the prosecution for possession of the subject weapon violates the Double Jeopardy Clause. This is an area of the law presently in flux. In Wolfe v. United States, 1995 WL 455718 (D.Minn.1995), an excellent summary is provided by the United States District Court for the District of Minnesota:

The Fifth Amendment provides, "No person

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shall. . . be subject for the same offense to be twice put in jeopardy of life or limb." U.S. Const. amend. V. The Double Jeopardy Clause protects against second prosecution for the same offense after acquittal, second prosecution for the same offense after conviction, and multiple punishments for the same offense. Department of Revenue v. Kurth Ranch, 114 S.Ct. 1937, 1941 n.1 (1994), U.S. v. Halper, 490 U.S. 435, 440 (1989). Civil forfeiture that is punitive implicates double jeopardy, while civil forfeiture that is solely remedial does not. Halper, 490 U.S. at 448-49. The Supreme Court in Austin v. U.S., 113 S.Ct. 2801, 2810-12 (1993), applied Halper to hold that forfeiture under 21 U.S.C. §881(a)(4) and (a)(7) constitutes "punishment" and is therefore subject to the limitations of the Eight Amendment's Excessive Fines Clause. In U.S. v. \$405,089.23 United States Currency, 33 F.3d 1210, 12167-19 (9th Cir.1994), the Ninth Circuit specifically applied the punishment analysis of Austin and held that forfeiture under 18 U.S.C. §981(a)(1)(A) and 21 U.S.C. §881(a)(6) constitutes punishment for the purposes of double jeopardy as well.

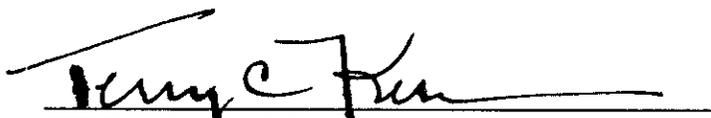
There is authority contrary to the Ninth Circuit. See, e.g., United States v. Alexander, 32 F.3d 1231 (8th Cir.1994). This Court need not resolve the issue because, as the government points out, this forfeiture was the result of a state criminal proceeding and implicates the "dual sovereignty" doctrine.

"[T]he proposition that the State and Federal Governments may punish the same conduct is too plain to need more than statement." Heath v. Alabama, 474 U.S. 82, 89 (1985) (quoting Westfall v. United States, 274 U.S. 256, 258 (1927)). In Dept. of Revenue v. Kurth Ranch, 114 S.Ct. 1937, 1947-48 n.22 (1994), the Supreme Court indicated the continued validity of the doctrine. There is abundant authority in which the dual sovereignty doctrine has been

applied to defeat double jeopardy challenges to civil forfeiture. See United States v. Certain Real Property and Premises Known as 38 Whalers Cove Drive, Babylon, NY, 954 F.2d 29, 38 (2d Cir.), cert. denied, sub nom. Levin v. United States, 113 S.Ct. 55 (1992); United States v. Branum, 872 F.Supp. 801 (D.Or.1994); United States v. Garin, 1995 WL 476112 (D.Minn.1995); United States v. Woods, 1995 WL 470054 (E.D.Mich.1995). The Court sees no reason to depart from what appears to be a uniform rule.

It is the Order of the Court that the motion of defendants to dismiss counts five and six is hereby DENIED.

ORDERED this 3 day of October, 1995.

  
TERRY C. KERN  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

ENTERED ON DOCKET

UNITED STATES OF AMERICA

DATE OCT 06 1995

v.

Case Number 95-CR-074-001-H ✓

JANICE LAPHAM  
Defendant.

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

**FILED**  
OCT 5 1995  
Richard M. Lawrence, Court Clerk  
U.S. DISTRICT COURT

The defendant, JANICE LAPHAM, was represented by Stan Monroe.

The defendant pleaded guilty to count(s) 1 of the Information on June 30, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1029(a)(2) and (b)(1)	Fraudulent Use of An Unauthorized Access Device	12/30/92	1

As pronounced on October 2, 1995, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, 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 5<sup>TH</sup> day of OCTOBER, 1995.

