

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE SEP 30 1996

UNITED STATES OF AMERICA

v.

Case Number 96-CR-069-001-H ✓

BRUCE BELL
Defendant.

FILED

SEP 27 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, BRUCE BELL, was represented by Ronald L. Daniels.

The defendant pleaded guilty to count(s) 1 of the Information on May 31, 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>
26 USC 7206(1)	Subscribing to a False Tax Return	08/17/92	1

As pronounced on September 20, 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 26th day of SEPTEMBER, 1996.


The Honorable Sven Erik Holmes
United States District Judge

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

Defendant's SSN: 448-26-4354
Defendant's Date of Birth: 06/08/32
Defendant's residence and mailing address: 2301 W. Haskell Pl., Tulsa, OK 74127

By W. Holland
Deputy

Defendant: BRUCE BELL
Case Number: 96-CR-069-001-H

IMPRISONMENT

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

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on October 20, 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: BRUCE BELL
Case Number: 96-CR-069-001-H

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 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. While on supervision, should the Internal Revenue Service determine or the defendant acknowledge the amount of any delinquent tax and applicable penalties owed by the defendant, such amount shall be paid by the defendant immediately. Any amount not paid immediately shall be paid in accordance with any schedule established by the Internal Revenue Service.
6. The defendant is prohibited, during the term of his supervised release, from operating, managing, or being employed by an accounting business; preparing income tax returns for individuals or businesses; bookkeeping; acting as a consultant in an accounting capacity; and any other employment in accounting, bookkeeping, or tax preparation.

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: BRUCE BELL
Case Number: 96-CR-069-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$24,000.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Michael Newland 507 Frank E. Rodgers Blvd. North Harrison, New Jersey 07029-0192	\$24,000

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

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

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

Defendant: BRUCE BELL
Case Number: 96-CR-069-001-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:	12
Criminal History Category:	II
Imprisonment Range:	12 months to 18 months - Ct. 1
Supervised Release Range:	1 year - Ct. 1
Fine Range:	\$ 3,000 to \$ 30,000 - Ct. 1
Restitution:	\$ 42,263

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

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

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

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

FILED

SEP 27 1996



Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MARK CARTER,)
)
 Defendant.)

No. 87-CR-119-E ✓
(95-CV-1228-E)

ENTERED ON DOCKET

DATE SEP 30 1996

ORDER

This matter comes before the Court on the motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 of Defendant Mark Carter. The government has objected.

I. BACKGROUND

On January 31, 1991, Defendant was found guilty of Conspiracy to Distribute Crack Cocaine in violation of 18 U.S.C. §§ 846 and 841(a)(1). At sentencing, trial counsel sought to persuade the Court that Defendant was not the leader of the conspiracy to distribute crack cocaine, but that his involvement was extremely limited. He stated that very little information suggested that Defendant took possession of any money or handled any illegal drugs and that all the government could show was that Defendant received money at some point and "placed it somewhere in a house." Counsel noted "[t]here is no indication that [Defendant] owned any property, [or] was the owner of anything elaborate." (Sentencing transcript at 6-8.)

Defendant then made the following comments:

. . . You know, I didn't agree with a lot of things on

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that paper [the Presentence Report] as far as like money they said I was supposed to have got and I'm supposed to be some kind of gang leader and things like that. You know, I've never been involved in any gang or anything like that.

(Sentencing transcript at 9.) The above comments are the basis of the instant motion.

Before imposing the sentence, the Court made the following findings of fact:

Well, the Court has to approach this from the standpoint of my total knowledge of this particular conspiracy and the involvement of the individuals in it. In addition, I have to give consideration to what I have done in other cases and what other judges in this district have done. We have had instances of dealing with major Colombian dealers who bring large amounts into Oklahoma. This is a different situation. We have crack cocaine brought into a specific area after almost a feasibility study that was done, if you were doing it in normal consumption terms it would be a feasibility study. And I have to believe, Mr. Carter, that you were the primary mover in this transaction from all of the testimony in the case. I see you as maybe an intermediate rather than the main source but you were at least the contact into California and the individual who made available the California drugs to move into Tulsa, Oklahoma, and that's from a totality of the evidence and from the presentence report.

(Sentencing transcript at 9.) The Court then sentenced Defendant to fifteen years imprisonment and imposed a \$10,000 fine.¹ On July 20, 1992, the Tenth Circuit Court of Appeals affirmed Defendant's conviction and sentence.

In Counts I and II of the instant motion, Defendant contends that he was denied due process at sentencing when the Court failed

¹ The Court did not sentence Defendant under the United States Sentencing Guidelines because the events giving rise to the conviction occurred before the effective date of the Guidelines.

to make factual findings as to Defendant's objection that he was not affiliated with any gang in Los Angeles or Tulsa. He further contends that trial counsel provided ineffective assistance when he failed to object to his association with any gang and that appellate counsel was ineffective for failing to raise those issues on direct appeal.

II. ANALYSIS

A. Sentencing Claims and Appellate Counsel

The government has raised the defense of procedural default in response to Plaintiff's contention that the court failed to make factual findings as to inaccuracies in the Presentence Report (Counts I and II). It is well settled that "[s]ection 2255 motions are not available to test the legality of matters which should have been raised on direct appeal." United States v. Cook, 45 F.3d 388, 392 (10th Cir. 1995) (quoting United States v. Warner, 23 F.3d 287, 291 (10th Cir. 1994)). Consequently, a defendant's failure to present an issue on direct criminal appeal bars him from raising that issue in his section 2255 motion, unless he can show cause excusing his procedural default and actual prejudice resulting from the errors of which he complains, or can show that a fundamental miscarriage of justice will occur if his claim is not addressed. Id.

Ineffective assistance of appellate counsel may present sufficient cause to excuse Defendant's failure to raise Counts I and II on direct appeal. To establish ineffective assistance of

counsel a defendant must show that his counsel's performance was deficient and that the deficient performance prejudiced his defense. Strickland v. Washington, 466 U.S. 668, 687 (1984). Although the Strickland test was formulated in the context of evaluating a claim of ineffective assistance of trial counsel, the same test is used in assessing the ineffectiveness of appellate counsel. Cook, 45 F.3d at 392.

"When a defendant alleges his appellate counsel rendered ineffective assistance by failing to raise an issue on appeal," as in this case, the Court must examine "the merits of the omitted issue"--i.e. the claim that this Court failed to make factual findings regarding inaccuracies contained in the Presentence Report. Id. "If the omitted issue is without merit, counsel's failure to raise it `does not constitute constitutionally ineffective assistance of counsel.'" Id. At 393 (quoted case omitted).

Defendant's sentencing claims center on the Court's failure to make factual findings as to inaccuracies in the Presentence Report. He alleges that he personally objected to the finding in the Presentence Report that he was associated with the "Third World Crips." He further alleges that "[t]he Bureau of Prison has f[ound] no evidence connecting Movant with any gang. Thus Movant is serving [his] sentence in a low security-facility." (Brief in Support of section 2255 motion at 6.)

The Court finds the above claims lack any merit. Defendant's comments at sentencing that he was not associated with any gang did

not present a proper objection to the Presentence Report. Therefore, the claims were not properly preserved for appeal and appellate counsel's failure to raise those claims does not constitute constitutionally ineffective assistance of counsel. Accordingly, Defendant has failed to show cause and prejudice to excuse his procedural default of his claims in Counts I and II.

B. Ineffective Assistance of Trial Counsel

Next Defendant argues that his trial counsel provided ineffective assistance when he failed to object to the Presentence Report on the ground that Defendant was not a Crip gang member.

