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

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

BILLY DON RICE,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

No. 93-CR-145-2-C ✓

EOD 12/26/95

ORDER

Currently pending before the Court is a motion, styled as a writ of habeas corpus, filed by petitioner, Billy Don Rice. The issues raised herein and the relief requested, however, are more appropriately brought under 28 U.S.C. § 2255. The Court will therefore treat Rice's petition as a § 2255 motion seeking relief from an illegal sentence.

On January 18, 1994, Rice plead guilty to the Indictment charging him with Conspiracy to Commit Mail Fraud, in violation of 18 U.S.C. § 371. On March 25, 1994, Rice was sentenced to a term of imprisonment for a period of forty-five months followed by a three year period of supervised release. The Court imposed a fine in the amount of \$1,000.00, along with a \$50.00 special monetary assessment. The Court additionally ordered restitution to County Mutual Insurance in the amount of \$12,365.65.

Rice moves this Court to grant him relief in the form of a writ of habeas corpus on the following grounds: (1) the Court improperly sentenced Rice pursuant to the guideline penalty applicable to the offense of arson; (2) the Court erred in ordering

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Rice to pay \$12,365.65 in restitution; and (3) ineffective assistance of counsel.

Rice contends that the application of the penalty for arson under § 2K1.4(a)(1) of the Sentencing Guidelines was improper. Rice's claim is meritless. Section 1B1.2(a) of the Sentencing Guidelines directs the Court to generally impose the penalty most applicable to the offense of conviction. However, a limited exception contained in § 1B1.2(a) provides that, "in the case of a plea agreement (written or made orally on the record) containing a stipulation that specifically establishes a more serious offense than the offense of conviction, [the Court shall apply] the offense guideline . . . most applicable to the stipulated offense." The commentary to § 1B1.2 states that where a "stipulation that is set forth in a written plea agreement or made between the parties on the record during a plea proceeding specifically establishes facts that prove a more serious offense . . . than the offense . . . of conviction, the court is to apply the guideline most applicable to the more serious offense . . . established."

In the present case, there was no plea agreement between Rice and the government. However, in Rice's sworn Petition to Enter Plea of Guilty, Rice admitted to the elements of arson. In providing the factual basis required for his plea of guilty, Rice detailed his involvement, along with co-defendant Bobby Ray Rice and others, in the burning of a dwelling for the purposes of committing insurance

fraud.¹ During his plea proceedings, Rice represented to the Court under oath that arson was an integral part of his mail fraud scheme. As such, this admission made in open court which was accepted by the Court and not contested by either Rice or the government satisfies the requirements of § 1B1.2(a), as amended.²

Rice further contends that the Court applied the incorrect offense level for arson. Rice argues he did not knowingly create a substantial risk of death or serious bodily injury to another, nor did he destroy or attempt to destroy a dwelling. This argument is also without merit. The burned structure was a house in which a family lived. The fact that one co-conspirator removed some belongings from the house prior to setting it ablaze does not convert it into something other than a dwelling.

Furthermore, as the Court found during the sentencing hearing, Rice's involvement in the intentional burning of a large structure created a substantial risk of death or serious bodily injury to the fire fighters who would respond to the blaze. This case involves a substantial fire that completely consumed the structure. The fact that no one was injured is completely irrelevant. The occasion

¹ In co-defendant Bobby Ray Rice's plea agreement, he corroborated Billy Don Rice's account of what transpired between the conspirators. As the factual basis for his guilty plea, Bobby Rice admitted to his involvement in the offense of arson in both his plea agreement and in his sworn Petition to Enter Plea of Guilty. Based on this stipulation, the Court similarly imposed upon Bobby Rice the penalty provided for arson pursuant to § 2K1.4(a)(1) of the guidelines.

² See, Appendix C, No. 434, effective Nov. 1, 1991, and No. 438, effective Nov. 1, 1992, of the 1993 Edition to U.S. Sentencing Guidelines.

itself created a substantial risk of danger to those who would be called upon to suppress the fire. The Court finds that this risk was knowingly created. Hence, the Court applied the proper guideline for arson in this case.

This issue respecting the imposition of the penalty for arson pursuant to § 2K1.4(a)(1) was fully argued before the Court at Rice's sentencing hearing. At that time, the Court determined that Rice's contentions were groundless. The Court finds no justification for reversing its earlier decision.

Rice also contends that the Court improperly imposed restitution. Rice apparently asserts that the Court should have ordered restitution against all defendants, pro-rata. Rice's argument is without merit. The Victim and Witness Protection Act ("VWPA"), 18 U.S.C. §§ 3663-3664, requires the Court to consider the victim's loss, the defendant's financial resources, and the financial needs and earning ability of the defendant and the defendant's dependents. 18 U.S.C. § 3664(a). The Court may not order restitution in an amount greater than the total loss caused by the defendant's conduct. U.S. v. Arutunoff, 1 F.3d 1112, 1121 (10th Cir. 1993). Further, "a sentencing court has wide discretion to fashion an appropriate sentence for an individual defendant." U.S. v. Harris, 7 F.3d 1537, 1540 (10th Cir. 1993).

In the instant case, the Court determined at the time of sentencing that, given Rice's financial condition, restitution in the amount of \$12,365.65 was appropriate. Rice's pre-sentence report indicates that his net worth was \$64,279.00 at the time of

sentencing. Rice's federal tax returns for the years 1991, 1992, and 1993, filed jointly with his wife, show an adjusted gross income of \$11,666, \$30,524, and \$48,739, respectively. Clearly, Rice's financial condition warrants the imposition of restitution in the amount ordered.

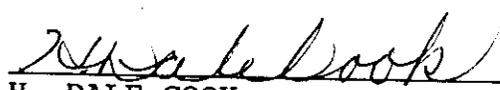
The VWPA does not indicate how restitution should be apportioned among multiple defendants. However, the Tenth Circuit held in Harris, 7 F.3d at 1540, that the district court did not abuse its discretion in holding one defendant potentially liable for the entire amount of restitution. Hence, the Court is under no obligation to issue a pro-rata restitution order.

Rice's final claim respecting ineffective assistance of counsel is also meritless. Rice is incorrect in arguing that his counsel did not appropriately object to the application of the penalty for arson. On the contrary, the record clearly shows that counsel engaged the Court in extensive argument during the sentencing hearing respecting the application of this penalty. Moreover, the Petition to Enter Plea of Guilty unequivocally demonstrates that Rice understood that he was potentially subject to a term of five years imprisonment, as well as a \$250,000 fine. The sentence which the Court actually imposed upon Rice was therefore well within the range of punishment that he anticipated. With respect to counsel's advice respecting an appeal following sentencing, counsel apparently indicated that he didn't "do appeals," and that an appeal could subject Rice to additional charges. Rice does not contend, however, that counsel advised him

not to appeal. The Court can find no articulable basis for concluding that counsel's representation was less than adequate under the circumstances of this case.

Accordingly, Rice's motion for relief under 28 U.S.C. § 2255 is hereby DENIED.

IT IS SO ORDERED this 21st day of December, 1995.



H. DALE COOK
U.S. District Judge

FILED

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

DEC 22 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-041-002-K

FERRELL DIXON
Defendant.

ENTERED ON DOCKET
DATE 12-26-95

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

The defendant, FERRELL DIXON, was represented by Robert Issac Mayes.

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

The defendant pleaded guilty to count(s) 1, 2, 4, and 5 of the Indictment on August 16, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy	01/27/93	1
18 USC 1341 & 2	Mail Fraud and Aiding & Abetting	01/27/93	2, 4, & 5

As pronounced on December 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.

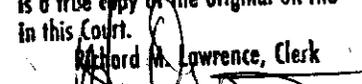
It is ordered that the defendant shall pay to the United States a special assessment of \$ 200.00, for count(s) 1, 2, 4, and 5 of the Indictment, which shall be due immediately.

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 22 day of December, 1995.


The Honorable Terry C. Kern
United States District Judge

Defendant's SSN: 441-70-0798
Defendant's Date of Birth: 04/14/66
Defendant's residence and mailing address: 3722 West 52nd St., Tulsa, OK 74107

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: FERRELL DIXON
Case Number: 95-CR-041-002-K

Judgment--Page 2 of 5

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 months as to each of counts 1, 2, 4, and 5, each count to run concurrently, each to the other.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on January 19, 1996.

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: FERRELL DIXON
Case Number: 95-CR-041-002-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to each of Counts 1, 2, 4, and 5, each count to run concurrently, each to the other.

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: FERRELL DIXON
Case Number: 95-CR-041-002-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$3,131.31 on Count 1.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Mid-Continent Ins. Co. 1620 South Boulder Tulsa, OK 74103	\$ 866.11
Equity Fire & Casualty Co. 1204 So. Harvard Tulsa, OK 74112	\$2,265.20

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. The amount of \$2,265.20 to be paid jointly and severally with related case defendants Katharyn Ford and Ralph Bennett, immediately, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury. 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: FERRELL DIXON
Case Number: 95-CR-041-002-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:	10
Criminal History Category:	IV
Imprisonment Range:	15 months to 21 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 3,131.31

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

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

DEC 22 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-041-003-K

JERALD BUTLER
Defendant.

ENTERED ON DOCKET

DATE 12-26-95

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

The defendant, JERALD BUTLER, was represented by C.W. Hack.

On motion of the United States the court has dismissed count(s) 1, 6, and 7 of the Indictment.