  
\_\_\_\_\_  
The Honorable Sven Erik Holmes  
United States District Judge  
↓

Defendant's SSN: 445-46-8719  
Defendant's Date of Birth: 11/02/46  
Defendant's residence and mailing address: 2108 North 26th Street, Broken Arrow, Oklahoma 74014

Defendant: JANICE LAPHAM  
Case Number: 95-CR-074-001-H

### PROBATION

The defendant is hereby placed on probation for a term of 36 month(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 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 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.
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: JANICE LAPHAM  
Case Number: 95-CR-074-001-H

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$7,267.51.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Chase VISA P.O. Box 15008 Acct. No. 4226903491097 Wilmington, Delaware 19850-5008	\$4,667.51
AVCOM Productions, Inc. Attn: Charles Halliburton 3158 So. 108th East Avenue, Suite 275 Tulsa, Oklahoma 74146-1621	\$2,600.00

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 during the period of probation.

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

Defendant: JANICE LAPHAM  
Case Number: 95-CR-074-001-H

### STATEMENT OF REASONS

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

**Guideline Range Determined by the Court:**

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 8,167.51

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

Full restitution is not ordered for the following reason(s): Defendant has previously paid a portion of the restitution owed to the victims. In addition, the defendant shall receive credit for any payments to the victim, AVCOM, which were recently made and were not received by the victim prior to sentencing. The defendant asserts that a \$150 payment was mailed to AVCOM on September 27, 1995, thereby leaving an unpaid balance of \$2,450. If this occurred, this payment shall be credited toward the \$2,600 amount imposed as part of this sentence.

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.

*[Handwritten signature]*

*[Handwritten initials]*

aw

**FILED**

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

OCT - 5 1995

UNITED STATES OF AMERICA

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

v.

Case Number 95-CR-009-001-B

STEVEN LEE PYRON  
Defendant.

ENTERED ON DOCKET  
DATE 10-6-95

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

The defendant, STEVEN LEE PYRON, was represented by Keith Ward.

On motion of the United States the court has dismissed count(s) 1 of the Indictment. Counts 2 through 7 were subsequently renumbered to Counts 1 through 6 of the Indictment..

The defendant was found guilty on count(s) 1 through 6 of the Indictment on June 29, 1995 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

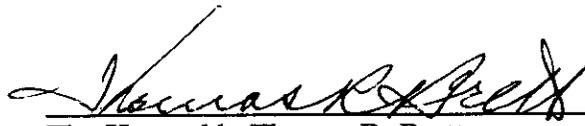
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341 & 18 USC 2(b)	Mail Fraud and Causing a Criminal Act	05/23/93	1,2,3,
18 USC 1343 & 18 USC 2(b)	Wire Fraud and Causing a Criminal Act	06/22/93	4,5,6

As pronounced on September 29, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

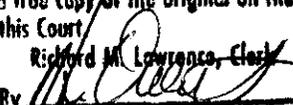
It is ordered that the defendant shall pay to the United States a special assessment of \$ 300.00, (\$50 for each count), for count(s) 1 through 6 of the Indictment, which shall be due immediately.

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 5<sup>th</sup> day of October, 1995.

  
The Honorable Thomas R. Brett  
United States District Judge

Defendant's SSN: 450-88-3858  
Defendant's Date of Birth: 11-11-49  
Defendant's residence and mailing address: Route 2, Box 705, Albany, Kentucky 42602

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: STEVEN LEE PYRON  
Case Number: 95-CR-009-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 36 months per count, each count to run concurrently.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be incarcerated at a facility in Kentucky or near his residence.

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: STEVEN LEE PYRON  
Case Number: 95-CR-009-001-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 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: STEVEN LEE PYRON  
Case Number: 95-CR-009-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$18,000.00 as to Counts 1 through 6.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
<b>SEE ATTACHED</b>	

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.

