

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

FILED

JUN 26 1996

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ROBERT LIPSCOMB a/k/a)
 "Bob Lipscomb" a/k/a/)
 "R. Lipscomb" a/k/a/)
 "REL")
)
 Defendant.)

No. 96-CR-059-BU

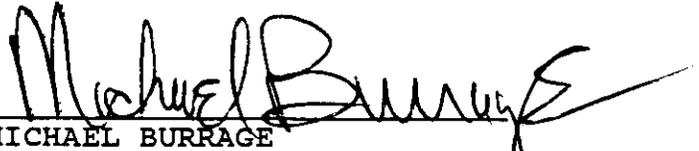
Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET
DATE JUN 27 1996

ORDER FOR DISMISSAL

Now on this 26th day of June, 1996 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the Indictment against defendant Robert Lipscomb, in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant Robert Lipscomb, is dismissed, without prejudice.

IT IS SO ORDERED.


MICHAEL BURRAGE
United States District Judge

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

JUN 26 1996

UNITED STATES OF AMERICA,

Plaintiff,

v.

ROBERT LIPSCOMB a/k/a
"Bob Lipscomb" a/k/a/
"R. Lipscomb" a/k/a/
"REL"

Defendant.

No. 96-CR-059-BU

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

DATE JUN 27 1996

ORDER FOR DISMISSAL

Now on this 26th day of June, 1996 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the Indictment against defendant Robert Lipscomb, in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant Robert Lipscomb, is dismissed, without prejudice.

IT IS SO ORDERED.


MICHAEL BURRAGE
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED
JUN 26 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA)
Plaintiff)
v.)
WAYNE ALLEN BAKER)
Defendant)

Case No.: 92-CR-092-001-B ✓

ENTERED ON DOCKET
DATE **JUN 27 1996** ✓

JUDGMENT AND COMMITMENT ORDER ON
REVOCAION OF SUPERVISED RELEASE

Now on this 20th day of June, 1996, this cause comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Amended Petition on Supervised Release filed on April 12, 1996. The defendant is present in person and with his attorney, Jeff Fischer. The Government is represented by Assistant United States Attorney Neal Kirkpatrick, and the United States Probation Office is represented by Randall Drew.

The defendant was heretofore convicted on his plea of guilty to Counts One, Two, and Three of a Superseding Indictment, each charging Possession of Stolen U.S. Mail Matter. On April 5, 1993, Baker was sentenced to fourteen months in the custody of the

U.S. Bureau of Prisons as to each count, all counts to run concurrently with one another.

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.

Phil Lombardi, Clerk
By C. Portello
Deputy

25

to be followed by a three year term of supervised release. He was ordered to make restitution in the amount of \$3,043.00 and required to participate in a substance abuse program. Baker was also ordered to abide by the Special Financial Conditions, and was ordered to comply with the search condition ordered by the sentencing Court.

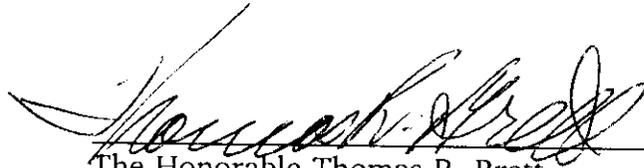
On April 2, 1996, Baker was arrested subsequent to a search executed by the Northern District of Oklahoma Probation Office pursuant to the search condition. Baker was ordered to remain in the Tulsa County Jail pending a revocation hearing on May 15, 1996. An Amended Petition on Supervised release was filed on April 12, 1996, and at the revocation hearing, the defendant stipulated to all allegations contained in the Amended Petition. A sentencing hearing was then held on June 20, 1996.

As a result of the sentencing hearing, the Court finds that the instant offense occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Commission Guidelines is applicable. In accordance with U.S.S.G. § 7B1.1(a)(2), the Court finds that the violations of supervised release constitute a Grade B violation. Further, in accordance with U.S.S.G. § 7B1.4(a), the defendant's original Criminal History Category of IV is now applicable for determining the imprisonment range of 12 to 18 months. Pursuant to U.S. v. Lee, 957 F.2d 770 (10th Cir., 1992), the policy statements in Chapter 7 are not mandatory, but must be considered by the Court. The Court further finds that the maximum term of imprisonment for revocation of a Class D felony is two years pursuant to 18 U.S.C. § 3583(e)(3).

Further, the Court finds that a term of supervised release is not permissible upon completion of any custody sentence on revocation of supervised release pursuant to U.S. v. Rockwell, 984 F.2d 1112, 1115-17(10th Cir., 1992). Therefore, the following sentence is ordered.

The defendant is committed to the custody of the U. S. Bureau of Prisons to be imprisoned for a term of eighteen months. The previous order of restitution remains in effect, with the remaining balance being \$6,745.22. Should the defendant's classification allow, the Court recommends that the defendant be incarcerated at the facility in Muskogee, Oklahoma, or in the Federal Corrections Facility in El Reno, Oklahoma.