As noted above, to establish ineffective assistance of counsel Defendant must show that his counsel's performance was deficient and that the deficient performance prejudiced his defense. Strickland, 466 U.S. at 687; Osborn v. Shillinger, 997 F.2d 1324, 1328 (10th Cir. 1993). A defendant can establish the first prong by showing that counsel performed below the level expected from a reasonably competent attorney in criminal cases. Strickland, 466 U.S. at 687-88. To establish the second prong, a defendant must show that this deficient performance prejudiced the defense, to the extent that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 694. See also Lockhart v. Fretwell, 506 U.S. 364, 368-373 (1993).

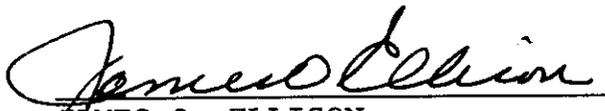
Even if trial counsel was ineffective for failing to object to the statement in the Presentence Report that Defendant was a gang

member in Los Angeles and Tulsa, Defendant has failed to show that he was prejudiced by that conduct. The record reveals the Court did not base its sentence determination on Defendant's affiliation with a gang. Rather the Court relied on the fact that Defendant was the intermediary which permitted drugs from California to enter the Tulsa market. Therefore, Defendant cannot show any prejudice insofar as his sentence is concerned.

III. CONCLUSION

Accordingly, Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 [docket #19] is hereby **denied**.

SO ORDERED THIS 25th day of September, 1996.


JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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

FILED

SEP 27 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
MARK CARTER,)
)
Defendant.)

No. 87-CR-119-E
(95-CV-1228-E)

ENTERED ON DOCKET

DATE SEP 20 1996

JUDGMENT

In accord with the order denying Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, the Court hereby **enters judgment** in favor of the government and against the Defendant, Mark Carter.

SO ORDERED THIS 25th day of September, 1996.

James O. Ellison

JAMES O. ELLISON
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
Northern District of Oklahoma

SEP 27 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 93-CR-107-001-E

Douglas Dean Wright

ENTERED ON DOCKET

DATE 09/27/96

JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF PROBATION

Now on this 18th day of September, 1996, this cause comes on for sentencing after a previous finding that the defendant violated conditions of probation as set out in the Petition on Probation filed on May 21, 1996. The defendant is present in person and with his attorney, Craig Bryant. The Government is represented by Assistant United States Attorney Ken Snoke, and the United States Probation Office is represented by Scott Kallenberger.

The defendant was heretofore, on September 9, 1993, convicted on his plea of guilty to a one-count Indictment which charged Bankruptcy Fraud, in violation of Title 18, United States Code, Section 152. He was subsequently sentenced on January 12, 1994, to a three (3) year period of probation.

On June 26, 1996, a Revocation Hearing was held regarding the allegation noted in the Petition on Probation; said allegations being that the defendant failed to pay restitution according to his ability; that the defendant possessed firearms while under supervision; and that the defendant associated with known convicted felons while under supervision. The Court found him in violation for possession of firearms and association with known convicted felons. A Sentencing Hearing was held on September 18, 1996.

As a result of the Sentencing Hearing, the Court finds that the violations occurred after November 1, 1987, and that Chapter Seven of the U.S. Sentencing Commission Guidelines is applicable. Further, the Court finds that the violations of probation constitute Grade C violations.

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 Douglas M. Callahan
Deputy

in accordance with Section 7B1.1(a)(3), and that the defendant's original Criminal History Category of I is now applicable for determining the imprisonment range. In addition, the Court finds that a Grade C violation and a Criminal History Category of I establish a revocation imprisonment range of 3-9 months, in accordance with Section 7B1.4(a) and Title 18, United States Code, Section 3565(a). In consideration of these findings and pursuant to U.S. v. Lee, 957 F.2d 770 (Tenth Circuit, 1992), in which the Circuit determined that the policy statements in Chapter Seven were not mandatory, but must be considered by the Court, the following sentence is ordered:

It is adjudged by the Court that the defendant shall be sentenced to the custody of the Bureau of Prisons for a term of zero (0) months. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of two (2) years. The defendant shall also pay the cost of supervision in the amount of \$115.30 per month, for a total fee of \$2,767.20 should the defendant serve the entire 24 month sentence.

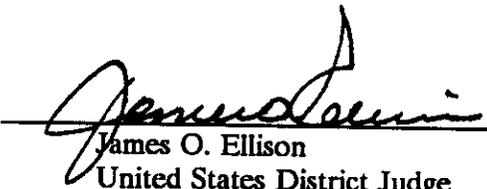
Payment of \$446.70 in electronic monitoring fees relative to bond conditions pending revocation shall be paid immediately. This amount is in addition to the electronic monitoring fees payable during the home detention term imposed as a condition of supervised release.

While on supervised release, you shall not commit another federal, state, or local crime. You are prohibited, during the period of supervised release, or afterward, from possessing a firearm or other dangerous devices, unless you have received express written permission of the appropriate federal and state agency. Further, while on supervised release you shall not illegally possess a controlled substance. In addition, you shall comply with the standard conditions that have been adopted by this Court and the following special conditions:

1. 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 eight (8) months, to commence within 72 hours of release from custody. 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 defendant is responsible for the full cost of electronic monitoring.

2. 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.
3. The defendant shall abide by the "Special Search and Seizure Condition" as enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on May 25, 1995.


James O. Ellison
United States District Judge

FILED

SEP 25 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA
Plaintiff

VS

Herbert Shannon Gordon
Defendant

)
)
) Case Number: 95-CR-084-004-B
)
)

ENTERED ON DOCKET

DATE SEP 26 1996

JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF PROBATION

Now on this 20th day of September, 1996, this matter comes on for sentencing after a previous finding that the defendant violated conditions of probation as set out in the Petition on Probation filed on August 15, 1996. The defendant is present in person and with his attorney, Joe Bohannon. The Government is represented by Assistant U. S. Attorney Neal Kirkpatrick, and the U. S. Probation Office is represented by Randall Drew.

The defendant was heretofore, on July 2, 1995, sentenced after a plea of guilty to a one count Indictment which charged False Use of a Social Security Number, in violation of Title 42, U.S.C. § 408 (a)(7)(B). The defendant was sentenced to a three year period of probation with a condition that he participate in urinalysis testing and drug treatment as directed by the Probation Office. Gordon was ordered to abide by the Special Financial Conditions adopted by the Court on March 28, 1992, and to pay a \$50 Special Monetary Assessment along with a \$1,000 fine. The standard conditions of probation recommended by the Sentencing Commission were also imposed.

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

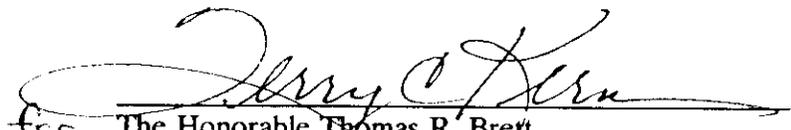
On September 4, 1996, a Revocation Hearing was held regarding the allegations noted in the Petition on Probation, said allegations being that the defendant submitted a urine specimen on June 12, 1996, which tested positive for Cocaine, that he admitted to marijuana use, that he failed to submit urine specimens as directed by the Probation Officer, that he failed to maintain employment, that he failed to follow the instructions of the Probation Officer, and that he failed to abide by the rules of the electronic monitoring condition which was effected on July 8, 1996. At that hearing, the Court found the defendant to be in violation of probation according to allegations numbered One, Two, and Four of the Petition on Probation. Allegations numbered Three and Five were dismissed by agreement of the parties.