Restitution for victims in Steve Pyron case

The Court orders that restitution of \$18,000 be distributed among the victims according to the percentage of loss each had suffered. This calculates as follows:

John W. Behnken  
10508 Arvilla Northeast  
Albuquerque, New Mexico 87111  
\$2,772.00

Bradley Jedlicka  
15920 S.W 106th Avenue  
Miami, Florida 33157  
\$1,386.00

Ray R. Henry  
1663 Lake Winyah Road  
Alpena, Michigan 49707  
\$828.00

Roger D. Hutchinson  
16 Anita Way  
Trenton, New Jersey 08610  
\$864.00

Paul A. Jarczyk  
5150 Bald Eagle Road  
Orange Park, Florida 32073  
\$1,386.00

Gerald F. Altobelli  
620 Whitehorse Avenue  
Trenton, New Jersey 08610  
\$864.00

Mary Jean Wahlstrom  
10773 Gooseprarie Road  
Leesburg, Florida 34788  
\$828.00

Daniel Cameron  
c/o Timothy Irwin  
5335 Holmes Place  
Boulder, Colorado 80303  
\$3,546.00

Tony Stewart  
611 East Hampton Street  
Anderson, South Carolina 29624  
\$1,386.00

Lawrence A. Sanders  
111 Briny Avenue  
Pompano Beach, Florida 33062  
\$1,656.00

John Yonkovich  
1525 Summit Street  
McKeesport, Pennsylvania 15131  
\$684.00

Anna Dershem  
Route 1, Box 891  
New Columbia, Pennsylvania  
17856  
\$1,386.00

Rebecca Aguilar  
11311 Sagevale  
Houston, Texas 77089  
\$414.00

Defendant: STEVEN LEE PYRON  
Case Number: 95-CR-009-001-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:	14
Criminal History Category:	V
Imprisonment Range:	33 months to 41 months - Cts. 1-6
Supervised Release Range:	2 to 3 years - Cts. 1-6
Fine Range:	\$ 4,000 to \$ 40,000 - Cts. 1-6
Restitution:	\$ 93,390.75

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): 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.

ew

**FILED**

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

OCT - 2 1995

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

UNITED STATES OF AMERICA

Case Number 93-CR-186-001-B

v.

ENTERED ON DOCKET

KENNETH ALLEN LOWE  
Defendant.

DATE 10-4-95

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

The defendant, KENNETH ALLEN LOWE, was represented by John Dowdell.

On motion of the United States the court has dismissed count(s) 2 and 4-7 of the Indictment.

The defendant pleaded guilty to count(s) 1 and 3 of the Indictment on April 4, 1994. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy	07/91	1
18 USC 1951 & 2	Robbery Affecting Interstate Commerce and Aiding & Abetting	06/07/91	3

As pronounced on September 22, 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 \$ 100.00, for count(s) 1 and 3 of the Indictment, which shall be due immediately.

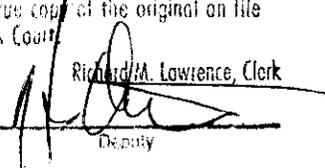
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 2<sup>nd</sup> day of October, 1995.

  
The Honorable Thomas R. Brett  
Chief United States District Judge

Defendant's SSN: 545-06-3181  
Defendant's Date of Birth: 04/02/55  
Defendant's mailing address: C/O Bureau of Prisons - Dallas, TX  
Defendant's residence address: 105 N. Nogales, Tulsa, OK

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

By   
Richard M. Lawrence, Clerk  
Deputy

Defendant: KENNETH ALLEN LOWE  
Case Number: 93-CR-186-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 228 months. In Count 3, 228 months; Count 1, 60 months, said counts to run concurrently, each to the other.

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

**RETURN**

I have executed this Judgment as follows:

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

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

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

Defendant: KENNETH ALLEN LOWE  
Case Number: 93-CR-186-001-B

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to Counts 1 and 3, said 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 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 ALLEN LOWE  
Case Number: 93-CR-186-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$10,000.00.

This amount is the total of the restitution imposed on individual counts, as follows: \$9,963.85 on Count 1, \$36.15 on Count 3.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
<b>SEE ATTACHMENT</b>	

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 as is reflected by the attached.

Defendant: KENNETH ALLEN LOWE  
Case Number: 93-CR-186-001-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:	29
Criminal History Category:	VI
Imprisonment Range:	151 months to 188 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 15,000 to \$ 150,000
Restitution:	\$ 247,855

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): The Court noted several factors that warrant an upward departure, all related to USSG § 4A1.3, based on the fact that the calculated criminal history category of VI underrepresents the seriousness of the defendant's criminal past. The Court moves down 2 offense levels to an offense level of 31, Criminal History Category VI, for a departure range of 188 to 235 months. The Court concluded that there are aggravating factors of a kind or to a degree not taken into consideration by the Sentencing Commission, that justify the upward departure.