The defendant pleaded guilty to count(s) 1 of the Information on August 7, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

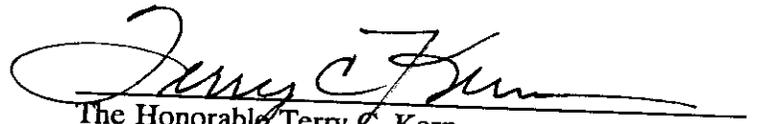
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341 & 2	Mail Fraud and Causing a Criminal Act	01/31/93	1

As pronounced on December 19, 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.

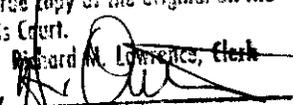
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Information, which shall be due immediately.

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 22 day of December, 1995.


The Honorable Terry C. Kern
United States District Judge

Defendant's SSN: 444-70-8297
Defendant's Date of Birth: 01/02/64
Defendant's residence and mailing address: 1420 S.W. 21st., Oklahoma City, OK 73108

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: JERALD BUTLER
Case Number: 95-CR-041-003-K

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 be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 5 months, to commence within 10 days 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 officer. 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: JERALD BUTLER
Case Number: 95-CR-041-003-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$6,811.17, to be paid jointly and severally with codefendant Angela Butler.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Equity Fire and Casualty Co. C/O Berryhill and Associates 3421 East 21st Street Tulsa, OK 74114	\$6,811.17

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: JERALD BUTLER
Case Number: 95-CR-041-003-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: The offense level is reduced two (2) levels under USSG § 3B1.2(b) for minor role in the offense, to a total offense level of 9.

Guideline Range Determined by the Court:

Total Offense Level:	9
Criminal History Category:	I
Imprisonment Range:	4 months to 10 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 1,000 to \$ 10,000 - Ct. 1
Restitution:	\$ 6,811.17

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

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

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UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

DEC 22 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-041-004-K

ANGELA BUTLER
Defendant.

ENTERED ON DOCKET

DATE 12-26-95

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

The defendant, ANGELA BUTLER, was represented by Keith Ward.

On motion of the United States the court has dismissed count(s) 1, 6 and 7 of the Indictment.

The defendant pleaded guilty to count(s) 1 of the Information on August 7, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

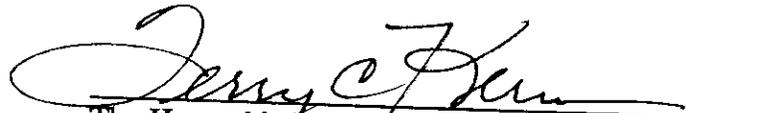
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341 & 2	Mail Fraud and Causing a Criminal Act	01/31/93	1

As pronounced on December 19, 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 22 day of December, 1995.


The Honorable Terry E. Kern
United States District Judge

Defendant's SSN: 446-70-9701
Defendant's Date of Birth: 05/04/65
Defendant's residence and mailing address: 1420 S.W. 21st., Oklahoma City, OK 73108

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: ANGELA BUTLER
Case Number: 95-CR-041-004-K

Judgment--Page 2 of 4

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 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 10 days 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: ANGELA BUTLER
Case Number: 95-CR-041-004-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$6,811.17 on Count 1, to be paid jointly and severally with codefendant Jerald Butler.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Equity Fire and Casualty Co. C/O Berryhill and Associates 3421 East 21st Street Tulsa, OK 74114	\$6,811.17

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: ANGELA BUTLER
Case Number: 95-CR-041-004-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:	11
Criminal History Category:	II
Imprisonment Range:	10 months to 16 months
Supervised Release Range:	1 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 6,811.17

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 pursuant to USSG § 5K2.0, finding that the loss overstates the seriousness of her conduct, unique family responsibilities, and because her role was less than others; and pursuant to USSG § 4A1.3, in that her Criminal History Category over-represents her criminal past.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

DEC 22 1995

UNITED STATES OF AMERICA

v.

Case Number 95-CR-036-001-K

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

DARRELL W. CLIFTON
Defendant.

ENTERED ON DOCKET
DATE 12-26-95

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

The defendant, DARRELL W. CLIFTON, was represented by Craig Bryant.

The defendant was found guilty on count(s) 1, 2, and 3 of the Indictment on July 27, 1995 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

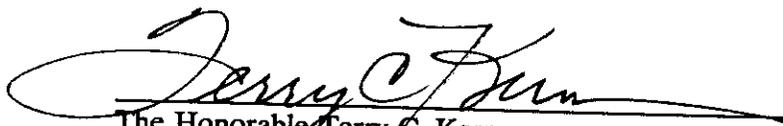
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
26 USC 7206(1)	Making & Subscribing a False U.S. Individual Income Tax Return	04/14/91	1, 2, & 3

As pronounced on December 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 \$ 150.00, for count(s) 1, 2, 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 22 day of December, 1995.



The Honorable Terry C. Kern
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.

By 
Deputy

Defendant's SSN: 440-54-9074

Defendant's Date of Birth: 04/09/50

Defendant's residence and mailing address: 1611 S. Magnolia Ave., Broken Arrow, OK 74012

Defendant: DARRELL W. CLIFTON
Case Number: 95-CR-036-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 5 months as to each count, all counts to run concurrently, each to the other.

The Court makes the following recommendations to the Bureau of Prisons: Classification provisions permitting, the Court recommends that the Bureau of Prisons designate the Freedom House Community Corrections Center as the place of service of this sentence.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on February 2, 1996.

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: DARRELL W. CLIFTON
Case Number: 95-CR-036-001-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 1 year as to each of Counts 1, 2, and 3, all 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 be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 5 months, to commence within 72 hours of release from confinement. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office.
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: DARRELL W. CLIFTON
Case Number: 95-CR-036-001-K

COST of PROSECUTION

The defendant shall pay the cost of prosecution to the U.S. Department of Justice in the amount of \$1,029.94.

Defendant: DARRELL W. CLIFTON
Case Number: 95-CR-036-001-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:	11
Criminal History Category:	I
Imprisonment Range:	8 months to 14 months - Cts. 1, 2, & 3
Supervised Release Range:	1 year - Cts. 1, 2, & 3
Fine Range:	\$ 2,000 to \$ 129,994.29 - Cts. 1, 2, & 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.

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 22 1995

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

UNITED STATES OF AMERICA
Plaintiff

VS

Ray Jones Jr.
Defendant

Case Number: 93-CR-102-001-E

ENTERED ON DOCKET

DATE DEC 26 1995

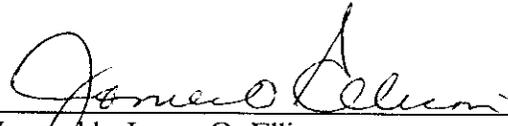
JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF SUPERVISED RELEASE

Now on this 15th day of December, 1995, this matter comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on November 6, 1995. The defendant is present in person and with his attorney, Regina Stephenson. The Government is represented by Assistant U. S. Attorney Neal Kirkpatrick, and the U. S. Probation Office is represented by Randall Drew.

The defendant was heretofore, on October 22, 1993, sentenced to thirty months in the custody of the U.S. Bureau of Prisons with a two year term of supervised release to follow, after entering a plea of guilty to a single count Indictment charging Possession of a Firearm after Former Conviction of a Felony in violation of 18 U.S.C. §§ 922(g) and 924(a)(2). As a condition of his supervised release, Jones was ordered to participate in drug screening as directed by the Probation Office. On December 1, 1995, a revocation hearing was held regarding the allegations noted in the Petition on Supervised Release, said allegations being that the defendant violated supervision conditions 1 and

2. The defendant stipulated to the facts alleged in the petition, and on December 15, 1995, a sentencing hearing was held at which time the following sentence was imposed:

The Court, having taken notice of the policy statements in Chapter 7 of the Guidelines Manual, hereby sentences the defendant to twelve months in the custody of the Bureau of Prisons. The Court further recommends that the defendant be afforded the opportunity to undergo the most comprehensive drug treatment available while serving the term of incarceration. Further, the Court rescinds the balance of the \$2,000 fine that was originally imposed in the instant offense.

A handwritten signature in cursive script, reading "James O. Ellison", written over a horizontal line.

The Honorable James O. Ellison
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
DEC 22 1995
Richard M. Lawrence, Court Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA
Plaintiff

VS

Ray Jones Jr.
Defendant

Case Number: 93-CR-102-001-E ✓

ENTERED ON DOCKET
DATE DEC 26 1995

JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF SUPERVISED RELEASE

Now on this 15th day of December, 1995, this matter comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on November 6, 1995. The defendant is present in person and with his attorney, Regina Stephenson. The Government is represented by Assistant U. S. Attorney Neal Kirkpatrick, and the U. S. Probation Office is represented by Randall Drew.