On September 20, 1996, as a result of the sentencing hearing, the Court found that the violations occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable. Further, the Court found that the violations of probation constitute a Grade C violation in accordance with U.S.S.G. 7B1.1(a)(3), and that the defendant's original Criminal History Category of I was applicable for determining the imprisonment range. In addition, the Court found that a Grade C violation and a Criminal History Category of I establish a revocation imprisonment range of three to nine months. In consideration of these findings and pursuant to U.S. vs. Lee, 957 F2d 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following was ordered:

The defendant is committed to the custody of the U. S. Bureau of Prisons to be imprisoned for a term of twelve months and one day. It is recommended that the defendant be designated for the first available class in the U.S. Bureau of Prisons' Intensive Confinement Center program. Following the

period of incarceration, the defendant is ordered to serve a term of supervised release for a period of two years. The \$1,000 fine imposed at original sentencing is hereby reimposed with no interest accrued.

The defendant is ordered to remain in the community under the same conditions previously imposed by this Court, and upon directive by the U.S. Probation Office, is ordered to surrender to the U.S. Marshal in Tulsa, Oklahoma, to begin the sentence.


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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED
SEP 24 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA)
Plaintiff)
VS)
KENNETH LEON MANION, SR.)
Defendant)

Case Number: 93-CR-078-001-B ✓

ENTERED ON DOCKET
DATE SEP 25 1996 ✓

JUDGMENT AND COMMITMENT ORDER ON
REVOCATION OF PROBATION

Now on this, the 23rd day of September 1996, this matter comes on for sentencing after a show cause hearing held on September 6, 1996, concerning allegations that the defendant violated the conditions of probation as follows:

- a. Violation of Oklahoma State Statute: On or about October 7, 1994, November 9, 1994, and April 11, 1995, in Tulsa County, the defendant committed the crime of Workers' Compensation Fraud, violations of Oklahoma State Statute Supp., Title 21, Section 1663 (B) (2) and (C) (3).
- b. Violation of Federal Statutes: During 1994, 1995, and 1996, while on probation, in the Northern District of Oklahoma, the defendant violated Title 26, United States Code, Section 7206(1), in that he failed to report income earned during 1993, 1994, and 1995, from his security guard company.
- c. Violation of Condition #2 of the Rules and Conditions of Probation: While on probation, the defendant failed to declare on his written monthly supervision

By Phil Lombardi, Deputy Clerk
I hereby certify that the foregoing is a true copy of the original on file in this court.

reports that he was operating his security guard company, and failed to report the income he earned as a result of this employment, as required by the rules and conditions of probation.

At the show cause hearing the government called witnesses, Robert E. Boston of the U. S. Probation Office, R. Darey Roberts, of the Oklahoma State Attorney General's Workers' Compensation Fraud Investigation Unit, and Special Agent Carolyn Jones, of the Criminal Investigation Division of the Internal Revenue Service. These witnesses presented evidence of the aforementioned violations. The defense presented no witnesses or evidence. At the conclusion of the hearing, the Court found that the defendant had violated the conditions of probation as alleged in the Petition on Probation. Probation was revoked and the defendant was ordered to return to Court this date for sentencing.

On the 27th day of August, 1993, the defendant was sentenced to a term of three years probation after his guilty plea to two counts of Making and Subscribing a False U. S. Individual Income Tax Return, in violation of Title 26, United States Code, Section 7206(1). In addition to the standard conditions of probation, the Court ordered, "While on probation, should the Internal Revenue Service determine the amount of any delinquent tax and any applicable penalties owed by the defendant, such amount should be paid by the defendant in accordance with any reasonable schedule set by the Internal Revenue Service." According to the Internal Revenue Service, at the time of conviction Manion owed \$15,568.09 in taxes and penalties for 1987 and 1988, the years covered by the IRS investigation.

As a result of this hearing, the Court finds that the violations occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable. Further, the Court finds that the violations of Probation constitute Grade B violations and that probation must be revoked, that the revocation guideline range is four to six months followed by a term of supervised release not to exceed one year, and that the Court must order the defendant to pay \$15,568.09 restitution to the Internal Revenue Service. In consideration of these findings and pursuant to U.S. vs. Lee, 957 F2d. 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following is ordered:

The defendant shall be committed to the custody of the U. S. Bureau of Prisons for a term of four (4) months followed by a one year term of supervised release. During his term of supervised release, the defendant shall abide by the "Special Search Condition" enumerated in Miscellaneous Order Number M-128 filed with the Clerk of the Court on May 25, 1995. The defendant is ordered to pay restitution in the amount of \$15,568.09 to the Internal Revenue Service. Any portion of restitution not paid prior to release from confinement shall be paid during the term of supervised release. The defendant is remanded to the custody of the U. S. Marshal.



Thomas R. Brett, Chief
U. S. District Judge

FILED

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

SEP 24 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-022-001-B

CHARLES WAYNE EASKY
Defendant.

ENTERED ON DOCKET
DATE SEP 24 1996

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

The defendant, CHARLES WAYNE EASKY, was represented by Stephen J. Knorr.

The defendant pleaded guilty to count(s) 1 of the Indictment on March 15, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

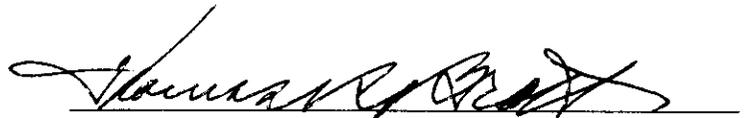
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1703	Delay or Destruction of Mail	10/20/95	1

As pronounced on September 20, 1996, the defendant is sentenced as provided in pages 2 through 3 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 24th day of September, 1996.



The Honorable Thomas R. Brett
Chief United States District Judge

United States District Court)
Northern District of Oklahoma) SS

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

Phil Lombardi, Clerk

By A. O.
Deputy

Defendant's SSN: 441-68-0968

Defendant's Date of Birth: 01/25/61

Defendant's residence and mailing address: 14779 North "C" Street, Skiatook, Oklahoma 74070

Defendant: CHARLES WAYNE EASKY
Case Number: 96-CR-022-001-B

PROBATION

The defendant is hereby placed on probation for a term of 3 year(s).

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
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.

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: CHARLES WAYNE EASKY
Case Number: 96-CR-022-001-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:	4
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 250 to \$ 5,000 - Ct. 1
Restitution:	N/A

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

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

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

ENTERED ON DOCKET
DATE 7-24-96

UNITED STATES OF AMERICA

v.

Case Number 96-CR-026-001-K

F I L E D

MICHAEL ALLEN O'BRIEN
Defendant.

SEP 23 1996

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, MICHAEL ALLEN O'BRIEN, was represented by Ernest A. Bedford.

The defendant was found guilty on count(s) 1 and 2 of the Superseding Indictment on June 10, 1996 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

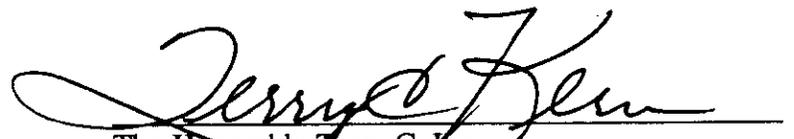
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy	09/14/95	1
18 USC 1955 and 2	Illegal Gambling and Causing a Criminal Act	09/14/95	2

As pronounced on September 19, 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 \$ 100.00, for count(s) 1 and 2 of the Superseding Indictment, which shall be due immediately.

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

Signed this the 23 day of September, 1996.