The upper end of said guideline range was selected by the Court for the reasons stated at sentencing.

ATTACHMENT/restitution

As to Count 1 of the Indictment:

Donne and Sandy Pitman \$ 3,388.80  
6825 South Delaware  
Tulsa, Oklahoma 74136

Chubb Insurance \$ 2,945.03  
Attn: Property Claims  
Claimant: D. and S. Pitman  
6120 S. Yale #1300  
Tulsa, Oklahoma 74136

Charles and Joyce Robertson \$ 8.47  
8511 S. Gary Dr.  
Tulsa, Oklahoma 74131

Scott Warden \$ 14.12  
1742 S. Louisville  
Tulsa, Oklahoma 74112

Farmers Insurance \$ 42.36  
10301 E. 51st. Street  
Tulsa, Oklahoma 74146  
Attn: Property Claims  
Claimant: Scott Warden

Jerry M. Minick \$ 144.22  
3353 S. 131st E. Ave.  
Tulsa, Oklahoma 74134

Thomas and Sammie Dixon \$ 443.77  
4614 E. 41st. Street  
Tulsa, Oklahoma 74135

Chubb Insurance \$ 782.24  
Attn: Property Claims  
Claimant: Thomas and Sammie Dixon  
6120 S. Yale #1300  
Tulsa, Oklahoma 74136

D.G. Metevilis \$ 40.34  
4612 E 31st.  
Tulsa, Oklahoma 74135

Joseph Mercuri \$ 1.00  
200 Center Plaza  
Tulsa, Oklahoma 74119

Moody's Jewelry Attn: Earnest Moody 3350 E. 51st. Street Tulsa, Oklahoma 74112	\$ 201.71
Jeweler's Mutual Attn: Earnest Moody 3350 E. 51st. Street Tulsa, Oklahoma 74112	\$ 620.55
Commonwealth United Mtg. 5151 E. 51st Street Tulsa, Oklahoma 74135 Attn: Gayla Dixon	\$ 85.12
Leatha Waller 5151 E. 51st Street Tulsa, Oklahoma 74135	\$ 25.49
USAA P.O. Box 33490 San Antonio, Texas 78265 Attn: Claims Dept., Claimant # 6029668	\$ 121.02
Jamie Lee Jones 5151 E. 51st. Street Tulsa, Oklahoma 74135	\$ 50.42
Allstate Insurance 5800 E. Skelly Drive Tulsa, Oklahoma 74135 Attn: Claims Dept. Claimant: Jamie Jones	\$ 40.34
John Grove 5151 E. 51st. Street Tulsa, Oklahoma 74135	\$ 334.84
State Farm Insurance Attn: Claims Dept. Claimant: D. Catron 6111 E. 32nd Place Tulsa, Oklahoma 74135	\$ 88.76
Susan Arneechar 1915 E. 49th St. Apt No. 207 Tulsa, Oklahoma 74105	\$ .80
Helen Sage 5151 E. 51st. Street Tulsa, Oklahoma 74135	\$ 6.00
Bernice Hall 5151 E. 51st. Street Tulsa, Oklahoma 74135	\$ 167.43

Susan Jobe Rt. 1 Box 474 Beggs, Oklahoma 74421	\$ 7.00
David Strange 9601 E. 21st Place Tulsa, Oklahoma 74129	\$ 7.00
Shirley Schmidt 3927 E. 16th St. Tulsa, Oklahoma	\$ 40.34
Dr. Norval and Barbara Smith 3017 E. 87th St. Tulsa, Oklahoma 74137	\$ 5.44
Charlotte Campbell 3912 E. 31st. St. Tulsa, Oklahoma 74135	\$ 10.00
Chubb Insurance Attn: Property Claims Claimant: Thomas and Charlotte Campbell 6120 S. Yale #1300 Tulsa, Oklahoma 74136	\$ 179.98
AllState Insurance 5800 E. Skelly Drive #1000 Tulsa, Oklahoma 74135 Attn: Claims Dept. Claimant: Mary Neely, No. 4653283707	\$ 40.26
Dr. James Birch 2687 S. Utica Tulsa, Oklahoma	\$ 121.00