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

A handwritten signature in black ink, appearing to read "Thomas R. Brett", is written over a horizontal line.

The Honorable Thomas R. Brett
Chief United States District Judge

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

F I L E D

JUN 26 1996

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 95-CR-100-E
ENTERED ON DOCKET

KEVIN ALAN HORN
Defendant.

DATE 6/26/96

**AMENDED (AS TO CASE NUMBER AND DATE PLEADED GUILTY)
JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)**

The defendant, KEVIN ALAN HORN, was represented by Curtis J. Biram.

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

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

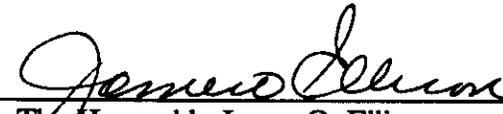
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18:1344(1) & 2	Bank Fraud Causing a Criminal Act	07/11/92	1

As pronounced on October 26, 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 25TH day of June, 1996


The Honorable James O. Ellison
United States District Judge

Defendant's SSN: 444-60-3523

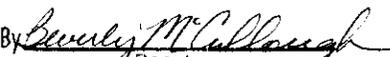
Defendant's Date of Birth: 05/04/64

Defendant's residence and mailing address: Tulsa County Jail, 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.

Phil Lombardi, Clerk

By 
Deputy

Defendant: KEVIN ALAN HORN
Case Number: 95-CR-100-E

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 8* months, said sentence to run concurrently with the sentence imposed in Fayette County, Kentucky case 94-CR-413, Eastern District of Washington case CR-92-295-WFN, and with Count 2 of 95-CR-134-E.

*The sentence is not a departure from the guidelines because the defendant has been credited for guideline purposes under U.S.S.G. § 5G1.3(b) with 10 months served in state custody.

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

The defendant 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: KEVIN ALAN HORN
Case Number: 95-CR-100-E

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. The defendant shall abide by the Internal Revenue laws of the United States, and provide any requested documentation of such compliance.
7. The defendant is prohibited from engaging in any form of employment which would give him access to bank accounts, securities, or other negotiable assets of any individual, business, or other entity. All employment shall be approved in advance by the U. S. Probation Office.

STANDARD CONDITIONS OF SUPERVISION

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

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer within 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: KEVIN ALAN HORN
Case Number: 95-CR-100-E

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$482.50 as to count 1.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Dyess Federal Credit Union P.O. Box 631 Abilene, Texas 79604 ATTN: Becky Wright	\$482.50

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: KEVIN ALAN HORN
Case Number: 95-CR-100-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:	11
Criminal History Category:	III
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 2,000 to \$ 2,000,000
Restitution:	\$ 482.50

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

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

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

F I L E D

JUN 24 1996

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 95-CR-142-001-C

ENTERED ON DOCKET

JEFFREY H. KRISMAN
Defendant.

DATE 6/24/96

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

The defendant, JEFFREY H. KRISMAN, was represented by Craig Bryant.

The defendant pleaded guilty to count(s) 1 of the Information on January 18, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

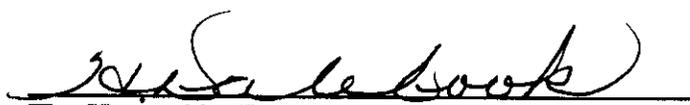
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341	Mail Fraud	12/29/92	1

As pronounced on June 18, 1996, 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 24 day of June, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 444-56-3824
Defendant's Date of Birth: 12/28/64
Defendant's residence and mailing address: 2854 E. 51st Street, Tulsa, OK 74105

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

By 
Deputy

Defendant: JEFFREY H. KRISMAN
Case Number: 95-CR-142-001-C

PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 6 months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. 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.

The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.

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: JEFFREY H. KRISMAN
Case Number: 95-CR-142-001-C

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$22,255.44 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>
Edward D. Jones & Co. C/O Timothy Kelly, Compliance Division 201 Progress Parkway Maryland Heights, Missouri 63043	\$22,255.44

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: JEFFREY H. KRISMAN
Case Number: 95-CR-142-001-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ 22,255.44

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. for the following reason(s):

lpm

FILED

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

JUN 19 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 93-CR-015-001-C

ENTERED ON DOCKET

JAVIER GONZALEZ
Defendant.

DATE 6/21/96

**AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
(Direct Motion to District Court pursuant to 28 USC § 2255)**

The defendant, JAVIER GONZALEZ, was represented by Jack Winn.

On motion of the court count(s) 2, 14, & 17 of the Superseding Indictment are dismissed during trial pursuant to Rule 29 motion.