 The Honorable Terry C. Kern
 United States District Judge

Defendant's SSN: 491-46-8947

Defendant's Date of Birth: 01/07/46

Defendant's residence and mailing address: Rt. 1, Box 400A, Goodman, Missouri 64843

Defendant: MICHAEL ALLEN O'BRIEN
Case Number: 96-CR-026-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 27 months as to Counts 1 and 2, said counts to run concurrently, each with the other.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant be designated to serve this term at MCFP, Springfield, Missouri, unless the Bureau of Prisons determines that there is significant danger of infection to the defendant based on his medical condition. The Court further recommends that while in the custody of the Bureau of Prisons that the defendant receive a psychiatric examination, along with any appropriate mental health treatment.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons as notified by the U.S. Marshal.

RETURN

I have executed this Judgment as follows:

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

United States Marshal
By _____
Deputy Marshal

Defendant: MICHAEL ALLEN O'BRIEN
Case Number: 96-CR-026-001-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years in Counts 1 and 2, said counts to run concurrently, each with the other.

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: MICHAEL ALLEN O'BRIEN
Case Number: 96-CR-026-001-K

FINE

The defendant shall pay a fine of \$ 5,000.00 as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

The defendant is further ordered to pay the cost of incarceration at \$1,779.33 per month, and the cost of supervision at \$195.30 per month.

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: MICHAEL ALLEN O'BRIEN
Case Number: 96-CR-026-001-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:	16
Criminal History Category:	I
Imprisonment Range:	21 months to 27 months - Cts. 1 & 2
Supervised Release Range:	2 to 3 years - Cts. 1 & 2
Fine Range:	\$ 5,000 to \$ 50,000 - Cts. 1 & 2
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

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

SEP 24 1996

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 95-CR-019-002-C
ENTERED ON DOCKET

SUSAN JEANNE BOWMAN
Defendant.

DATE 9/24/96

**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, SUSAN JEANNE BOWMAN, was represented by Craig Bryant.

The defendant was found guilty on count(s) 1-9 of the Indictment on June 14, 1995 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1343 and 2	Wire Fraud and Aiding & Abetting		1-9

As pronounced on September 19, 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 \$ 450.00, for count(s) 1-9 of the Indictment, which shall be due immediately.

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

Signed this the 24 day of September, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 483-60-6710
Defendant's Date of Birth: 07/20/46
Defendant's mailing address: 1715 Hodges Blvd. #2604, Jacksonville, Florida 32224
Defendant's residence address: C/O Federal Prison Camp, Marianna, Florida

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: SUSAN JEANNE BOWMAN
Case Number: 95-CR-019-002-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 21 months as to each Counts 1 through 9, each count to run concurrently, each with the other.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: SUSAN JEANNE BOWMAN
Case Number: 95-CR-019-002-C

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: SUSAN JEANNE BOWMAN

Case Number: 95-CR-019-002-C

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$7,200.00 jointly and severally with codefendant, Robert Bowman.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Ernest Mader 534 Wickman Manhattan, KS	\$ 664.57
Myrtle Ann Moody 2210 Western Drive Duncan, OK	\$1,289.28
Harry Linden 6901 Palomino Wonder Valley, CA	\$ 132.91
Georgia Butler 702 S. Timberridge Dr. Cushing, OK	\$2,255.58
Merle Brant 5776 E. 25th Pl. Tulsa, OK	\$ 265.83
Mary Friels 1009 Palm Street Duncan, OK	\$ 239.25
Tilford Rhoton Route 2, Box 180 Cheyenne, OK	\$ 664.57
Agnes Warren 3212 Blue Sage Drive Woodward, OK	\$ 664.57
Dorothy Deverges 1310 N. Olympia Tulsa, OK	\$ 132.91
Sanford Isham 1404 E. Chestnut Duncan, OK	\$ 890.53

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: SUSAN JEANNE BOWMAN
Case Number: 95-CR-019-002-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	16
Criminal History Category:	I
Imprisonment Range:	21 months to 27 months - Cts. 1-9
Supervised Release Range:	2 to 3 years - Cts. 1-9
Fine Range:	\$ 6,000 to \$ 60,000 - Cts. 1-9
Restitution:	\$541,700

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' inability to pay.

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

FILED

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

SEP 20 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-060-001-C
ENTERED ON DOCKET

LARRY PFEIL
Defendant.

DATE 9/23/96

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

The defendant, LARRY PFEIL, was represented by Regina Stephenson.

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

The defendant pleaded guilty to count(s) 2 of the Indictment on June 18, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

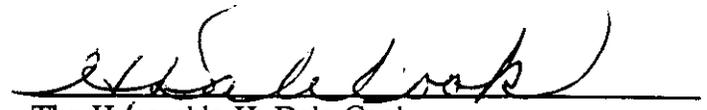
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)(1); 921(a)(3); and 924(a)(2)	Possession of a Firearm After Former Conviction	11/01/95	2

As pronounced on September 17, 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) 2 of the Indictment, which shall be due immediately.

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

Signed this the 20 day of Sept, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 459-96-6920

Defendant's Date of Birth: 01/09/56

Defendant's residence and mailing address: C/O Rogers County Jail, 219 S. Missouri, Claremore, OK 74017

United States District Court)
Northern District of Oklahoma) SS
By Bruce M. Lullaug)
Deputy)
Phil Lombardi, Clerk)
is a true copy of the original on file)
in this court.)

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 41 months to run consecutively to the defendant's imprisonment under any previous state or federal sentence.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

FINE

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

The defendant shall pay a fine of \$ 5,000.00 on Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-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:	20
Criminal History Category:	III
Imprisonment Range:	41 months to 51 months - Ct. 2
Supervised Release Range:	2 to 3 years - Ct. 2
Fine Range:	\$ 7,500 to \$ 75,000 - Ct. 2
Restitution:	N/A

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

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

or

FILED

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

SEP 20 1996 *B*

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-060-001-C ✓
ENTERED ON DOCKET

LARRY PFEIL
Defendant.

DATE 9/23/96

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

The defendant, LARRY PFEIL, was represented by Regina Stephenson.

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

The defendant pleaded guilty to count(s) 2 of the Indictment on June 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 922(g)(1); 921(a)(3); and 924(a)(2)	Possession of a Firearm After Former Conviction	11/01/95	2

As pronounced on September 17, 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) 2 of the Indictment, which shall be due immediately.

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

Signed this the 20 day of Sept, 1996.

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

Defendant's SSN: 459-96-6920
Defendant's Date of Birth: 01/09/56
Defendant's residence and mailing address: C/O Rogers County Jail, 219 S. Missouri, Claremore, OK 74017

United States District Court)
Northern District of Oklahoma) SS
By *Brenda M. Cullary*)
Deputy)
Phil Lombardi, Clerk
is a true copy of the original on file in this court.

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 41 months to run consecutively to the defendant's imprisonment under any previous state or federal sentence.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

FINE

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

The defendant shall pay a fine of \$ 5,000.00 on Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-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:	20
Criminal History Category:	III
Imprisonment Range:	41 months to 51 months - Ct. 2
Supervised Release Range:	2 to 3 years - Ct. 2
Fine Range:	\$ 7,500 to \$ 75,000 - Ct. 2
Restitution:	N/A

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

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

aw

FILED

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

SEP 20 1996 *B*

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-060-001-C ✓
ENTERED ON DOCKET

LARRY PFEIL
Defendant.

DATE 9/23/96

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

The defendant, LARRY PFEIL, was represented by Regina Stephenson.

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

The defendant pleaded guilty to count(s) 2 of the Indictment on June 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 922(g)(1); 921(a)(3); and 924(a)(2)	Possession of a Firearm After Former Conviction	11/01/95	2

As pronounced on September 17, 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) 2 of the Indictment, which shall be due immediately.