Total as to Count 1

\$ 9,963.85

As to Count 3 of the Indictment:

Homeland Store 1530 S. Lewis Tulsa, Oklahoma	\$ 36.15
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Total as to counts 1 and 3 of the Indictment \$10,000.00

**FILED**

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

OCT 3 1995

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
HARVEY LEE WILSON, )  
 )  
Defendant. )

Case No. 93-CR-63-E

ENTERED ON DOCKET

DATE 10/3/95

O R D E R

Now before the Court is the Motion to Vacate, Set Aside and Correct Sentence pursuant to 28 U.S.C. §2255 of the Defendant Harvey Lee Wilson (Wilson).

Wilson pled guilty to one count of Conspiracy to Possess with Intent to Distribute Cocaine Base (Crack), and Aiding and Abetting in violation of 21 U.S.C. §§846 and 841(a)(1). The Government filed a motion for reduction in sentence pursuant to U.S.S.G. §5K1.1, and Wilson was sentenced to a term of 120 months. He now attacks his sentence asserting 1) that the enhanced penalty scheme for crack cocaine violates his rights to due process and equal protection; 2) that the Rule of Lenity should be applied to his sentence because the applicable statutes are unconstitutionally vague; and 3) that he was denied effective assistance of counsel at sentencing because counsel failed to raise these arguments.

The government asserts that Wilson's claims are procedurally barred because Wilson failed to raise the issue of the constitutionality of the sentencing scheme on direct appeal. The government also acknowledges, correctly, that because Wilson raises the issue of ineffective assistance of counsel for failure to object to the sentencing scheme, the issue of the constitutionality

of the enhanced penalty for cocaine base must also be addressed.

Wilson first asserts that the terms "cocaine and "cocaine base" are synonymous, having the same molecular structure, molecular weight, and melting point, therefore it is unconstitutional to make a distinction between them for purposes of sentencing. Wilson relies on United States v. Davis, 864 F.Supp. 1303 (N.D.Ga. 1994) for this constitutional argument. Additionally, while Wilson does not argue that the sentencing distinction is unconstitutional because of its disparate impact on minorities in his brief, he does allude to this issue in his Motion for an Evidentiary Hearing.

The Tenth Circuit has rejected the argument that cocaine base and cocaine hydrochloride are the same drug. See United States v. Smith, 24 F.3rd 1230, 1234 (10th Cir. 1994); United States v. Turner, 928 F.2d 956, 960 (10th Cir 1992).

Moreover, the Court has found that the enhanced penalty scheme in the U.S. Sentencing Guidelines for offenses involving cocaine base (crack) was rational and did not offend constitutional equal protection guarantees. The Court reasoned that a neutral law with a disproportionate impact on blacks is unconstitutional only if the impact can be traced to a discriminatory purpose. United States v. Easter, 981 F.2d 1549, 1559 (10th Cir. 1992). The Court found that there was no evidence that the harsher penalty was adopted to further a racially discriminatory purpose, that the scheme was rational, and rejected Defendant's claim. Id. See also, United States v. Thurmond, 7 F.3d 947 (10th Cir. 1993), United States v.

Angulo-Lopez, 7 F.3d 1506 (10th Cir. 1993). In the present case, Wilson presents no evidence that the penalty was adopted to further a racially discriminatory purpose.

Wilson also argues that the Rule of Lenity should apply because of an ambiguity between cocaine and cocaine base. The Circuit has already determined that there is no ambiguity, and that the two substances are distinct. See, e.g. Easter, 981 F.2d at 1558. Thus there is no vagueness, and no basis for the application of the Rule of Lenity.

Wilson argues that he received ineffective assistance of counsel because the constitutionality arguments were not raised either at sentencing or on appeal. In order to support this claim, Wilson must show that counsel's performance was deficient and that the deficient performance prejudiced the defense. Strickland v. Washington, 104 S.Ct.2052, 2064 (1984). In the present case, any failure to raise this issue could not have prejudiced the defense since the argument is not supported by the law in this Circuit.