On May 26, 1993, the defendant was found guilty on count(s) 1, 3, 4, 5, 6, 11, 12, 13, & 15 of the Superseding Indictment after a plea of not guilty. On June 6, 1996, pursuant to § 2255 motion, the court vacates count 5 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of count(s) 1, 3, 4, 6, 11, 12, 13 & 15, involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Concluded</u>	<u>Number(s)</u>
21 USC 846 & 841(b)(1)(A)	Conspiracy to Possess With Intent to Distribute Cocaine Base and Marijuana, and Conspiracy to Distribute Cocaine Base and Marijuana	01-22-93	1
21 USC 841(a)(1) & 841(b)(1)(A) and 18:2	Possession of Cocaine Base With Intent to Distribute, and Aiding & Abetting	12-18-92	3
21 USC 841(a)(1) & 841(b)(1)(D) and 18:2	Possession of Marijuana With Intent to Distribute, and Aiding & Abetting	01-22-93	4 & 13
18 USC 922(g)(5) & 924(a)(2)	Possession of Firearm by Illegal Alien	12-18-93 01-22-93	6 12 & 15
21 USC 844(a)	Possession of Cocaine	01-22-93	11

As pronounced on August 24, 1993, and amended pursuant to order of June 6, 1996, to 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 \$ 375.00, for count(s) 1, 3, 4, 6, 11, 12, 13, & 15, of the Superseding Indictment which shall be due immediately.

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

Signed this the 21 day of June, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: NONE
Defendant's Date of Birth: 11-17-66
Defendant's residence and mailing address: C/O BUREAU OF PRISONS, DALLAS, TEXAS

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

By 
Deputy

Defendant: JAVIER GONZALEZ
Case Number: 93-CR-015-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 151 months. This term consists of 151 months on each of Counts 1 and 3; 60 months on each of Counts 4 and 13; 120 months on each of Counts 6, 12, and 15; and 12 months on Count 2, all sentences to run concurrently, each with the other, for a total sentence of 151 months.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal
By _____
Deputy Marshal

Defendant: JAVIER GONZALEZ
Case Number: 93-CR-015-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years. This term consists of 5 years on each of Counts 1 & 3; 3 years on each of Counts 4, 6, 12, 13, and 15; and 1 year on Count 2. All terms of supervised release shall run concurrently, each with the other.

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: JAVIER GONZALEZ
Case Number: 93-CR-015-001-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:	34
Criminal History Category:	I
Imprisonment Range:	151 months to 188 months - Cts. 1,3,4,6,11,12,13, & 15
Supervised Release Range:	5 to years - Cts. 1 & 3 2 to 3 years - Cts. 4,6,12,13, & 15 1 year - Ct. 11
Fine Range:	\$ 20,000 to \$ 8,000,000
Restitution:	\$ N/A

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

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: A sentence at the low end of the applicable guideline range is warranted due to the defendant's lack of a prior criminal record.

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

F I L E D

JUN 19 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ANTHONY MARQUEZ,)
)
Defendant.)

No. 95-CR-45-C

ENTERED ON DOCKET

DATE JUN 20 1996

ORDER

Before the Court is defendant, Marquez's, notice of appeal filed on June 4, 1996. Marquez desires to appeal the decision and order of this Court denying his petition for relief under 28 U.S.C. § 2255, entered on May 17, 1996.

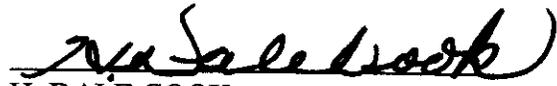
28 U.S.C. § 2253 requires a petitioner to obtain a certificate of appealability before appealing a final order in a proceeding under § 2255. Such a certificate may issue only if the petitioner "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

After considering the record and for the reasons stated in this Court's order denying Marquez's § 2255 motion, the Court concludes that a certificate of appealability should not issue in this case because Marquez has not made a substantial showing that he was denied a constitutional right. Specifically, Marquez's claims of ineffective assistance of counsel must fail by virtue of the fact that Marquez did not demonstrate to this Court that the outcome of the proceedings against him would have been different but for his counsel's alleged unprofessional errors. Even assuming that Marquez's counsel had an obligation to raise the issue respecting the type of methamphetamine involved in this case during sentencing, the evidence demonstrates that Marquez's sentence would have been the same had the issue been raised.

22

Accordingly, a certificate of appealability is hereby DENIED.

IT IS SO ORDERED this 18th day of June, 1996.

A handwritten signature in black ink, appearing to read "H. Dale Cook", written over a horizontal line.

H. DALE COOK
United States District Judge

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

F I L E D

JUN 19 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JERRY CRAIG COLEMAN,)
)
 Defendant.)

No. 91-CR-158-C

ENTERED ON DOCKET
JUN 20 1996

DATE _____

ORDER

Before the Court is defendant, Coleman's, notice of appeal filed on May 31, 1996. Coleman desires to appeal the decision and order of this Court denying his petition for relief under 28 U.S.C. § 2255, entered on May 22, 1996.

28 U.S.C. § 2253 requires a petitioner to obtain a certificate of appealability before appealing a final order in a proceeding under § 2255. Such a certificate may issue only if the petitioner "has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2).