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

Signed this the 20 day of Sept, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 459-96-6920
Defendant's Date of Birth: 01/09/56
Defendant's residence and mailing address: C/O Rogers County Jail, 219 S. Missouri, Claremore, OK 74017

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 41 months to run consecutively to the defendant's imprisonment under any previous state or federal sentence.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-C

FINE

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

The defendant shall pay a fine of \$ 5,000.00 on Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: LARRY PFEIL
Case Number: 96-CR-060-001-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:	20
Criminal History Category:	III
Imprisonment Range:	41 months to 51 months - Ct. 2
Supervised Release Range:	2 to 3 years - Ct. 2
Fine Range:	\$ 7,500 to \$ 75,000 - Ct. 2
Restitution:	N/A

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

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

SEP 20 1996 *rum*

UNITED STATES OF AMERICA

v.

Case Number 96-CR-091-001-BU

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

VERNARD WHITFIELD
Defendant.

ENTERED ON DOCKET

DATE 9-20-96

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

The defendant, VERNARD WHITFIELD, was represented by William Lunn.

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

The defendant pleaded guilty to count(s) 2 of the Indictment on August 8, 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 924(c)	Possession of a Firearm During a Crime of Violence	05/25/96	2

As pronounced on September 16, 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 \$ 100.00, for count(s) 2 of the Indictment, which shall be due immediately.

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

Signed this the 20th day of September, 1996.

Michael Burrage
The Honorable Michael Burrage
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: 447-70-5153
Defendant's Date of Birth: 01/29/68
Defendant's residence and mailing address: 7607 East 21st St., Apt. 200, Tulsa, OK 71415

By *R. Miller*
Deputy

Defendant: VERNARD WHITFIELD
Case Number: 96-CR-091-001-BU

IMPRISONMENT

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

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons designate the facility at El Reno, Oklahoma, for the defendant to serve his term. The Court further recommends that the defendant receive chemical dependency treatment through the Bureau of Prisons substance abuse 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: VERNARD WHITFIELD
Case Number: 96-CR-091-001-BU

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: VERNARD WHITFIELD
Case Number: 96-CR-091-001-BU

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: The Court removes any reference to the defendant's possession of marijuana from the offense conduct section of the Presentence Report.

Guideline Range Determined by the Court:

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

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

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

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

SEP 20 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-072-001-C ✓

ENTERED ON DOCKET

DATE 9/20/96

LOREN WAYNE MOORE
Defendant.

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

The defendant, LOREN WAYNE MOORE, was represented by Stan Monroe.

The defendant pleaded guilty to count(s) 1 of the Information on June 25, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

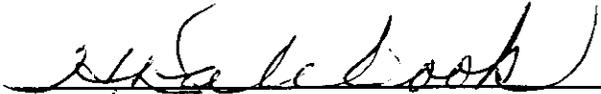
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341, 1346 & 2(b)	Mail Fraud and Causing a Criminal Act	01/26/96	1

As pronounced on September 17, 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.

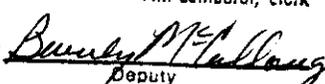
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Information, which shall be due immediately.

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 20 day of Sept, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 574-28-1398
Defendant's Date of Birth: 05/15/55
Defendant's residence and mailing address: 5145 E. 117th St., Tulsa, Oklahoma 74137

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: LOREN WAYNE MOORE
Case Number: 96-CR-072-001-C

PROBATION

The defendant is hereby placed on probation for a term of 3 year(s).

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

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

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: LOREN WAYNE MOORE
Case Number: 96-CR-072-001-C

FINE

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

The defendant shall pay a fine of \$ 5,000.00. 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: LOREN WAYNE MOORE
Case Number: 96-CR-072-001-C

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$37,599.00.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
I.B.M. Attn: Liane Rigano 1 Old Orchard Rd. Armonk, N.Y. 10504	\$37,599

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: LOREN WAYNE MOORE
Case Number: 96-CR-072-001-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 2,000 to \$ 20,000 - Ct. 1
Restitution:	\$ 37,599

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 12 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

John

UNITED STATES OF AMERICA)
Plaintiff)
VS)
Phillip Wayne O'Dell)
Defendant)

Case Number: ~~93-CR-078-001-E~~
90-CR-136-E

ENTERED ON DOCKET
DATE 9-20-96

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

By *J. Mayer*
Deputy

JUDGMENT AND COMMITMENT ORDER ON
REVOCAION OF SUPERVISED RELEASE

Now on this 10th day of September 1996, this matter comes on for show cause hearing concerning allegations that the defendant violated the conditions of supervised release as set out in the Petition on Supervised Release filed on August 29, 1996. The defendant is present in person and represented by counsel, Rick Couch. The Government is represented by Assistant U.S. Attorney Gordon Cecil, and the United States Probation Office is represented by Robert E. Boston.

On the 17th day of May, 1991, the defendant was committed to the custody of the U. S. Bureau Prisons for a term of twenty-six months after his plea of guilty to Count One of a four count Indictment charging Bank Fraud, in violation of 18 USC § 1344. In addition, the defendant was ordered to pay a \$50.00 Special Monetary Assessment, and to complete a three year term of supervised release. As special conditions of supervised release, O'Dell was ordered to pay \$5,250 restitution. On January 31, 1994, the Court modified the

conditions of release requiring O'Dell to participate in substance abuse treatment as directed by the probation officer. On July 31, 1996, the Court modified the conditions of release requiring O'Dell to reside in the Halfway House for Adults in Wichita, Kansas, until November 30, 1996.

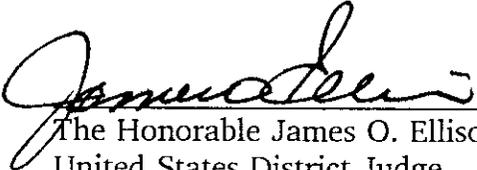
On December 1, 1993, O'Dell was released from the custody of the U.S. Bureau of Prisons to serve his term of supervised release.

On August 29, 1996, a Petition on Supervised Release was filed alleging that O'Dell had violated the conditions of supervised release in that he left the jurisdiction of supervision without approval of the probation officer, associated with a convicted felon without the approval of the probation officer, violated state and/or local laws by driving a vehicle without a valid drivers license, without valid insurance, and while speeding. Additionally, the defendant violated the conditions of release by failing to participate in substance abuse treatment as directed by the probation office, failed participate in a halfway house program as ordered by the Court, and failed to notify his probation officer of a change of address when he left the halfway house without permission.

On this date, the defendant admitted to the Court that the allegations contained in the Petition on Supervised Release filed August 29, 1996, are true. The defendant requested immediate sentencing.

As a result of this hearing, and the defendant's admission that the allegations of violations of supervised release are true, the Court finds that the violations occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable. Further, the Court finds that the violations of supervised release constitute Grade C violations. The Court finds that, pursuant to 18 U. S. C. § 3583(e)(3), since the original offense of conviction was a class C felony, the defendant could not be required to serve more than two years imprisonment. In consideration of these findings and pursuant to U.S. vs. Lee, 957 F2d. 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following was ordered:

The defendant shall be committed to the custody of the U. S. Bureau of Prisons for a term of ten months. The defendant is ordered to pay the outstanding \$3,600.00 balance on the restitution ordered at the original sentencing.


The Honorable James O. Ellison
United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE 9-18-96

UNITED STATES OF AMERICA

v.

Case Number 96-CR-042-001-K

CHARLES F. MORGAN
Defendant.

FILED

SEP 18 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

The defendant, CHARLES F. MORGAN, was represented by Craig Bryant.

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

The defendant pleaded guilty to count(s) 1 of the Information on June 10, 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 922(j), and 924(a)(2)	Possession of a Stolen Firearm	01/10/96	1

As pronounced on September 12, 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 September 1996.