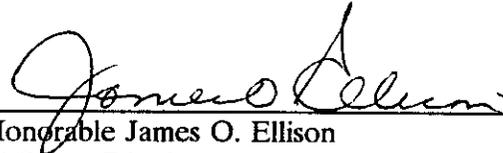
The defendant was heretofore, on October 22, 1993, sentenced to thirty months in the custody of the U.S. Bureau of Prisons with a two year term of supervised release to follow, after entering a plea of guilty to a single count Indictment charging Possession of a Firearm after Former Conviction of a Felony in violation of 18 U.S.C. §§ 922(g) and 924(a)(2). As a condition of his supervised release, Jones was ordered to participate in drug screening as directed by the Probation Office. On December 1, 1995, a revocation hearing was held regarding the allegations noted in the Petition on Supervised Release, said allegations being that the defendant violated supervision conditions 1 and

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 Richard M. Callin
Deputy

20

2. The defendant stipulated to the facts alleged in the petition, and on December 15, 1995, a sentencing hearing was held at which time the following sentence was imposed:

The Court, having taken notice of the policy statements in Chapter 7 of the Guidelines Manual, hereby sentences the defendant to twelve months in the custody of the Bureau of Prisons. The Court further recommends that the defendant be afforded the opportunity to undergo the most comprehensive drug treatment available while serving the term of incarceration. Further, the Court rescinds the balance of the \$2,000 fine that was originally imposed in the instant offense.



The Honorable James O. Ellison
United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

F I L E D

DEC 22 1995

UNITED STATES OF AMERICA

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

v.

Case Number 95-CR-097-001-C

ALICE JANINE STONE
Defendant.

ENTERED ON DOCKET

DATE 12-22-95

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

The defendant, ALICE JANINE STONE, was represented by Craig Bryant.

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 August 28, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1708	Theft or Receipt of Stolen Mail Matter	04/18/95	3

As pronounced on December 19, 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.

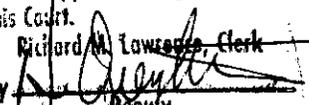
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 3 of the Indictment, which shall be due immediately.

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 22nd day of December, 1995.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 443-62-5398
Defendant's Date of Birth: 08/18/70
Defendant's residence and mailing address: 311 W. Main Street, Oilton, OK 74052

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: ALICE JANINE STONE
Case Number: 95-CR-097-001-C

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 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 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.

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: ALICE JANINE STONE
Case Number: 95-CR-097-001-C

FINE

The defendant shall pay a fine of \$ 750.00. 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: ALICE JANINE STONE
Case Number: 95-CR-097-001-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:	4
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 250 to \$ 5,000
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.

17a

FILED

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

DEC 22 1995

UNITED STATES OF AMERICA

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

v.

Case Number 95-CR-067-001-B

JAMES LEWIS FARMER
Defendant.

ENTERED ON DOCKET

DATE 12-22-95

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

The defendant, JAMES LEWIS FARMER, was represented by Jim H. Heslet.

The defendant pleaded guilty to count(s) 1 of the Indictment on December 18, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 659	Theft of Interstate Shipment	08/10/91	1

As pronounced on December 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.

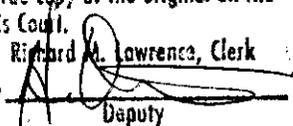
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count(s) 1 of the Indictment, which shall be due immediately.

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

Signed this the 21st day of December, 1995.


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

Defendant's SSN: 487-48-1887
Defendant's Date of Birth: 05/08/45
Defendant's mailing address: 2101 N. Grant, Springfield, MO 65803
Defendant's residence address: FCI, Texarkana

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: JAMES LEWIS FARMER
Case Number: 95-CR-067-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 5 months. Said sentence to run concurrent with the remainder of the 27 month sentence imposed in SD/IL, case 93-30072-01 WLB. The Court notes that imposition of a 5 month term will effectively increase Lewis' internment by approximately 3 months to 30 months of total punishment, the maximum term allowable had all the offense conduct been known at his original sentencing in the Southern District of Illinois. The Court notes further that this sentence does not constitute a departure, because the defendant has been credited for guideline purposes pursuant to USSG §5G1.3(b) with the 25 months already served in federal custody..

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: JAMES LEWIS FARMER

Case Number: 95-CR-067-001-B

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant is prohibited from employment as a driver in the interstate trucking industry.

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: JAMES LEWIS FARMER
Case Number: 95-CR-067-001-B

FINE

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

The defendant shall pay a fine of \$ 2,000.00. 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: JAMES LEWIS FARMER
Case Number: 95-CR-067-001-B

STATEMENT OF REASONS

No Presentence Report was ordered as the Court found it had, pursuant to Fed. R. Crim. P. 32(b)(1)(A), sufficient information to impose an appropriate sentence.

Guideline Range Determined by the Court:

Total Offense Level:	14
Criminal History Category:	III
Imprisonment Range:	21 months to 27 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 4,000 to \$ 40,000
Restitution:	\$ N/A

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

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



FILED

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

DEC 22 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-044-001-B

WILLIAM RICHARD SWART
Defendant.

ENTERED ON DOCKET

DATE 12-22-95

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

The defendant, WILLIAM RICHARD SWART, was represented by Craig Bryant.

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

The defendant pleaded guilty to count(s) 1 and 3 of the Indictment on August 11, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1344(1)	Bank Fraud	01/20/95	1
42 USC 408(a)(7)(B)	Fraudulent Use of a Social Security Number	01/20/95	3

As pronounced on December 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 \$ 100.00, 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 21 day of December, 1995.

United States District Court)
Northern District of Oklahoma) SS

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

Richard M. Lawrence, Clerk

By [Signature]
Deputy

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

Defendant's SSN: 265-99-7045

Defendant's Date of Birth: 11/11/66

Defendant's residence and mailing address: C/O Tulsa County Jail, 500 So. Denver, Tulsa, OK 74103

Defendant: WILLIAM RICHARD SWART
Case Number: 95-CR-044-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 21 months on each of Counts 1 and 3, 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: WILLIAM RICHARD SWART
Case Number: 95-CR-044-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years on Count 1 and 3 years on Count 3, 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 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: WILLIAM RICHARD SWART
Case Number: 95-CR-044-001-B

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$13,953.28 on Count 1 of the Indictment.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Liberty Bank Attn: Janet Siegal William R. Swart Acct. #6533-04-6 P.O. Box 25848 Oklahoma City, OK 73125	\$2,302.25
State Bank Attn: Charles Pilkington, Asst. Vice-President Collection Acct. of William R. Swart 502 So. Main Mall Tulsa, OK 74103	\$2,203.00
Bank of the Lakes Attn: Beverly Clark, Vice-President/Cashier Drawer A Langley, OK 74350	\$1,200.00
Grand Federal Savings Bank Attn: Johnnie Earp Box 690 Jay, OK 74346	\$4,950.03
Peoples State Bank Attn: Glen Moreland, Comptroller P.O. Box 50000 Tulsa, OK 74105	\$3,301.00

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. While in the custody of the Bureau of Prisons, the defendant shall pay one-half of any and all earnings toward this restitution order.

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

Defendant: WILLIAM RICHARD SWART
Case Number: 95-CR-044-001-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:	10
Criminal History Category:	V
Imprisonment Range:	21 months to 27 months - Cts. 1 & 3
Supervised Release Range:	3 to 5 years - Ct. 1 2 to 3 years - Ct. 3
Fine Range:	\$ 2,000 to \$ 1,000,000
Restitution:	\$ 13,953.28

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.

RF

FILED

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

DEC 19 1995

UNITED STATES OF AMERICA

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

v.

Case Number 92-CR-054-001-E

ENTERED ON DOCKET

KEIR DULLEA SPROUTS
Defendant.

DATE 12/21/95

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

The defendant, KEIR DULLEA SPROUTS, was represented by ^{Robert Wheeler} Darrell F. Brown.

On motion of the United States the court has dismissed count(s) 7 & 10 of the Indictment.

The defendant pleaded guilty on September 14, 1995, to count(s) 1 & 2 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

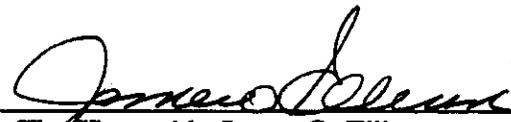
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21:846 841(a)(1) & (b)(1)(A)(iii)	Conspiracy to Possess With Intent to Distribute and to Distribute Cocaine	06/04/92	1
18:371	Conspiracy to Possess Firearm During a Drug Trafficking Crime	06/04/92	2

As pronounced on December 15, 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 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 19th day of December, 1995.


The Honorable James O. Ellison
United States District Judge

Defendant's SSN: 326-66-9364
Defendant's Date of Birth: 05/17/70
Defendant's mailing address: 2300 Woodgate #D, Pine Bluff, AR 72160
Defendant's residence address: Tulsa County Jail

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 B. M. Callaway
Deputy

Defendant: KEIR DULLEA SPROUTS
Case Number: 92-CR-054-001-E

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 144 months. 144 months as to Count 1 of 92-CR-054-001-E; and 60 months as to Count 2 of 92-CR-054-001-E to run concurrently each to the other and to the term imposed in 95-CR-122-001-E.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to 3 Rivers Facility, Austin, Texas; defendant be placed in 500 hour SAT Program; defendant be returned as soon as possible to FTC, Oklahoma City, OK pending designation.

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: KEIR DULLEA SPROUTS
Case Number: 92-CR-054-001-E

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years as to count 1; 3 years as to count 2, each to run concurrently with the other .

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: KEIR DULLEA SPROUTS
Case Number: 92-CR-054-001-E

FINE

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

This amount is the total of the fines imposed on individual counts, as follows: Count 1 of 92-CR-054-001-E.