After considering the record and for the reasons stated in this Court's order denying Coleman's § 2255 motion, the Court concludes that a certificate of appealability should not issue in this case because Coleman has not made a substantial showing that he was denied a constitutional right. Specifically, Coleman's claims of ineffective assistance of counsel must fail by virtue of the fact that Coleman did not demonstrate to this Court that the outcome of his trial would have been different but for his counsel's alleged unprofessional representation.

96

Accordingly, a certificate of appealability is hereby DENIED.

IT IS SO ORDERED this 18th day of June, 1996.

A handwritten signature in black ink, appearing to read "H. Dale Cook", written over a horizontal line.

H. DALE COOK

United States District Judge

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

FILED

JUN 18 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 WILLIE GENE DAWSON,)
)
 Defendant.)

Case No: 96-CR-73-C

ENTERED ON DOCKET
DATE JUN 19 1996

ORDER PURSUANT TO 18 U.S.C. §§4241, 4242 AND 4247

Counsel for the defendant has filed a motion with the court in which he expresses concern over the defendant's present competency, and his sanity at the time of the offenses charged in the Indictment. Having considered the motion and being otherwise duly informed, the court orders:

1. The defendant is committed to the custody of the Attorney General for purposes of a psychiatric or psychological examination pursuant to 18 U.S.C. § 4247(d).

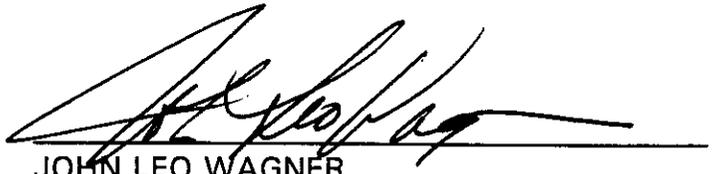
2. The defendant is to be transported by the United States Marshal's Service to the Federal Medical Center at Rochester, Minnesota, or a similar facility. The staff of the Federal Medical Center shall promptly examine the defendant to determine (a) whether the defendant is presently competent to stand trial, and (b) whether the defendant was sane or insane at the time of the offenses alleged in the Indictment.

3. The United States Probation Office shall make available to the staff of the Federal Medical Center any records, reports, or other documents in its possession

pertaining to the defendant.

4. The staff of the Federal Medical Center is ordered, upon completion of its examination, to file a psychiatric report with the court, pursuant to 18 U.S.C. § 4247(b) and (c). The court finds that any periods of delay resulting from these proceedings are excludable under the Speedy Trial Act. 18 U.S.C. § 3161(h)(1)(A).

Dated this 18th day of June, 1996.

A handwritten signature in black ink, appearing to read "John Leo Wagner", written over a horizontal line.

JOHN LEO WAGNER
UNITED STATES MAGISTRATE JUDGE

s:\orders\dawson

ENTERED ON DOCKET
DATE 6-19-96

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT DUNLAP,)
)
 Defendant.)

No. 94-CR-129-K ✓

FILED

JUN 18 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ORDER

Now on this ~~matter~~ 17 day of June, 1996, this cause comes on to be heard in the matter of the plaintiff's motion to dismiss the above-styled case. The Court finds that said request ought to be granted and the above-styled case against defendant ROBERT DUNLAP is dismissed.

IT IS SO ORDERED.


TERRY C. KERN
United States District Judge

MW
6-13

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) Case No. 95-CR-066-001-H /
)
 ROBERT M. VILLAGOMEZ,)
)
 Defendant.)

FILED ON DOCKET
6-19-96

FILED

JUN 18 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

ORDER OF PROBATION

THIS MATTER comes on for hearing on this 17th day of June, 1996 before the undersigned Judge of the United States District Court upon joint application of the parties for a reduction in the Defendant's sentence. The Court, having read the pleadings on file herein and being advised of the Defendant's extreme change in his physical and mental capacity and the extraordinary circumstances surrounding this case, finds that the following Order should issue:

IT IS THEREFORE ORDERED ADJUDGED AND DECREED by this Court that the sentence of internment of five months and imposition of a three year term of supervised release against the Defendant, Robert Villagomez, is hereby vacated and the Defendant is ordered placed on probation for a term of three years.

As a result of the extreme incapacitating injury sustained by the Defendant, the Court finds it is proper to vacate its order of restitution and no fine or community service is to be assessed against him.

That the Defendant, during his term of probation, shall not violate any federal, state or local laws; is prohibited during his probation and any time subsequent thereto from possessing any firearm or other dangerous devices unless first receiving express written permission of the

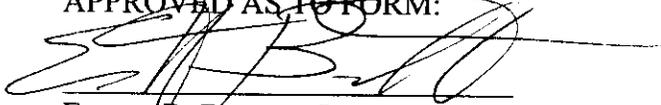
16

appropriate federal and state agency; not illegally possess a controlled substances and abide by the rules and conditions of probation as adopted by the Court. The Defendant shall be aware that violation of any condition of probation could result in a revocation term of up to ten years.

IT IS SO ORDERED.