The Honorable Terry C. Kern
United States District Judge

Defendant's SSN: 441-66-9411

Defendant's Date of Birth: 12/05/71

Defendant's residence and mailing address: 504 A. Street, S.W., Miami, OK 74354

Defendant: CHARLES F. MORGAN
Case Number: 96-CR-042-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 38 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2:00 p.m. on October 15, 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: CHARLES F. MORGAN
Case Number: 96-CR-042-001-K

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall 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: CHARLES F. MORGAN
Case Number: 96-CR-042-001-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 \$ 3,000.00 on Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: CHARLES F. MORGAN
Case Number: 96-CR-042-001-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:	13
Criminal History Category:	VI
Imprisonment Range:	33 months to 41 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 3,000 to \$ 30,000 - Ct. 1
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

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

SEP 18 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 95-CR-152-001-K

PETER ANTHONY GUTIERREZ
Defendant.

ENTERED ON DOCKET
DATE 9-18-96

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

The defendant, PETER ANTHONY GUTIERREZ, was represented by Craig Bryant.

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

The defendant pleaded guilty to count(s) 1 and 2 of the Superseding Indictment on April 22, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

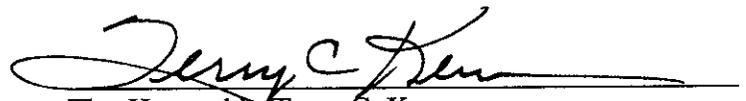
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 922(g)(1), and 924(a)(2)	Possession of a Firearm After Former Conviction of a Felony	07/26/95	1
18 USC 922(j), and 924(a)(2)	Possession of Stolen Firearms	07/26/95	2

As pronounced on September 13, 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 \$ 100.00, for count(s) Counts 1 and 2 of the Superseding Indictment, which shall be due immediately.

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

Signed this the 17 day of September, 1996.


The Honorable Terry C. Kern
United States District Judge

Defendant's SSN: 447-80-9560

Defendant's Date of Birth: 08/28/72

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

Defendant: PETER ANTHONY GUTIERREZ
Case Number: 95-CR-152-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 235 months; 120 months on Count 1; 115 months on Count 2. The term imposed on Count 2 shall run consecutively to the term imposed on Count 1, for a total imprisonment term of 235 months.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: PETER ANTHONY GUTIERREZ
Case Number: 95-CR-152-001-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to each of Counts 1 and 2. The terms 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 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 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: PETER ANTHONY GUTIERREZ
Case Number: 95-CR-152-001-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 \$ 17,500.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate 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: PETER ANTHONY GUTIERREZ
Case Number: 95-CR-152-001-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:	34
Criminal History Category:	V
Imprisonment Range:	235 months to 240 months - Cts. 1 & 2
Supervised Release Range:	2 to 3 years - Cts. 1 & 2
Fine Range:	\$ 17,500 to \$ 175,000 - Cts. 1 & 2
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.

lu

FILED

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

SEP 18 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-076-001-K

DONALD LEE ROLLINS
Defendant.

ENTERED ON DOCKET
DATE 9-18-96

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

The defendant, DONALD LEE ROLLINS, was represented by Craig Bryant.

The defendant pleaded guilty to count(s) 1 of the Indictment on June 1, 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(a)	Entering a Credit Union With Intent to Commit a Felony	04/15/96	1

As pronounced on September 9, 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 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 16 day of September, 1996.


The Honorable Terry S. Kern
United States District Judge

Defendant's SSN: 447-76-9013

Defendant's Date of Birth: 11/27/69

Defendant's residence and mailing address: 1154 North Birmingham Ave., Tulsa, OK 74110

Defendant: DONALD LEE ROLLINS
Case Number: 96-CR-076-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 months.

The Court makes the following recommendations to the Bureau of Prisons: That the Court recommends the Bureau of Prisons designate the defendant to a facility that offers substance abuse treatment.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before Noon on October 11, 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: DONALD LEE ROLLINS
Case Number: 96-CR-076-001-K

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall 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: DONALD LEE ROLLINS
Case Number: 96-CR-076-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$10,280.00 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>
Oklahoma Central Credit Union C/O Virginia Grimes 11335 East 41st Street Tulsa, Oklahoma	\$10,280.00

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.

aw

Defendant: DONALD LEE ROLLINS
Case Number: 96-CR-076-001-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:	15
Criminal History Category:	I
Imprisonment Range:	18 months to 24 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 4,000 to \$ 40,000 - Ct. 1
Restitution:	\$ 10,280.00

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

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

FILED

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

SEP 17 1996

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 96-CR-026-002-K ✓

DOROTHY FRANCIS O'BRIEN
Defendant.

ENTERED ON DOCKET
DATE 9-17-96

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

The defendant, DOROTHY FRANCIS O'BRIEN, was represented by Richard Couch.

The defendant was found guilty on count(s) 1 and 2 of the Superseding Indictment on June 10, 1996 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

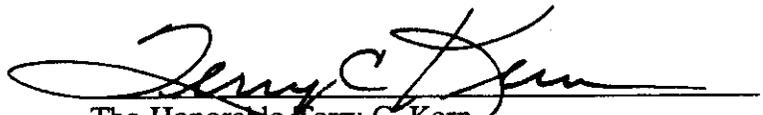
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy	09/14/95	1
18 USC 1955 & 2	Illegal Gambling and Causing a Criminal Act	09/14/95	2

As pronounced on September 10, 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 \$ 100.00, for count(s) 1 and 2 of the Superseding Indictment, which shall be due immediately.

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

Signed this the 16 day of September, 1996.


The Honorable Jerry C. Kern
United States District Judge

Defendant's SSN: 190-34-5647
Defendant's Date of Birth: 02/03/46
Defendant's residence and mailing address: Route 1, Box 400A, Goodman, Missouri 64843

Defendant: DOROTHY FRANCIS O'BRIEN
Case Number: 96-CR-026-002-K

PROBATION

The defendant is hereby placed on probation for a term of 5 year(s) in Counts 1 and 2, said counts to run concurrently, each with the other.

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 as directed in a program of mental health treatment (to include inpatient), at the discretion of the U. S. Probation Officer, until such time as the defendant is released from the program by the U. S. Probation Officer. Further, the defendant shall be required to contribute to the cost of services for such treatment, not to exceed an amount determined reasonable by the U.S. Probation Officer, based on the ability to pay or availability of third-party payment.
4. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 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.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF PROBATION

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

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

Defendant: DOROTHY FRANCIS O'BRIEN
Case Number: 96-CR-026-002-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 \$ 5,000.00 as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

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

Defendant: DOROTHY FRANCIS O'BRIEN
Case Number: 96-CR-026-002-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	14
Criminal History Category:	I
Imprisonment Range:	15 months to 21 months - Cts. 1 & 2
Supervised Release Range:	2 to 3 years - Cts. 1 & 2
Fine Range:	\$ 4,000 to \$ 40,000 - Cts. 1 & 2
Restitution:	N/A

The sentence departs from the guideline range for the following reason(s): The Court finds that this case warrants a departure in that the defendant committed the offense because of serious coercion and duress and the threat of physical injury, pursuant to USSG § 5K2.12. Additionally, the Eighth Circuit determined that evidence of "battered women syndrome" may be considered for a downward departure. Accordingly, a departure of four levels to Offense Level 10 is warranted in this case, resulting in a sentencing range of 6 to 12 months, in Zone B.

5 1

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

SEP 17 1996

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 96-CR-026-003-K

WILLIAM CHRISTOPHER O'BRIEN
Defendant.

ENTERED ON DOCKET

DATE 9-17-96

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

The defendant, WILLIAM CHRISTOPHER O'BRIEN, was represented by Charles Whitman.