The defendant shall pay a fine of \$ 3,000 as to count 1 of 92-CR-054-001-E. 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: KEIR DULLEA SPROUTS
Case Number: 92-CR-054-001-E

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	39
Criminal History Category:	II
Imprisonment Range:	292 months to 365 months - ct. 1 60 months - ct. 2
Supervised Release Range:	5 years - ct. 1 2 to 3 years - ct. 2
Fine Range:	\$ 25,000 to \$ 4,000,000 - ct. 1
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): Under the terms of the plea agreement, and pursuant to Rule 11(e)(1)(C), of the Federal Rules of Criminal Procedure, the Government and the defendant agree that a specific sentence of twelve years, as to Count 1, and five years, and to Count 2, on case 92-CR-054-001-E and a four year concurrent sentence for Count 1 of the Information in case 95-CR-122-001-E, all in the custody of the Federal Bureau of Prisons, is the appropriate disposition of this case.

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

DEC 19 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-122-001-E

ENTERED ON DOCKET

KEIR DULLEA SPROUTS
Defendant.

DATE 12/21/95

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

The defendant, KEIR DULLEA SPROUTS, was represented by Robert Wheeler,
Darrell F. Brown.

The defendant pleaded guilty on September 14, 1995, to count(s) 1 of the Superseding Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21:843(b)	Unlawful Use of Communication Facility	05/20/94	1

As pronounced on December 15, 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 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 19th day of December, 1995.


The Honorable James O. Ellison
United States District Judge

Defendant's SSN: 376-66-9364
Defendant's Date of Birth: 05/17/70
Defendant's mailing address: 2300 Woodgate #D, Pine Bluff, AR 72160
Defendant's residence address: Tulsa County Jail

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: KEIR DULLEA SPROUTS
Case Number: 95-CR-122-001-E

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 48 months. Said imprisonment to run concurrently with term of imprisonment imposed in counts 1 & 2 of 92-CR-054-001-E

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to serve said sentence at BOP Facility FCI Three Rivers, Austin, TX, defendant be placed in COP SAT Program while incarcerated.

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: KEIR DULLEA SPROUTS
Case Number: 95-CR-122-001-E

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: KEIR DULLEA SPROUTS
Case Number: 95-CR-122-001-E

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	39
Criminal History Category:	II
Imprisonment Range:	48 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 25,000
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.

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

FILED

DEC 20 1995
Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 KYLE REX SHELTON and)
 SYNACTEX CORPORATION,)
)
 Defendants.)

Case No. 94-CR-108-B
and 94-CR-166-B

ENTERED ON DOCKET
DATE DEC 21 1995

ORDER

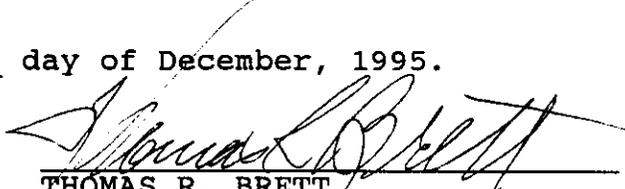
Before the Court is Defendant Kyle Rex Shelton's Motion for Amendment of Judgment (Docket #19). Shelton seeks to remove from the judgment a reference to a violation of 18 U.S.C. § 2(b). He also seeks to amend the judgment by the Court making a recommendation to the Bureau of Prisons ("BOP") for Shelton to serve his incarceration time in any alternative custody setting that the BOP feels appropriate. Because Shelton was released to home confinement on December 18, 1995, the portion of his motion requesting a recommendation for alternative custody is denied as being moot.

As to Shelton's request to remove mention of 18 U.S.C. § 2(b) in the judgment against him, the Court finds no basis for allowing such amendment. See Fed.R.Crim.P. 35. Shelton alleges that, because he pleaded Synactex (Shelton's wholly owned corporation) guilty of a felony, "it is possible to argue that Mr. Shelton was convicted of a felony as well". (Defendant's Motion for Amendment of

Judgment, p. 3). He alleges that, before he reported for incarceration, he was denied a gun purchase on the ground that he was a convicted felon, and that corrections officials have told him that he was convicted of a felony.

The Court notes, however, that Shelton's Judgment states that, under the terms for supervised release, "[D]efendant shall not own or possess a firearm or destructive device". See Judgment, p.3. Once Shelton has completed his term of supervised release, such prohibition shall be lifted because Shelton pleaded guilty to a misdemeanor. The fact that gun dealers and prison officials may misconstrue the terms of Shelton's Judgment does not prove that the Judgment is erroneous and in need of amendment. Therefore, Shelton's Motion is denied.

IT IS SO ORDERED this 20 day of December, 1995.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

FILED

DEC 19 1995

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

BOBBY RAY RICE,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)

No. 93-CR-145-1-C

ENTERED ON DOCKET

DATE DEC 20 1995

ORDER

Currently pending before the Court is the motion filed by petitioner, Bobby Ray Rice, seeking relief under 28 U.S.C. § 2255.

On January 18, 1994, Rice plead guilty to the Indictment charging him with Conspiracy to Commit Mail Fraud, in violation of 18 U.S.C. § 371. On March 25, 1994, Rice was sentenced to a term of imprisonment for a period of forty-six months followed by a three year period of supervised release. The Court additionally ordered restitution to County Mutual Insurance in the amount of \$12,365.65, and the Court imposed a \$50.00 special monetary assessment.

Rice moves this Court to vacate, set aside, or correct the sentence imposed upon him on the following grounds: (1) the Court abused its discretion in setting the conditions of supervised release; (2) Rice is unable to pay the restitution as ordered by the Court; (3) the imposition of supervised release following incarceration violates the Constitution; (4) counsel caused Rice to enter agreement contrary to due process; (5) the combined period of imprisonment and supervised release exceeds the maximum range permitted for Rice's conviction; (6) counsel provided the government with information outside the scope of Rice's indictment;

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(7) Rice's constitutional rights were violated when the government interviewed him without counsel present; (8) the government failed to honor its agreement with Rice to file a sentence reduction motion pursuant to § 5K1.1 of the Sentencing Guidelines; (9) no evidence exists to support the charge of mail fraud.

Rice's contention that the Court abused its discretion in setting conditions of supervised release is completely unsupported. Rice argues that the Court improperly set a condition prohibiting Rice from purchasing, possessing, or using alcohol during his period of supervised release. Rice further complains that these conditions subject him to warrantless searches for alcohol and drugs at any time. Rice maintains that these conditions are not reasonably related to the crime of which he was convicted.

In reviewing the conditions of supervised release, the Court finds no prohibition upon purchasing or consuming alcoholic beverages, except that Rice must refrain from the excessive use of alcohol. Further, there is no condition set forth which permits warrantless searches at any time. Rather, the conditions provide that Rice shall permit a probation officer to visit him at any time and shall permit confiscation of contraband lying in plain view of the officer. This condition does not give the probation office a general warrant to search Rice or his belongings at any time.

With respect to the other conditions of supervised release imposed upon Rice, this Court "has broad discretion over conditions for post-incarceration supervised release, as explicitly granted by the sentencing guidelines and the statutes upon which those

guideline sections are based." U.S. v. Pugliese, 960 F.2d 913, 915 (10th Cir. 1992) (citing 18 U.S.C. § 3583(d); U.S.S.G. § 5D1.3(b)). Hence, Rice's first contention is denied.

Rice complains that he is unable to pay the restitution imposed upon him by the Court. Rice further argues that this restitution must be ordered at the time the sentence is imposed. The record, however, clearly indicates that restitution was ordered to be paid immediately at the time Rice was sentenced. If not paid immediately, Rice was ordered to pay the balance during his terms of imprisonment and supervised release.

Rice asserts no factual basis showing that he is currently unable to pay the restitution imposed upon him. Further, at the time of sentencing, the Court made a finding that Rice was able to pay such restitution. Additionally, upon notice of the restitution obligation, federal authorities are acting appropriately in restricting Rice from spending money mailed to him, and in attempting to collect money which Rice was ordered to apply toward restitution.

Rice argues that the imposition of a term of supervised release following imprisonment violates the Constitution. This argument is wholly without merit. Rice's term of supervised release that he is to serve in addition to a term of actual incarceration does not violate the Constitution, as Congress clearly intended that supervised release may be imposed in addition to a term of imprisonment. 18 U.S.C. § 3583(a). The Supreme Court has held that where "Congress intended . . . to impose multiple punishments,

imposition of such sentences does not violate the Constitution." Albernaz v. U.S., 450 U.S. 333, 344 (1981). That is, where Congress "specifically authorizes cumulative punishment under two statutes, . . . a court's task of statutory construction is at an end . . . and the trial court . . . may impose cumulative punishment under such statutes." Missouri v. Hunter, 459 U.S. 359, 368-369 (1983).

Rice argues that a separate attorney, who was not officially representing him in this case, misled him and allowed him to enter a plea agreement stipulating participation in a separate offense, and that such stipulation caused him to be sentenced outside the scope of the indictment. However, since counsel did not formally enter his appearance on behalf of Rice, this is not a proper ground on which to base § 2255 relief. Moreover, Rice does not detail the stipulated extraneous offense which authorized the imposition of a more severe penalty.