Wilson's Motion to Vacate, Set Aside, or Correct a Sentence (Docket # 41) is denied. Because a review of the record and the applicable law demonstrate that Wilson is not entitled to any relief, his requests for appointment of counsel and evidentiary hearing are also denied.

IT IS SO ORDERED THIS 2<sup>nd</sup> DAY OF October ~~SEPTEMBER~~, 1995.

  
JAMES O. ELLISON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

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.

3

Richard M. Lawrence, Clerk  
By   
Deputy



asserting his guilty plea should be vacated in light of Bailey v. United States, 116 S.Ct. 501 (1995). In Bailey, the Supreme Court held that conviction of a defendant for use of a firearm under Section 924(c) "requires evidence sufficient to show an active employment of the firearm by the defendant." Id. at 505. In response, the government asks for an evidentiary hearing to determine if sufficient evidence exists for a conviction. In the alternative, the government requests reinstatement of the indictment in its entirety. Defendant replies that the Double Jeopardy Clause precludes giving the Government a second chance to prosecute him for the offense at issue in this case. He relies on Schranz v. United States, 96-3053-CV-S-4 (W.D. Mo. April 2, 1996).

In light of Bailey, the Court must grant Defendant's motion to vacate the section 924(c)(1) conviction. An evidentiary hearing seems unnecessary. The record is clear that Defendant pled guilty pursuant to the pre-Bailey standard, and he is entitled to the retroactive benefit of the Supreme Court decision in Bailey. The Court, however, grants the government's request to reinstate the entire indictment. Under similar circumstances, courts have permitted reinstatement of the indictment. See United States v. Viera, 931 F.Supp. 1224, 1996 WL 376690, \*3 (M.D. Penn. July 2, 1996); United States v. Gaither, 926 F.Supp. 50, 51-52 (M.D. Penn. 1996) (absent bar of the statute of limitations appropriate remedy would be reinstatement of dismissed counts); see also Fransaw v. Lynaugh, 810 F.2d 518, 524-525 (5th Cir. 1987); United States v.

Reguer, 901 F.Supp. 522 (E.D. N.Y. 1995).<sup>1</sup> Moreover, reinstating the indictment will not contravene the Double Jeopardy Clause. "When [a] defendant repudiates the plea bargain, either by withdrawing the plea or by successfully challenging his conviction on appeal, there is no double jeopardy (or other) obstacle to restoring the relationship between defendant and the state as it existed prior to the defunct bargain." Fransaw, 810 F.2d at 524-525; see also United States v. Tateo, 377 U.S. 463 (1964) (defendant was subject to retrial following order setting aside judgment on ground that guilty plea was not voluntary).

Schranz v. United States, 96-3053-CV-S-4 (W.D. Mo. April 2, 1996), is only persuasive authority not binding upon this Court. In any event, that court's reliance on United States v. Von Moos, 660 F.2d 748 (9th Cir. 1981), for the proposition that "[j]eopardy attached in the double punishment context when the defendant begins serving the sentence" is no longer good law. See United States v. Groceman, 882 F.Supp. 976 (E.D. Washington 1995) (citing United States v. DiFrancesco, 449 U.S. 117, 137 (1980); United States v. Andersson, 813 F.2d 1450, 1461 (9th Cir. 1987)).

ACCORDINGLY, IT IS HEREBY ORDERED that the section 2255 motion of Defendant Roy Douglas Winkleman is GRANTED and that the Defendant's guilty plea, conviction and sentence are hereby VACATED. The superseding indictment in this case is reinstated in

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<sup>1</sup> In Viera and Gaither, the district court reinstated the dismissed counts after finding that the factual basis for defendant's plea was no longer adequate to sustain the conviction under Bailey.

its entirety and a new seventy-day time limit is granted under 18 U.S.C. § 3161(e) of the Speedy Trial Act. The Court Clerk's Office is directed to send notice of new motion deadlines, pretrial and trial dates.

SO ORDERED THIS 27 day of September, 1996.

  
TERRY C. KERN  
UNITED STATES DISTRICT JUDGE