The defendant was found guilty on count(s) 1 and 2 of the Superseding Indictment on June 10, 1996 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

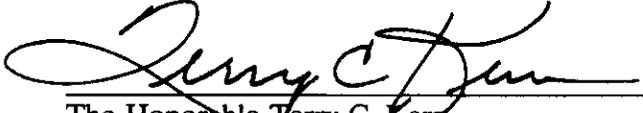
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy	09/14/95	1
18 USC 1955 and 2	Illegal Gambling and Causing a Criminal Act	09/14/95	2

As pronounced on September 10, 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 \$ 100.00, for count(s) 1 and 2 of the Superseding Indictment, which shall be due immediately.

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

Signed this the 16 day of September, 1996.


The Honorable Terry C. Kern
United States District Judge

Defendant's SSN: 497-70-3737
Defendant's Date of Birth: 05/16/73
Defendant's residence and mailing address: P.O. Box 750, West Seneca, OK 64865

Defendant: WILLIAM CHRISTOPHER O'BRIEN
Case Number: 96-CR-026-003-K

PROBATION

The defendant is hereby placed on probation for a term of 5 year(s) in Counts 1 and 2, said counts to run concurrently, each with the other.

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 as directed in a program of mental health treatment (to include inpatient), at the discretion of the U. S. Probation Officer, until such time as the defendant is released from the program by the U. S. Probation Officer. Further, the defendant shall be required to contribute to the cost of services for such treatment, not to exceed an amount determined reasonable by the U.S. Probation Officer, based on the ability to pay or availability of third-party payment.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF PROBATION

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

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

Defendant: WILLIAM CHRISTOPHER O'BRIEN
Case Number: 96-CR-026-003-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 \$ 2,000.00 as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

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

Defendant: WILLIAM CHRISTOPHER O'BRIEN
Case Number: 96-CR-026-003-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months - Cts. 1 & 2
Supervised Release Range:	2 to 3 years - Cts. 1 & 2
Fine Range:	\$ 2,000 to \$ 20,000 - Cts. 1 & 2
Restitution:	N/A

The sentence departs from the guideline range for the following reason(s): The Court finds that this case warrants a departure in that the defendant committed the offense because of serious coercion and duress and the threat of physical injury to the defendant, and even more apparent the threat of physical injury to the defendant's mother. Accordingly, a departure of two levels to Offense Level 8, to a range of 0-6 months, is warranted in this case, pursuant to USSG § 5K2.12.

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

FILED

SEP 16 1996

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

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

CAROL J. MATTHEWS,)

Defendant.)

No. 96-CR-75-BU ✓

ENTERED ON DOCKET

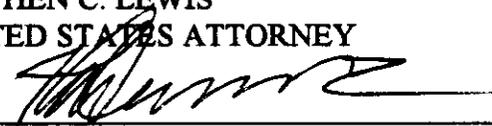
DATE SEP 17 1996

APPLICATION FOR ORDER OF DISMISSAL

The United States of America, by and through Stephen C. Lewis, United States Attorney, by F. L. Dunn, III, Assistant United States Attorney, requests that the court enter an order dismissing the Indictment, without prejudice to the refiling thereof, as to defendant CAROL J. MATTHEWS for the reason that defendant, on September 13, 1996, was accepted for Pretrial Diversion.

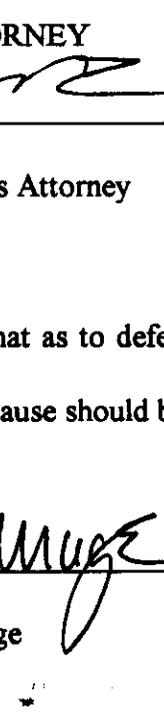
Respectfully submitted,

STEPHEN C. LEWIS
UNITED STATES ATTORNEY

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

ORDER OF DISMISSAL

Upon the application of the United States Attorney, the Court finds that as to defendant CAROL J. MATTHEWS, the Indictment filed in the above styled and numbered cause should be and the same is hereby ordered dismissed without prejudice to the refiling thereof.


MICHAEL BURRAGE
United States District Judge

CERTIFICATE OF DELIVERY

I hereby certify that on the _____ day of September, 1996, I caused a true and correct copy of the above and foregoing instrument to be delivered to Ron Daniels, Attorney for Defendant, Carol J. Matthews, at 4580 E. 50th Street, Suite 1, Tulsa, OK 74135.



F. L. Dunn, III

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE 9-17-96

UNITED STATES OF AMERICA

v.

Case Number 95-CR-139-001-K ✓

FILED

SEP 16 1996

DONNA MARIE LEE aka Donna Marie Bagwell
Defendant.

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

The defendant, DONNA MARIE LEE aka Donna Marie Bagwell, was represented by Regina Stephenson.

On motion of the United States the court has dismissed count(s) 1-10, 12-33, 35, 36, and 37 of the Indictment.

The defendant pleaded guilty to count(s) 11 and 34 of the Indictment on May 8, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

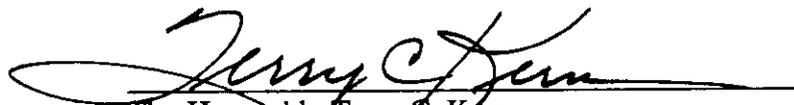
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1344(1)	Bank Fraud	06/10/94	11
18 USC 1956(a)(1) (A)(i) and (a)(1)(B)(i)	Money Laundering	06/10/94	34

As pronounced on September 5, 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 \$ 100.00, for count(s) 11 and 34 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 16 day of September, 1996.


The Honorable Terry C. Kern
United States District Judge

Defendant's SSN: 443-72-8831
Defendant's Date of Birth: 01/14/59
Defendant's residence and mailing address: 5115 E. Cameron, Tulsa, OK 74115

Defendant: DONNA MARIE LEE aka Donna Marie Bagwell
Case Number: 95-CR-139-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 15 months as to Counts 11 and 34, said counts to run concurrently, each with the other.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on October 7, 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: DONNA MARIE LEE aka Donna Marie Bagwell
Case Number: 95-CR-139-001-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years as to Count 34; and 3 years as to Count 11, both counts to run concurrently, each with the other.

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

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

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: DONNA MARIE LEE aka Donna Marie Bagwell
Case Number: 95-CR-139-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$18,000.00.

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.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Villard Martin 320 S. Boston, Room 920 Tulsa, OK 74103	\$10,566
Bank of Oklahoma One Williams Center Tulsa, OK 74103	\$ 7,434

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: DONNA MARIE LEE aka Donna Marie Bagwell
Case Number: 95-CR-139-001-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:	20
Criminal History Category:	I
Imprisonment Range:	33 months to 41 months - Cts. 11 & 34
Supervised Release Range:	3 to 5 years - Ct. 34 2 to 3 years - Ct. 11
Fine Range:	\$ 7,500 to \$ 1,500,000 - Cts. 11 & 34
Restitution:	\$ 56,709

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): Under authority of USSG § 5K2.0 in that the money laundering guideline overstates the seriousness of the defendant's conduct, which is outside the "heartland" of cases covered by that guideline.

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ALLEN BURKETT,)
)
Defendant.)

ENTERED ON DOCKET

DATE ~~SEP 17 1996~~

No. 94-CR-178-K ✓

F I L E D

SEP 16 1996 *rw*

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ORDER

Now on this 16 day of September, 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 Allen Burkett in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant Allen Burkett is dismissed, without prejudice.

IT IS SO ORDERED.



TERRY C. KERN
United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

F I L E D

SEP 16 1996

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 96-CR-064-001-B

JAMES JUNIOR SPEAR
Defendant.