The Court can only assume that Rice now objects to the stipulation he made concerning his participation in the offense of arson in both the plea agreement and the petition to enter plea of guilty. This stipulation caused the Probation Office to recommend a more severe penalty, pursuant to the Sentencing Guidelines. Rice, however, did not object to this stipulation upon examining the pre-sentence report, although he raised several other objections. Additionally, the Court gave Rice ample opportunity to object to the pre-sentence report during Rice's sentencing hearing, and the Court further inquired as to whether Rice had anything to add prior to the imposition of sentence. Neither Rice nor his attorney raised

any objections concerning this matter at sentencing. Moreover, Rice admitted his participation in the offense of arson under oath when he detailed the factual basis for his plea of guilty. Consequently, Rice's fourth ground of error is rejected.

Rice contends that the combined period of imprisonment and supervised release exceeds the maximum range permitted for a conviction of Conspiracy to Commit Mail Fraud. If the base offense level were based only on Rice's conviction, this argument would have merit. In this case, however, Rice's base offense level is based upon the more serious conduct to which Rice stipulated in the plea agreement. Section 1B1.2(a) of the Sentencing Guidelines states that, "in the case of a plea agreement . . . containing a stipulation that specifically establishes a more serious offense than the offense of conviction, [the Probation Office is to] determine the offense guideline section . . . most applicable to the stipulated offense." Here, it is not disputed that Rice stipulated to the offense of arson in his plea agreement. As such, the Probation Office appropriately assigned a base level offense of twenty-four in accord with the guideline level provided for arson.

Rice asserts error based upon conduct of counsel in making arrangements to have the government interview Rice without counsel. Furthermore, Rice claims that counsel "provided and assisted the FBI and the U.S. Attorney with information outside the scope of the indictment in a form of self incrimination which later was used . . . to go outside the guidelines." Rice did not provide a sufficient factual basis to allow the Court to fully review this

particular complaint. Again, the Court can only assume that Rice is referring to his stipulation concerning the offense of arson. As noted above, Rice voluntarily made such stipulation in both his plea agreement and in his petition to enter plea of guilty. In fact, Rice went into considerable detail with respect to the offense of arson in his petition to enter plea of guilty. Rice did not object to the stipulation upon examining the pre-sentence report or during his sentencing hearing. It is therefore difficult for this Court to find any error respecting Rice's stipulation to the offense of arson.

Rice claims that his constitutional rights were violated when the government interviewed him in the absence of counsel. Again, Rice is not alleging sufficient facts to warrant review of this claim. However, this issue is likely meritless because Rice admitted his involvement in the offense of arson under oath while detailing the factual basis for his guilty plea.

Rice contends that the government breached its agreement with Rice by failing to file a sentence reduction motion pursuant to § 5K1.1 of the Sentencing Guidelines. The bringing of a § 5K1.1 motion is wholly within the discretion of the government. There is no reference in Rice's plea agreement concerning such a motion. The Court therefore finds no merit in Rice's claims that the government failed to comply with the plea agreement with respect to this issue.

Rice claims that no evidence exists to support the charge of mail fraud. However, Rice plead guilty to the crime of conspiracy

to commit mail fraud and confessed to each element of the crime. The Court is satisfied that the plea was made knowingly and voluntarily and that a factual basis supports the conviction. As such, Rice's final claim is likewise dismissed.

It should be noted that Rice previously failed to raise several of the issues now brought in his supplemental § 2255 motion. Neither Rice nor his attorney objected to either the pre-sentence report or the plea agreement during his sentencing hearing. Rice did not indicate to the Court that he had any objection to the sentence imposed upon him. On the contrary, Rice thanked the Court for its leniency. Issues which are not raised during the sentencing hearing or on direct appeal are waived absent plain error. U.S. v. Saucedo, 950 F.2d 1508 (10th Cir. 1991).

Moreover, even if Rice can demonstrate that the government acted inappropriately in initially eliciting statements concerning Rice's role in the offense of arson without the presence of counsel, such error would be harmless. Rice's subsequent statements made voluntarily and under oath in detailing the factual basis for his plea of guilty unequivocally demonstrate that Rice actively participated in the offense of arson. Furthermore, neither Rice, nor his attorney, objected to the recommendation contained in the pre-sentence report that Rice be assigned an offense level based on the offense of arson.

Accordingly, Rice's motion for relief under 28 U.S.C. § 2255 is hereby denied. Upon revisiting Rice's application to proceed *in forma pauperis*, the Court grants the application, based upon the

fact that Rice's income and assets are subject to seizure for the payment of restitution.

IT IS SO ORDERED this 19th day of December, 1995.



H. DALE COOK
U.S. District Judge

cu

FILED

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

DEC 15 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-084-003-B

ENTERED ON DOCKET

MIKE GRITTS
Defendant.

DATE 12-19-95

**(AMENDED AS TO RESTITUTION - TO BE PAID JOINTLY AND SEVERALLY WITH
THE ADDITION OF CODEFENDANT TERMAIN BEING ADDED ONLY)**

JUDGMENT IN A CRIMINAL CASE

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

The defendant, MIKE GRITTS, was represented by Richard D. White, Jr..

On motion of the United States the court has dismissed count(s) 4 through 13 of the Indictment.

The defendant pleaded guilty on July 27, 1995, to count(s) 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:371	Conspiracy	01/30/95	1

As pronounced on October 27, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

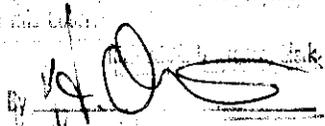
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 14th day of December, 1995.



The Honorable Thomas R. Brett
Chief United States District Judge

Defendant's SSN: 447-76-3520
Defendant's Date of Birth: 06/20/72
Defendant's residence and mailing address: 7208 East Haskell St., Tulsa, OK 74115

U.S. District Court
Northern District of Oklahoma
Tulsa, Oklahoma
1995
By 

Defendant: MIKE GRITTS
Case Number: 95-CR-084-003-B

PROBATION

The defendant is hereby placed on probation for a term of 4 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: MIKE GRITTS
Case Number: 95-CR-084-003-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: MIKE GRITTS
Case Number: 95-CR-084-003-B

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$2,059.69.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
A.N.Y. Grocers, Inc. DBA Tony's Quick Store 4591 North Mingo Road Tulsa, OK	\$650.00
Price Rite 11815 East 86th Street North Owasso, OK	472.17
Reasor's Price Rite 132 West Taft Sapulpa, OK	472.17
Super H Food 11520 North Garnett Road Owasso, OK	465.35

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

Restitution will be paid jointly and severally with Don Termain, and with codefendants Robert T. Tucker and Alan Wisby, immediately, except that no further payment shall be required after the sum of the accounts actually paid by all defendants has fully covered the compensable injury. 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: MIKE GRITTS
Case Number: 95-CR-084-003-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:	7
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ 2,059.69

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.

DEC 14 1995

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

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT COURT OF OKLAHOMA

UNITED STATES OF AMERICA)
)
Plaintiff,)
)
vs.)
)
Margaret Ann Richardson)
)
Defendant.)

Docket No. 93-CR-183-001-E
ENTERED ON DOCKET
DATE 12/15/95

JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF SUPERVISED RELEASE

Now on this 8th day of December, 1995, this cause comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on October 13, 1995. The defendant is present in person and with her attorney, Stephen Greubel. The Government is represented by Assistant United States Attorney Susan Morgan, and the United States Probation Office is represented by Brad Cheffey.

The defendant was heretofore convicted on her plea of guilty to a one-count Information charging her with Use of a False Social Security Number, in violation of 42, United States Code, § 408(a)(7)(B). She was subsequently sentenced on October 12, 1994, to a six (6) month custody term with three (3) years supervised release to follow. The standard conditions of supervised release were imposed. It was further ordered that the defendant shall successfully participate in a program of testing and treatment for drug and alcohol abuse (to include inpatient) as directed by the Probation Officer. The defendant shall pay to the United States

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 B.M. Callough
Deputy

special assessment of \$50.00 for Count one of the original Information. The defendant shall pay a fine in the amount of \$250.00. Any amount of the fine not paid during the time of incarceration shall be paid during the term of supervised release. Finally, the defendant shall pay restitution in the amount of \$500.00 to the United States Attorney for transfer to the payee. Any amount not paid during incarceration shall be paid during the term of supervised release. Richardson was released from custody on March 22, 1995.

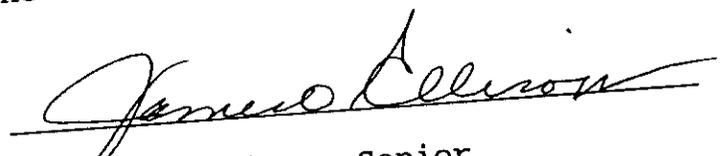
On November 17, 1995, a revocation hearing was concluded regarding the allegations noted in the Petition on Supervised Release, said allegations being that the defendant; (1) submitted positive urinalysis tests as well as failed to submit to urinalysis testing as directed; and (2) committed another crime by being in possession of a controlled drug and related paraphernalia. Richardson was found in violation of her term of supervised release as memorialized in the petition. A sentencing hearing was set for December 8, 1995.