United States District Judge

APPROVED AS TO FORM:



Everett R. Bennett, Jr.
Attorney for Defendant



Susan Morgan
Assistant United States District Attorney

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

FILED
IN OPEN COURT

JUN 18 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 RUTH GREEN,)
)
 Defendant.)

No. 96-CR-043-BU ✓

ENTERED ON DOCKET

DATE 6-19-96

ORDER

Leave of court is granted for the filing of the foregoing motion to dismiss without prejudice and the Court hereby orders dismissal of the requested Indictment, as pertains to RUTH GREEN only.


MICHAEL BURRAGE
United States District Judge

Date: 6-18-96

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ROBERT DUNLAP,)
)
Defendant.)

No. 94-CR-129-K ✓

FILED
JUN 18 1996
Phil Lombardi, Clerk
U.S. DISTRICT COURT

ORDER

Now on this ~~matter~~ 17 day of June, 1996, this cause comes on to be heard in the matter of the plaintiff's motion to dismiss the above-styled case. The Court finds that said request ought to be granted and the above-styled case against defendant ROBERT DUNLAP is dismissed.

IT IS SO ORDERED.


TERRY C. KERN
United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

JUN 18 1996

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 96-CR-030-001-B

TERRY LYNN LAMB
Defendant.

ENTERED ON DOCKET
JUN 18 1996
DATE _____

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

The defendant, TERRY LYNN LAMB, was represented by Donn Baker.

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

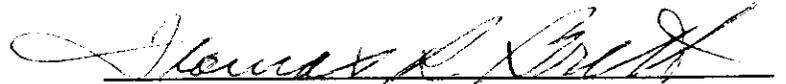
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1168(b)	Theft by Employee of a Gaming Establishment on Indian Lands	02/12/96	1

As pronounced on June 14, 1996, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 18 day of June, 1996.



The Honorable Thomas R. Brett
Chief United States District Judge

Defendant's SSN: 444-62-0268
Defendant's Date of Birth: 04/12/58
Defendant's mailing address: P.O. Box 202, Oaks, Oklahoma 74359
Defendant's residence address: Same

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.
Phil Lombardi, Clerk
By A. Deen
Deputy

Defendant: TERRY LYNN LAMB
Case Number: 96-CR-030-001-B

PROBATION

The defendant is hereby placed on probation for a term of 2 years.

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

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

The Court suspends the requirements for mandatory urine screening as dictated by 18 USC § 3608, but specifically retains the probation officer's authority to administer such tests for cause as permitted by the standard conditions of supervision.

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: TERRY LYNN LAMB
Case Number: 96-CR-030-001-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. 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: TERRY LYNN LAMB
Case Number: 96-CR-030-001-B

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 1,000,000
Restitution:	\$ N/A

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



FILED

EOD: 6-18-96

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

JUN 18 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-021-001-K

GRANVILLE HARRISON MONTGOMERY, III
Defendant.

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

The defendant, GRANVILLE HARRISON MONTGOMERY, III, was represented by Stephen J. Knorr.

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

The defendant pleaded guilty to count(s) 1 of the Information on March 12, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

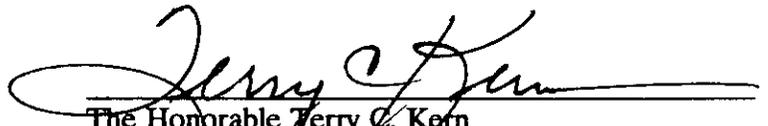
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2113(b)	Bank Robbery	02-27-95	1

As pronounced on June 11, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 17 day of June, 1996.


The Honorable Terry C. Korn
United States District Judge

Defendant's SSN: 444-66-3923

Defendant's Date of Birth: 10/25/65

Defendant's residence and mailing address: 2916 E. Louisville, Broken Arrow, OK 74014

Defendant: GRANVILLE HARRISON MONTGOMERY
Case Number: 96-CR-021-001-K

PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall 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: GRANVILLE HARRISON MONTGOMERY
Case Number: 96-CR-021-001-K

FINE

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

The defendant shall pay a fine of \$ 1,000.00. 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: GRANVILLE HARRISON MONTGOMERY
Case Number: 96-CR-021-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$4,822.16 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>
Bank of Oklahoma Attn: Lowell Faulkenberry P.O. Box 2300 One Williams Center Tulsa, OK 74103	\$4,822.16

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: GRANVILLE HARRISON MONTGOMERY
Case Number: 96-CR-021-001-K

STATEMENT OF REASONS

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

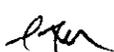
Guideline Range Determined by the Court:

Total Offense Level:	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:	\$ 4,822.16

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

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

By _____ Deputy



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

JUN 17 1996

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 LYNN RICHARD DEHAAN, a/k/a)
 Lee Simmons,)
)
 Defendant.)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