As a result of the sentencing hearing, the Court finds that the violations occurred after November 1, 1987, and that Chapter Seven of the U. S. Sentencing Commission Guidelines is applicable. Further, the Court finds that the violations of supervised release constitute Grade B violations in accordance with U.S.S.G. § 7B1.1(a)(2), and that the defendant's original Criminal History Category of III is now applicable for determining the imprisonment range. The Court finds that a Grade B violation and a Criminal History Category of III establish a revocation imprisonment range

of 8-14 months, in accordance with U.S.S.G. § 7B1.4(a) and Title 18, United States Code, Section 3583(e). In consideration of these findings and pursuant to U. S. V. Lee, 957 F.2d 770 (Tenth Circuit, 1992), in which the Circuit determined that the policy statements in Chapter Seven were not mandatory, but must be considered by the Court, the following is ordered:

Richardson's term of supervised release is revoked and Richardson is sentenced to a period of twelve (12) months in the custody of the Bureau of Prisons. The Court recommends to the Bureau of Prisons that Richardson serve her sentence at the Federal Prison Camp in Bryan, Texas, so that she may receive intensive substance abuse treatment. No term of supervised release is to follow the period of incarceration.

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



James O. Ellison, Senior
United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED
DEC 6 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-079-002-H

ENTERED ON DOCKET

DATE DEC 12 1995

SAMMY LEE PALMER
Defendant.

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

The defendant, SAMMY LEE PALMER, was represented by Joe M. Bohannon.

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

The defendant pleaded guilty to count(s) 5 of the Indictment on August 4, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2313 and 18:2	Sale or Receipt of Stolen Vehicles and Aiding & Abetting	07/16/94	5

As pronounced on November 21, 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) 5 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 5TH day of DECEMBER, 1995.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 446-44-9908
Defendant's Date of Birth: 01/15/45
Defendant's residence and mailing address: 213 South Main Street, Afton, OK 74331

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

47

Defendant: SAMMY LEE PALMER
Case Number: 95-CR-079-002-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 12 months and 1 day.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to the U.S. Medical Center for Federal Prisoners in Springfield, Missouri.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2:00 p.m. on January 2, 1996.

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: SAMMY LEE PALMER
Case Number: 95-CR-079-002-H

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

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: SAMMY LEE PALMER
Case Number: 95-CR-079-002-H

FINE

The defendant shall pay a fine of \$ 3,000.00. 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: SAMMY LEE PALMER
Case Number: 95-CR-079-002-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$8,004.86 on Count 5, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payments made by the defendant shall be divided among the persons named in proportion to their compensable injuries.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Earl Ashcraft Rt. 2, Box 1180 Sanger, TX 76266	\$2,944.34
Currence Ford/New Holland 2805 Newman Rd Joplin, MO 64801	\$ 500.00
Bob Christie Motors Box 793 Nevada, MO 64772	\$ 735.52
B & E Trailer Sales Rt. 2, Box 189 Sarcoxie, MO 64862	\$ 250.00
American Indemnity Ins. Group P.O. Box 735 Carthage, MO 64836	\$1,475.00
Larry Courteney 302 North Main Galena, KS 66739	\$ 750.00
Commercial Union Ins. Co. P.O. Box 4263GS Springfield, MO 65808	\$1,350.00

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: SAMMY LEE PALMER
Case Number: 95-CR-079-002-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:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months - Ct. 5
Supervised Release Range:	3 years - Ct. 5
Fine Range:	\$ 3,000 to \$ 30,000 - Ct. 5
Restitution:	\$ 8,004.86

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

DEC 6 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-079-003-H

MARC STEPHEN NICHOLS
Defendant.

ENTERED ON DOCKET
DEC 12 1995
DATE

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

The defendant, MARC STEPHEN NICHOLS, was represented by Mark Lyons.

On motion of the United States the court has dismissed count(s) 2, 4, 5, and 6 of the Indictment.

The defendant pleaded guilty to count(s) 1 and 3 of the Indictment on July 11, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2312 and 18:2	Interstate Transportation of Stolen Motor Vehicle and Aiding & Abetting	05/12/94	1
18 USC 2316 and 18:2	Interstate Transportation of Stolen Livestock and Aiding & Abetting	06/27/94	3

As pronounced on November 21, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100.00, 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 5TH day of DECEMBER, 1995



The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 446-84-6632

Defendant's Date of Birth: 06/12/69

Defendant's residence and mailing address: 1625 Washington Blvd., Miami, OK 74354

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: MARC STEPHEN NICHOLS
Case Number: 95-CR-079-003-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 5 months on Counts 1 and 3, as to each count to run concurrently, each to the other.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends to the Bureau of Prisons that the defendant be placed at a minimum security facility or work camp for service of this sentence.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on January 2, 1996.

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: MARC STEPHEN NICHOLS
Case Number: 95-CR-079-003-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years on Counts 1 and 3 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 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: MARC STEPHEN NICHOLS
 Case Number: 95-CR-079-003-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$12,000.00 on Count 1, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payment made by the defendant shall be divided among the persons named in proportion to their compensable injuries.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Texas Farm Bureau P.O. Box 1018 Celina, TX 75009	\$1,282.12
Earl Ashcraft Rt. 2, Box 1180 Sanger, TX 76266	\$2,944.34
Currence Ford/New Holland 2805 Newman Rd Joplin, MO 64801	\$ 500.00
John Deere Ins. Co., Claim #F13835 3400 80th St. Moline, IL 61265-5886	\$7,250.85
Roger Morris Rt. 1, Box 59 Big Cabin, OK	\$14,500.00
John Gaither Rt. 1, Box 1 Columbus, KS 66725	\$13,300.00
Jim Jennings Rt. 3, Box 1675 Afton, OK	\$9,600.00
Charles Stoner P.O. Box 129 Welch, OK	\$17,300.00

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: MARC STEPHEN NICHOLS
Case Number: 95-CR-079-003-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report for the following reason(s) except: The Court adopts the presentence investigation with the exception of paragraphs 40 and 68. The Court finds that the total loss utilized to determine the total guideline offense level is \$109,319.

The second sentence in paragraph 40 is amended to read: Therefore, the guideline loss amount is more than \$70,000, but does not exceed \$120,000. A loss in that range increased the base offense level by eight points pursuant to U.S.S.G. 2B1.1(b)(1)(I).

The first sentence in paragraph 68 is similarly amended to read: Pursuant to the Sentencing Table in Chapter Five, Part A, based on a total offense level of 12 and a criminal history category of II, the guideline range for imprisonment is 12 to 18 months.

Guideline Range Determined by the Court:

Total Offense Level:	12
Criminal History Category:	II
Imprisonment Range:	12 months to 18 months - Cts. 1 & 3
Supervised Release Range:	2 to 3 years - Cts. 1 & 3
Fine Range:	\$ 3,000 to \$ 30,000 - Cts. 1 & 3
Restitution:	\$ 76,586.31

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 departs from the guideline range for the following reason(s): Upon motion of the government, as a result of defendant's substantial assistance.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

DEC 6 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-079-004-H

JOHN ELMER DOTY
Defendant.

ENTERED ON DOCKET

DATE DEC 12 1995

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

The defendant, JOHN ELMER DOTY, was represented by Craig Bryant.

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

The defendant pleaded guilty to count(s) 4 of the Indictment on August 21, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2317 and 18:2	Sale or Receipt of Stolen Livestock and Aiding & Abetting	06/27/94	4

As pronounced on November 21, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 4 of the Indictment, which shall be due immediately.

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

Signed this the 5TH day of DECEMBER, 1994.5


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 443-50-2513
Defendant's Date of Birth: 03/14/50
Defendant's residence and mailing address: 1505 Windsor Drive, Harrison, AR 72601

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: JOHN ELMER DOTY
Case Number: 95-CR-079-004-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 5 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on January 2, 1996.

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 ELMER DOTY
Case Number: 95-CR-079-004-H

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 5 months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
6. The defendant shall 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: JOHN ELMER DOTY
Case Number: 95-CR-079-004-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$3,600 on Ct. 4, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payments made by the defendant shall be divided among the persons named in proportion to their compensable injuries.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Earl Ashcraft Rt. 2, Box 1180 Sanger, TX 76266	\$2,944.34
Currence Ford/New Holland 2805 Newman Rd Joplin, MO 64801	\$ 500.00
Don Crawley 13585 Crawley Rd. Gravette, AR 72736	\$ 500.00
Altis G. Ferree Box 254 Yates Center, KS	\$1,728.00
Gene W. Vogts 419 N. Edwards Moundridge, KS	\$ 546.99
Curtis Wisdom P.O. Box 114 Afton, OK 74331	\$10,000.00
Roger Morris Rt. 1, Box 59 Big Cabin, OK	\$14,500.00
John Gaither Rt. 1, Box 1 Columbus, KS 66725	\$13,300.00
Commercial Union Ins. Co. P.O. Box 4263GS Springfield, MO 65808	\$1,350.00
Bob Dube Roundtop, TX	\$4,600.00

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 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 ELMER DOTY
Case Number: 95-CR-079-004-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:	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:	\$ 57,619.33

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 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

ENTERED ON DOCKET
DATE DEC 12 1995

UNITED STATES OF AMERICA

v.

Case Number 95-CR-079-005-H

MICHAEL JUSTIN GEEDING
Defendant.

FILED
DEC 6 1995

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

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

The defendant, MICHAEL JUSTIN GEEDING, was represented by Kevin Buchanan.