No. 95-CR-102-B

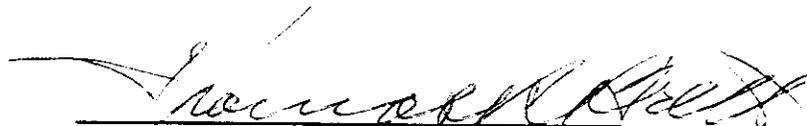
ENTERED ON DOCKET

DATE JUN 18 1996

ORDER

Now on this 17th day of June, 1996, this cause comes on to be heard in the matter of the plaintiff's motion to dismiss the original Indictment and the / Superseding Indictment in the above-styled cause as to defendant LYNN RICHARD DEHAAN, a/k/a Lee Simmons. The Court finds that said motion ought to be granted and the Superseding Indictment is dismissed without prejudice as to defendant LYNN RICHARD DEHAAN, a/k/a Lee Simmons.

IT IS SO ORDERED.


THOMAS R. BRETT, Chief Judge

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

FILED
JUN 12 1996
Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
HAROLD E. ERWIN,)
)
Defendant.)

Case No. 96-CR-32-001-H

ENTERED ON DOCKET
DATE JUN 13 1996

ORDER OF DISMISSAL WITHOUT PREJUDICE

Upon application of Plaintiff for dismissal without prejudice of defendant Harold E. Erwin, it is hereby ORDERED that Harold E. Erwin be and is hereby dismissed, without prejudice, from the above-captioned case.


SVEN ERIK HOLMES
United States District Judge

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

FILED

JUN 12 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
HAROLD E. ERWIN,)
)
Defendant.)

Case No. 96-CR-32-001-H

ENTERED ON DOCKET
DATE JUN 13 1996

ORDER OF DISMISSAL WITHOUT PREJUDICE

Upon application of Plaintiff for dismissal without prejudice of defendant Harold E. Erwin,
it is hereby ORDERED that Harold E. Erwin be and is hereby dismissed, without prejudice, from
the above-captioned case.


SVEN ERIK HOLMES
United States District Judge

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

FILED
JUN 7 1996
Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ANTHONY MARQUEZ,)
)
Defendant.)

No. 95-CR-45-C ✓

ENTERED ON DOCKET

DATE JUN 11 1996

ORDER

Currently pending before the Court is the motion filed by defendant, Anthony Marquez, seeking reconsideration of this Court's May 17, 1996, Order denying Marquez's § 2255 motion.

On April 4, 1995, Marquez was indicted for knowingly and intentionally possessing with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1). On June 6, 1995, Marquez entered a plea of guilty. Marquez was sentenced on July 24, 1995, to 188 months imprisonment and four years of supervised release, based upon the guideline level attributable to D-methamphetamine.

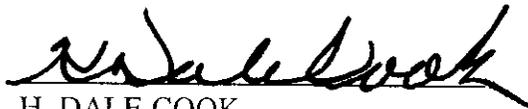
On April 8, 1996, Marquez filed a motion pursuant to 28 U.S.C. § 2255 requesting that this Court correct, set aside or vacate his sentence on the grounds that he was improperly sentenced under the more severe D-methamphetamine guideline. In his motion, Marquez also alleged ineffective assistance of counsel, citing his counsel's failure to raise the issue concerning the type of methamphetamine involved during the sentencing hearing and counsel's failure to require the government to meet its burden of establishing the type of methamphetamine involved during the sentencing hearing. On May 17, 1996, this Court entered its Order denying Marquez's § 2255 motion. In the Order, the Court found that "even assuming [Marquez's] counsel failed in her duties

as a reasonable advocate, the evidence shows that Marquez has not demonstrated actual prejudice because his sentence would have been the same had his counsel raised the issue.” As support for this finding, the Court cited the government’s introduction of the “Report of Drug Property Collected, Purchased or Seized,” which attributed 1,362 grams of type D-methamphetamine to Marquez. Hence, even if the Court were to find that counsel’s failure to raise the issue concerning the type of methamphetamine involved fell below the standard of reasonable assistance, Marquez cannot show that he was thereby prejudiced. In light of the laboratory report attributing type D-methamphetamine to Marquez, the result in this case would have been the same even if counsel had raised this issue at sentencing.

The Court, in its May 17 Order, considered Marquez’s several claims which he includes in his present motion for reconsideration. The Court reiterates its finding that Marquez has not demonstrated actual prejudice, and he is therefore entitled to no relief. Marquez also insists that a hearing on this matter is not only appropriate, but required under the law. The Court disagrees. Section 2255 provides that a hearing is mandatory unless the motion and record conclusively show that Marquez is entitled to no relief. As this Court determined in its May 17 Order, the record shows that Marquez is entitled to no relief. Thus, Marquez’s request for a hearing is denied.

Accordingly, Marquez’s motion for reconsideration is hereby DENIED.

IT IS SO ORDERED this 7 day of June, 1996.



H. DALE COOK
United States District Judge

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

FILED

JUN 7 1996 LC

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JAVIER GONZALEZ,)
)
Defendant.)

No. 93-CR-15-C ✓

ENTERED ON DOCKET
DATE JUN 11 1996

ORDER

Currently pending before the Court is the motion filed by defendant, Javier Gonzalez, seeking to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. Gonzalez was convicted in Count Five of the Superseding Indictment of carrying or using a firearm during and in relation to a drug trafficking crime, in violation of 18 U.S.C. § 924(c)(1). Gonzalez contends that his conviction for use of a firearm during a drug trafficking crime should be vacated because he did not "use" any firearm during the commission of any drug trafficking act. See, Bailey v. U.S., 116 S.Ct. 501 (1995). Hence, Gonzalez attacks the five year consecutive sentence imposed under Count Five of the Superseding Indictment as invalid due to intervening change in law resulting from the Bailey decision. The government concedes that Gonzalez's motion should be granted and joins Gonzalez in requesting the Court to vacate the five year consecutive sentence imposed under Count Five.

Accordingly, Gonzalez's motion to vacate, set aside, or correct sentence is hereby **GRANTED**, and Gonzalez's conviction under Count Five for use of a firearm during a drug trafficking crime pursuant to 18 U.S.C. § 924(c)(1) is hereby **VACATED**. The judgment is modified to delete from the sentence the sixty months for the § 924(c)(1) conviction imposed under Count Five. All other portions of the judgment shall remain in full effect. The Probation Office is hereby

directed to prepare an amended judgment consistent with this Order and submit the same for this Court's consideration within twenty (20) days.

IT IS SO ORDERED this 6th day of June, 1996.


H. DALÉ COOK
United States District Judge

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE JUN 10 1996

UNITED STATES OF AMERICA

v.

Case Number 95-CR-081-001-H ✓

SHARON ALLEN
Defendant.

FILED

JUN 10 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

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

The defendant, SHARON ALLEN, was represented by Tony Graham.

On motion of the United States the court has dismissed count(s) 5 and 8 of the Indictment.

The defendant was found guilty on count(s) 1,2,3,4,6, and 7 of the Indictment on April 17, 1996 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 513(a) and 2	Uttering a Forged Instrument	10/10/94	1,2, & 3
18 USC 1957 and 2	Money Laundering & Causing a Criminal Act	10/13/94	4,6, & 7

As pronounced on May 31, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 300.00, for count(s) 1,2,3,4,6, and 7 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 10TH day of JUNE, 1996.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 447-64-2585
Defendant's Date of Birth: 08/26/59
Defendant's residence and mailing address: 15134 E. 36th St., Tulsa, OK 74134

63

Defendant: SHARON ALLEN
Case Number: 95-CR-081-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 74 months as to Counts 1,2,3,4,6, and 7, all counts to run concurrently.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: SHARON ALLEN
Case Number: 95-CR-081-001-H

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The defendant shall submit to the Special Search and Seizure Condition adopted by this Court in Miscellaneous Order #128, dated May 25, 1995.
6. You are prohibited from engaging in any form of employment which would give you access to bank accounts, securities, or other negotiable assets of any individual, business, or other entity. All employment shall be approved in advance by the U.S. Probation Officer. Further, you shall advise any and all employers of all past criminal convictions.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

X The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse.

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: SHARON ALLEN
Case Number: 95-CR-081-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$10,000.00 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>
National Union Fire Insurance Attn: William O'Connor, Recovery Manager Bond Claims Dept., File #165-015765 AI Management 5th Floor 70 Pine Street New York, New York 10270	\$9,600.00
Berendsen Power Fluid 1700 Mid-Continent Tower 401 S. Boston Tulsa, OK 74103-4005	\$ 400.00

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.

FORFEITURE

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

Pursuant to Preliminary Order of Forfeiture filed on May 31, 1996

Defendant: SHARON ALLEN
Case Number: 95-CR-081-001-H

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	21
Criminal History Category:	VI
Imprisonment Range:	77 months to 96 months (Cts. 1,2,3,4,6, & 7)
Supervised Release Range:	2 to 3 years (Cts. 1,2,3,4,6, & 7)
Fine Range:	\$ 7,500 to \$ 75,000 (Cts. 1,2,3,4,6, & 7)
Restitution:	\$ 131,794.64

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): The money laundering scheme is sufficiently different from the "heartland" cases covered under that guideline so that a downward departure is appropriate.

DATE JUN 10 1996

FILED

JUN 10 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 SHARON K. ALLEN,)
 Formerly Known as)
 SHARON K. BRUCE,)
)
 Defendant.)

CASE NO. 95-CR-81-H

ORDER DISMISSING FURNITURE
FROM FORFEITURE COUNT OF INDICTMENT
WITHOUT COSTS

This matter coming on for consideration by the Court this
10TH day of June, 1996, upon a motion of the plaintiff for
dismissal of the following-described furniture:

Seven (7) pieces of
bedroom furniture,
including bed, with
storage and mirror
components, dresser with
tri-fold mirror and
armoire,

from the forfeiture count of the Indictment without costs to the
defendant, and the Court, being fully advised in the premises,
finds that the above-described furniture should be dismissed from
the forfeiture count of the Indictment and returned to the
defendant, without cost to the defendant; that the United States
Marshals Service shall deliver the furniture to Sharon K. Allen,
through her husband, Mark Allen, as directed by the United States
Attorney's office in a United States Marshals Service form 285.