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

The defendant pleaded guilty to count(s) 5 of the Indictment on August 14, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2313 & 2	Sale or Receipt of Stolen Vehicles and Aiding & Abetting	07/16/94	5

As pronounced on November 21, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 5 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 5TH day of DECEMBER, 1995


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 444-62-4125
Defendant's Date of Birth: 07/31/62
Defendant's mailing address: Rt. 1, Box 158A, Nowata, OK 74040
Defendant's residence address: C/O Tulsa County Jail, 600 Civic Center, Tulsa, OK 74103

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

Defendant: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 12 months and 1 day. The Court recommends that the Bureau of Prisons designate the Oklahoma Department of Corrections to be the place of service of this sentence, thereby making this sentence concurrent with the defendant's imprisonment pursuant to the judgments in Washington County District Court case numbers CRF 90-360, CRF 95- 93, CRF 95-97, and Nowata County District Court case number CRF 94-77.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends to the Bureau of Prisons that the defendant be placed at a facility that can adequately address his substance abuse and provide treatment for such during service of this sentence.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-H

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.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$7,200.00 on Count 5.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Currence Ford/New Holland 2805 Newman Road Joplin, MO 64801	\$500.00
Bob Christie Motors Box 793 Nevada, MO 64772	\$735.52
B & E Trailer Sales Rt. 2, Box 189 Sarcoxie, MO	\$250.00
American Indemnity Ins. Group P.O. Box 735 Carthage, MO 64836	\$1,075.00
Larry Courtney 302 N. Main Galena, Kansas	\$750.00
Ted Dixon Agency P.O. Box 398 Vinita, OK 74031	\$350.00
Commercial Union Ins. Co. P.O. Box 4263GS Springfield, MO 65808	\$1,350.00
Bob Dube Roundtop, Texas	\$4,600.00
Ken Creese Rt. 2, Box 399 Strafford, MO 65767	\$100.00

Defendant: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-H

RESTITUTION AND FORFEITURE (CONTINUED)

CNA Insurance Companies
\$11,900
Kansas City Claim Center
Attn: Bill Schwartz, Claim #0285HN724
P.O. Box 25940
Overland Park, KS 66225-5940

It is ordered that the defendant make immediate restitution to such persons totalling \$7,200.00, except that no further payments shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payment made by the defendant shall be divided among the persons named in proportion to their compensable injuries.

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: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-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:	13
Criminal History Category:	VI
Imprisonment Range:	33 months to 41 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ 21,610.52

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 departs from the guideline range for the following reason(s): Upon motion of the government, as a result of defendant's substantial assistance.

lv

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

DEC 6 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-079-001-H

CHRISTOPHER ALAN TODD
Defendant.

ENTERED ON DOCKET

DEC 12 1995

DATE

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

The defendant, CHRISTOPHER ALAN TODD, was represented by Charles Whitman.

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

The defendant pleaded guilty to count(s) 2 and 6 of the Indictment on July 17, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2312 and 18:2	Interstate Transportation of Stolen Motor Vehicle and Aiding & Abetting	05/12/94	2
18 USC 2314 and 18:2	Transportation of Stolen Goods and Aiding & Abetting	08/06/94	6

As pronounced on November 21, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100.00, for count(s) 2 and 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 5TH day of DECEMBER, 1995


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 448-62-3847
Defendant's Date of Birth: 09/24/62
Defendant's mailing address: C/O Tulsa County Jail, 600 Civic Center, Tulsa, OK 74103
Defendant's residence address: 902 SW 1st, Box 147, Afton, OK 74331

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: CHRISTOPHER ALAN TODD
Case Number: 95-CR-079-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 27 months on each of Counts 2 and 6; to run concurrently, each with the other.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons designate the Federal Medical Center in Springfield, Missouri, as the institution the defendant is assigned to serve the custody portion of his sentence.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: CHRISTOPHER ALAN TODD
Case Number: 95-CR-079-001-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years on Counts 2 and 6; to run concurrently, each to the other.

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

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: CHRISTOPHER ALAN TODD
Case Number: 95-CR-079-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

It is ordered that the defendant make immediate restitution to such persons in the amounts of \$10,749.15 on Count Two and \$ 7,250.85 on Count Six, for a total of \$18,000.00, as follows:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
AS TO COUNT SIX:	
John Deere Insurance Company 3400 80th Street Moline, Illinois 61265-5886 Attn: Claim #F13835	\$ 7,250.85
AS TO COUNT TWO:	
Texas Farm Bureau P. O. Box 1018 Celina, Texas 75009	\$ 1,282.12
Altis G. Ferree Box 254 Yates Center, Kansas	\$ 1,728.00
Gene W. Vogts 419 N. Edwards Moundridge, Kansas	\$ 546.99
Roger Morris Rt. 1 Box 59 Big Cabin, Oklahoma	\$14,500.00
John Gaither Rt. 1 Box 1 Columbus, Kansas 66725	\$13,300.00
Sam Jack Rt. 4 Box 542 Carthage, Missouri	\$ 5,600.00
Charles Stoner P. O. Box 129 Welch, Oklahoma	\$17,300.00

Defendant: CHRISTOPHER ALAN TODD
Case Number: 95-CR-079-001-H

RESTITUTION AND FORFEITURE (CONTINUED)

Bob Christie Motors Box 793 Nevada, Missouri 64772	\$ 735.52
Francine Hogan Rt. 2 Seneca, Missouri	\$ 3,450.00
State Farm Insurance Company P. O. Box 2488 Joplin, Missouri 64803	\$ 4,900.00

No further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payment made by the defendant shall be divided among the persons named in proportion to their compensable injuries. Any amount not paid immediately shall be paid during the term of incarceration, with any remaining unpaid balance to be paid during the term of supervised release.

Defendant: CHRISTOPHER ALAN TODD
Case Number: 95-CR-079-001-H

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except: The Court grants the defendant a three point base offense level reduction, pursuant to USSG § 3E1.1, lowering the total offense level from 19 to 16.

Guideline Range Determined by the Court:

Total Offense Level:	16
Criminal History Category:	II
Imprisonment Range:	24 months to 30 months - Cts. 2 and 6
Supervised Release Range:	2 to 3 years - Cts. 2 and 6
Fine Range:	\$ 5,000 to \$ 50,000 - Cts. 2 and 6
Restitution:	\$ 70,593.48

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
Northern District of Oklahoma

FILED
DEC 11 1995

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

UNITED STATES OF AMERICA

v.

Case Number 95-CR-079-005-H

ENTERED ON DOCKET

DEC 12 1995

DATE

MICHAEL JUSTIN GEEDING
Defendant.

(AMENDED AS TO DISMISSED COUNTS ONLY)
JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, MICHAEL JUSTIN GEEDING, was represented by Kevin Buchanan.

The defendant pleaded guilty to count(s) 5 of the Indictment on August 14, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2313 & 2	Sale or Receipt of Stolen Vehicles and Aiding & Abetting	07/16/94	5

As pronounced on November 21, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 5 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 11TH day of DECEMBER, 199⁵.



The Honorable Sven Erik Holmes
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 [Signature]
Deputy

Defendant's SSN: 444-62-4125

Defendant's Date of Birth: 07/31/62

Defendant's mailing address: Rt. 1, Box 158A, Nowata, OK 74040

Defendant's residence address: C/O Tulsa County Jail, 600 Civic Center, Tulsa, OK 74103

Defendant: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 12 months and 1 day. The Court recommends that the Bureau of Prisons designate the Oklahoma Department of Corrections to be the place of service of this sentence, thereby making this sentence concurrent with the defendant's imprisonment pursuant to the judgments in Washington County District Court case numbers CRF 90-360, CRF 95- 93, CRF 95-97, and Nowata County District Court case number CRF 94-77.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends to the Bureau of Prisons that the defendant be placed at a facility that can adequately address his substance abuse and provide treatment for such during service of this sentence.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-H

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.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$7,200.00 on Count 5.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Currence Ford/New Holland 2805 Newman Road Joplin, MO 64801	\$500.00
Bob Christie Motors Box 793 Nevada, MO 64772	\$735.52
B & E Trailer Sales Rt. 2, Box 189 Sarcoxie, MO	\$250.00
American Indemnity Ins. Group P.O. Box 735 Carthage, MO 64836	\$1,075.00
Larry Courtney 302 N. Main Galena, Kansas	\$750.00
Ted Dixon Agency P.O. Box 398 Vinita, OK 74031	\$350.00
Commercial Union Ins. Co. P.O. Box 4263GS Springfield, MO 65808	\$1,350.00
Bob Dube Roundtop, Texas	\$4,600.00
Ken Creese Rt. 2, Box 399 Strafford, MO 65767	\$100.00

Defendant: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-H

RESTITUTION AND FORFEITURE (CONTINUED)

CNA Insurance Companies
\$11,900
Kansas City Claim Center
Attn: Bill Schwartz, Claim #0285HN724
P.O. Box 25940
Overland Park, KS 66225-5940

It is ordered that the defendant make immediate restitution to such persons totalling \$7,200.00, except that no further payments shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payment made by the defendant shall be divided among the persons named in proportion to their compensable injuries.

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: MICHAEL JUSTIN GEEDING
Case Number: 95-CR-079-005-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:	13
Criminal History Category:	VI
Imprisonment Range:	33 months to 41 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ 21,610.52

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 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**

DEC 11 1995
Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

Case Number 95-CR-079-004-H

ENTERED ON DOCKET
DATE DEC 12 1995

JOHN ELMER DOTY
Defendant.

**(AMENDED AS TO DISMISSED COUNTS)
JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)**

The defendant, JOHN ELMER DOTY, was represented by Craig Bryant.