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED by the Court that the above-described furniture be dismissed from the forfeiture count of the Indictment and returned to the defendant, Sharon K. Allen, through her husband, Mark Allen, without cost to the defendant.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that the United States Marshals Service shall deliver the furniture to the defendant, Sharon K. Allen, through her husband, Mark Allen, as instructed by the office of the United States Attorney on instructional United States Marshals Service form 285 to be submitted by the United States Attorney with a filed copy of this Order.


SVEN E. HOLMES, United States
District Judge

N:\UDD\CHOOK\FC\ALLEN1\05414

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

JUN 7 1996 *Jan*

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

v.

Case Number 95-CR-148-006-C

RICO JERMAINE PORTER
Defendant.

ENTERED ON DOCKET
DATE 6-7-96

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

The defendant, RICO JERMAINE PORTER, was represented by Robert Hilfiger.

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

The defendant pleaded guilty on March 19, 1996, to count(s) 1 of the Information. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21:843(b)	Use of Communication Facility in Furtherance of Narcotics Felony	9/95	1

As pronounced on June 4, 1996, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 6th day of June, 1996

United States District Court
Northern District of Oklahoma
I hereby certify that this is a true and correct copy of the original as filed in this court.
Phil Lombardi
R. Miller

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

Defendant's SSN: 445-70-0422
Defendant's Date of Birth: 11/23/74
Defendant's residence and mailing address: 2105 Topeka Street, Muskogee, Oklahoma 74401

Defendant: RICO JERMAINE PORTER
Case Number: 95-CR-148-006-C

IMPRISONMENT

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

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to serve his term at the Intensive Confinement Center in Lewisburg, Pennsylvania, to participate in the Shock Incarceration Program.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on September 6, 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: RICO JERMAINE PORTER

Case Number: 95-CR-148-006-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 1 year.

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: RICO JERMAINE PORTER
Case Number: 95-CR-148-006-C

FINE

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

The defendant shall pay a fine of \$ 500. This fine shall be paid in full immediately. any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: RICO JERMAINE PORTER
Case Number: 95-CR-148-006-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	21
Criminal History Category:	I
Imprisonment Range:	37 months to 46 months
Supervised Release Range:	1 year
Fine Range:	\$ 7,500 to \$ 75,000
Restitution:	\$ N/A

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

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

ew

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

Jun JUN 5 1996

UNITED STATES OF AMERICA

v.

Case Number 93-CR-33-E

Phil Lombardi, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

SALVADOR HINOJOS, JR.
Defendant.

ENTERED ON DOCKET

DATE 6-5-96

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
CORRECTION of SENTENCE on REMAND (FED. R. CRIM. P. 35(a))

The defendant, SALVADOR HINOJOS, JR., was represented by Jo Stanley Glenn.

The defendant was found guilty on count(s) One and Two of the Indictment on October 15, 1993 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>
21 USC 841(a)(1)	Possession of a Controlled Substance With Intent to Distribute	11/12/92	1
18 USC 924(c)	Carrying a Firearm During the Commission of a Drug Trafficking Crime	11/12/92	2

As pronounced on October 15, 1993, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 4th day of May, 1996.

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

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

Defendant's SSN: 457-15-6293
Defendant's Date of Birth: 02/21/61
Defendant's mailing address: 424 East Ruth, Odessa, Texas 79762
Defendant's residence address: (Defendant presently incarcerated with the Bureau of Prisons)

By R. Miller
Deputy

Defendant: SALVADOR HINOJOS, JR.
Case Number: 93-CR-33-E

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 37 months on Count One, and 60 months on Count Two, both counts to run consecutive.

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: SALVADOR HINOJOS, JR.
Case Number: 93-CR-33-E

SUPERVISED RELEASE

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

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, 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 acknowledged 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: SALVADOR HINOJOS, JR.
Case Number: 93-CR-33-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:	20
Criminal History Category:	II
Imprisonment Range:	37 months to 46 months - Ct. 1 60 months - Ct. 2
Supervised Release Range:	3 to 5 years - Ct. 1 2 to 3 years - Ct. 2
Fine Range:	\$ 7,500 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.

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

FILED

QUN ~~MAY~~ 4 - 1996

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DAVID MAX BURNETT,)
)
 Defendant.)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

No. 96-CR-48-C

ENTERED ON DOCKET

DATE JUN 05 1996

ORDER

Leave of court is granted for the filing of the foregoing motion to dismiss without prejudice and the Court hereby orders dismissal of the requested Indictment, as pertains to DAVID MAX BURNETT only.



H. DALE COOK, Senior
United States District Judge

Date: JUN 4, 96