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

The defendant pleaded guilty to count(s) 4 of the Indictment on August 21, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

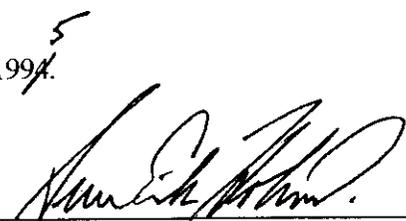
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2317 and 18:2	Sale or Receipt of Stolen Livestock and Aiding & Abetting	06/27/94	4

As pronounced on November 21, 1995, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 4 of the Indictment, which shall be due immediately.

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

Signed this the 11th day of December, 1995.



The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 443-50-2513
Defendant's Date of Birth: 03/14/50
Defendant's residence and mailing address: 1505 Windsor Drive, Harrison, AR 72601

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: JOHN ELMER DOTY
Case Number: 95-CR-079-004-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 5 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on January 2, 1996.

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 ELMER DOTY
Case Number: 95-CR-079-004-H

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 5 months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
6. The defendant shall 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: JOHN ELMER DOTY
Case Number: 95-CR-079-004-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$3,600 on Ct. 4, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payments made by the defendant shall be divided among the persons named in proportion to their compensable injuries.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Earl Ashcraft Rt. 2, Box 1180 Sanger, TX 76266	\$2,944.34
Currence Ford/New Holland 2805 Newman Rd Joplin, MO 64801	\$ 500.00
Don Crawley 13585 Crawley Rd. Gravette, AR 72736	\$ 500.00
Altis G. Ferree Box 254 Yates Center, KS	\$1,728.00
Gene W. Vogts 419 N. Edwards Moundridge, KS	\$ 546.99
Curtis Wisdom P.O. Box 114 Afton, OK 74331	\$10,000.00
Roger Morris Rt. 1, Box 59 Big Cabin, OK	\$14,500.00
John Gaither Rt. 1, Box 1 Columbus, KS 66725	\$13,300.00
Commercial Union Ins. Co. P.O. Box 4263GS Springfield, MO 65808	\$1,350.00
Bob Dube Roundtop, TX	\$4,600.00

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 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 ELMER DOTY
Case Number: 95-CR-079-004-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:	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:	\$ 57,619.33

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 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

DEC 7 1995

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

UNITED STATES OF AMERICA

Case Number 93-CR-170-001-B

v.

ENTERED ON DOCKET

ANTHONY WAYNE RUSSELL
Defendant.

DATE 12-7-95

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

Modification of Imposed Term of Imprisonment for Retroactive Amendment to the
Sentencing Guidelines {18 USC 3582(c)(2)}

The defendant, ANTHONY WAYNE RUSSELL, was represented by Roy W. Byars.

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

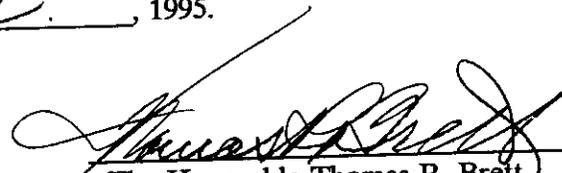
Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 841(a)(1) and 841(b)(1)(C)	Manufacturing 50 Or More Marijuana Plans By Cultivation	08/13/93	1

As pronounced on December 7, 1995, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

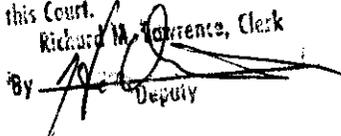
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for count 1, which shall be due immediately.

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 7th day of Dec, 1995.


The Honorable Thomas R. Brett
United States District Judge

Defendant's SSN: 447-54-2906
Defendant's Date of Birth: 05/19/54
Defendant's residence and mailing address: Box 2, Twin Oaks, Oklahoma 74368

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: ANTHONY WAYNE RUSSELL
Case Number: 93-CR-170-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 16 months.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be confined in a facility capable of monitoring the defendant's significant health problems. (See Paragraph #31 of the Presentence Report).

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: ANTHONY WAYNE RUSSELL
Case Number: 93-CR-170-001-B

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: ANTHONY WAYNE RUSSELL
Case Number: 93-CR-170-001-B

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the revised presentence report, pursuant to the retroactive guideline application.

Guideline Range Determined by the Court:

Total Offense Level:	12
Criminal History Category:	I
Imprisonment Range:	10 months to 16 months
Supervised Release Range:	3 years
Fine Range:	\$ 3,000 to \$ 1,000,000
Restitution:	\$ N/A

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

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

lu

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED
DEC 4 1995 *rw*

UNITED STATES OF AMERICA

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

v.

Case Number 95-CR-033-001-BU

TOMMY EUGENE DUNN
Defendant.

ENTERED ON DOCKET

DATE 12-5-95

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

The defendant, TOMMY EUGENE DUNN, was represented by Regina Stephenson.

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

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g) and 924(a)	Possession of a Firearm After Former Conviction of a Felony	07/04/94	1

As pronounced on November 30, 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 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 4th day of December, 1994.

Michael Burrage

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 *R. Miller*

Tulsa, Oklahoma 74103

Defendant's SSN: 444-70-8099

Defendant's Date of Birth: 08/08/68

Defendant's residence and mailing address: C/O Tulsa County Jail, 500 S. Denver, Tulsa, Oklahoma 74103

Defendant: TOMMY EUGENE DUNN
Case Number: 95-CR-033-001-BU

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 51 months.

The Court makes the following recommendations to the Bureau of Prisons: That the Bureau of Prisons designate FCI, El Reno, Oklahoma, or another facility close to Tulsa, as the place of incarceration. In addition, the Court recommends that the Bureau of Prisons provide intensive or long term substance abuse treatment to Dunn while he is incarcerated.

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: TOMMY EUGENE DUNN
Case Number: 95-CR-033-001-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: TOMMY EUGENE DUNN
Case Number: 95-CR-033-001-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
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 5,000 to \$ 50,000
Restitution:	\$ N/A

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

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

R. E. B. D.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

1995-4-10
Richard M. Lawrence, Clerk
U. S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

Case Number 95-CR-084-001-B ✓

EOD 12/4/95

ROBERT E. TUCKER
Defendant.

(AMENDED AS TO RESTITUTION BEING PAID JOINTLY AND SEVERALLY ONLY)
JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, ROBERT E. TUCKER, was represented by Stephen Knorr.

On motion of the United States the court has dismissed count(s) 5-13 of the Indictment.

The defendant pleaded guilty to count(s) 1 and 4 of the Indictment on August 15, 1995. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Utter a Forged Instrument	01/30/95	1
18 USC 513(a) & 2	Uttering a Forged Instrument and Aiding Abetting	01/22/95	4

As pronounced on November 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.

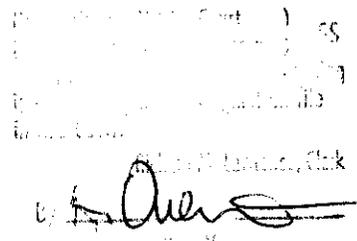
It is ordered that the defendant shall pay to the United States a special assessment of \$ 100.00, for count(s) 1 and 4 of the Indictment, which shall be due immediately.

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 4th day of December, 1995.


The Honorable Thomas R. Brett
Chief United States District Judge

Defendant's SSN: 441-74-4421
Defendant's Date of Birth: 09/16/66
Defendant's residence and mailing address: 6353 N. Lewis Ave., Tulsa, OK 74130


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

Defendant: ROBERT E. TUCKER
Case Number: 95-CR-084-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of one month in Counts 1 and 4, both counts to run concurrently with one another, and with the sentence imposed in Tulsa County, Case No. 94-2624.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons designate the Oklahoma Department of Corrections as the place of service of this sentence, thereby making this sentence concurrent with Tulsa County Case 94-2624..

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: ROBERT E. TUCKER
Case Number: 95-CR-084-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years in Counts 1 and 4, each count to run concurrently, each to the other.

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall 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: ROBERT E. TUCKER

Case Number: 95-CR-084-001-B RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$4,657.04. The restitution amount shall be paid jointly and severally with codefendants Alan Wisby, Mike Gritts, Herbert Shannon Gordon, and Don Termain.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Super H Food 11520 N. Garnett Rd. Owasso, OK 74055	\$465.35
Price Rite 11815 E. 86th St. N Owasso, OK 74055	\$472.17
Warehouse Mkt. #31 Attn: Ms. Marshall P.O. Box 702280 Tulsa, OK 74170	\$478.17
Reasor's #10 5616 W. Skelly Drive Tulsa, OK 74112	\$269.20
Wal-Mart #0012 Attn: Sharon Clark 1500 S. Lynn Riggs Claremore, OK 74017	\$472.89
Wal-Mart #0576 207 S. Memorial Dr. Tulsa, OK	\$472.27
Super H #16 Attn: Steve 3 West 41st Sand Springs, OK 74063	\$269.15
Reasor's Price Rite 132 W. Taft Sapulpa, OK 74066	\$950.34
Passions Club 6404 E. 11th St. Tulsa, OK 74112	\$538.35
Reasor's #7 728 W. Main Jenks, OK 74037	\$269.15

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: ROBERT E. TUCKER
Case Number: 95-CR-084-001-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:	II
Imprisonment Range:	1 months to 7 months - Cts. 1 & 4
Supervised Release Range:	2 to 3 years - Cts. 1 & 4
Fine Range:	\$ 500 to \$ 5,000 - Cts. 1 & 4
Restitution:	\$ 4,657.04

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.

BT