ENTERED ON DOCKET

DATE SEP 17 1996

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

The defendant, JAMES JUNIOR SPEAR, was represented by Craig Bryant.

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

The defendant pleaded guilty to count(s) 1 of the Information on June 14, 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 1952	Interstate Transportation in Aid of Racketeering	03/29/96	1

As pronounced on September 13, 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) Count 1 of the Information, which shall be due immediately.

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

Signed this the 16th day of September, 1996.

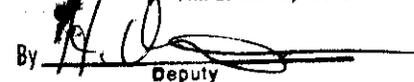


The Honorable Thomas R. Brett
Chief United States District Judge

United States District Court)
Northern District of Oklahoma) SS

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

Phil Lombardi, Clerk

By 
Deputy

Defendant's SSN: 546-62-5791

Defendant's Date of Birth: 08/15/44

Defendant's mailing address: 11201 Pinehurst Dr., Lakeside, CA 92040

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

Defendant: JAMES JUNIOR SPEAR
Case Number: 96-CR-064-001-B

IMPRISONMENT

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

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends Spear be designated to a Bureau of Prisons facility that can provide intensive substance abuse treatment while he is in custody of the Bureau of Prisons.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: JAMES JUNIOR SPEAR
Case Number: 96-CR-064-001-B

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: JAMES JUNIOR SPEAR
Case Number: 96-CR-064-001-B

FINE

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

The defendant shall pay a fine of \$ 2,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: JAMES JUNIOR SPEAR
Case Number: 96-CR-064-001-B

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	25
Criminal History Category:	VI
Imprisonment Range:	60 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 10,000 to \$ 100,000 - Ct. 1
Restitution:	N/A

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

The sentence 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 **F I L E D**

SEP 16 1996 *lc*

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JON DAVID ASTACIO,)
)
Defendant.)

No. 95-CR-55-C ✓

ENTERED ON DOCKET
DATE SEP 17 1996

ORDER

Currently pending before the Court is the motion filed by the government seeking to vacate plea and judgment of conviction against defendant, Astacio.

On April 7, 1995, a twenty-seven Count Indictment was filed against Astacio and Larry Nathan Gass, charging them with conspiracy in violation of 18 U.S.C. § 371, and sale or modification of devices intended for unauthorized interception and publication of radio communications, in violation of 47 U.S.C. §§ 605(a) and 605(e)(4). On May 24, 1995, Astacio plead guilty to Count One, Conspiracy to violate 47 U.S.C. § 605(e), and Counts Three and Fourteen, Sale or Modification of Device Intended for Unauthorized Interception and Publication of Radio Communications. On September 5, 1995, Astacio was sentenced to probation for a term of five years as to each Count, to run concurrently. The Court additionally ordered Astacio to pay a fine of \$1,500.00 and a special assessment of \$150.00. On July 28, 1995, a jury found Gass guilty as to each Count charged against him in the Indictment. On February 12, 1996, the Court granted Gass' motion for judgment of acquittal, finding that the conduct as charged in the Indictment could not constitute a violation of federal law. See, U.S. v. Gass, 1996 WL 469089 (N.D.Okla. 1996).

(Handwritten mark)

On September 4, 1996, the government filed the present motion seeking to vacate Astacio's plea and judgment of conviction. Given the Court's findings and conclusions in its Order granting Gass' judgment of acquittal, the government asserts that fairness and the ends of justice dictate that the motion to vacate Astacio's plea and judgment of conviction is warranted and proper.

Since this Court held that the conduct as charged in the Indictment did not violate federal law with respect to co-defendant, Gass, the Court finds that the government's present motion respecting Astacio is well taken. The same factual basis supported the charges contained in the Indictment against both Astacio and Gass. This Court found that such factual basis was insufficient to support a finding of a guilt with respect to the conduct alleged in the Indictment against Gass. Since Gass and Astacio were charged in the same Indictment upon the same factual basis, the Court's conclusions with respect to Gass also apply to Astacio's judgment of conviction. Hence, in the interest of justice, and upon motion of the government, the Court hereby **VACATES** Astacio's plea of guilty and the judgment of conviction against Astacio. The Court further **VACATES** the sentence imposed against Astacio in the instant case.

IT IS SO ORDERED this 13th day of September, 1996.


H. DALE COOK
U.S. District Judge

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

FILED

SEP 13 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT L. HOREY,)
)
 Defendant.)

No. 93-CR-93-B
(96-CV-350-B)

ENTERED ON DOCKET
DATE **SEP 16 1996**

ORDER

This matter comes before the Court on the motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 of Defendant Robert L. Horey. The government has objected.

On September 23, 1993, Defendant was convicted by a jury of Possession of a Firearm After Former Conviction of a Felony, in violation of 18 U.S.C. § 922(g)(1), and of Possession of a Firearm with an Obliterated or Altered Serial Number, in violation of 18 U.S.C. § 922(k). This Court sentenced Defendant to 77 months on Count I and 60 months on Count 2 to run concurrently. On direct appeal, Defendant challenged his convictions, arguing neither was supported by sufficient evidence. The Tenth Circuit Court of Appeals affirmed the convictions by unpublished opinion.

In the instant action, Defendant contends this Court lacked subject matter jurisdiction to convict him and sentence him under section 922(g). He further alleges that counsel was ineffective for failing to object to the jurisdiction of the Court in this matter. Defendant relies upon the Supreme Court's recent decision in United States v. Lopez, ___ U.S. ___, 115 S.Ct. 1624 (1995),

39

which held that the Gun-Free Zone Act, 18 U.S.C. § 922(g), prohibiting possession of a firearm in a school zone, is unconstitutional as beyond the scope of the Commerce Clause. Defendant requests this Court to hold that "Congress exceeded its legislative jurisdiction when it enacted criminal statutes in regard to mere Possession of Firearms, when those violations are said to have occurred within the boundaries of the state." (Docket #3 at page 4 of the Brief in Support.)¹ The government responds that Defendant's jurisdictional claim is procedurally barred because it could have been raised on direct appeal.

A court has an independent duty to assure that it has proper subject matter jurisdiction. See Freytag v. Commissioner of Internal Revenue, 501 U.S. 868, 896-97 (1991) (Scalia, J., concurring) (discussing the "nonwaivability" of lack of subject matter jurisdiction). As a result jurisdictional defects cannot be waived and Defendant need not show cause and prejudice to excuse his failure to raise the claim on direct appeal. See Kelly v. United States, 29 F.3d 1107, 1112-1114 (7th Cir. 1994).

In any event, the Court finds that Defendant's jurisdictional contentions lack any merit. Section 922(g) does not violate the Commerce Clause as it contains a jurisdictional element specifically requiring the prosecution to prove that, at some time, the firearm at issue was "ship[ped] or transport[ed] in interstate or foreign commerce" or was "possess[ed] in or affect[ed] commerce."

¹ On November 24, 1993, the Court denied a similar argument raised by Defendant in a pro se pleading filed after trial. (Docket #22.)

18 U.S.C. § 922(g); United States v. Bolton, 68 F.3d 396, 400 (10th Cir. 1995) (distinguishing United States v. Lopez, 115 S.Ct. 1624 (1995)), cert. denied, 116 S.Ct. 966 (1996); see also United States v. Farnsworth, ___ F.3d ___, 1996 WL 441688 (10th Cir. August 6, 1996). In Scarborough v. United States, 431 U.S. 563, 97 S.Ct. 1963, 52 L.Ed.2d 582 (1977), the Supreme Court held that "proof that the possessed firearm previously traveled in interstate commerce is sufficient to satisfy the statutorily required nexus between the possession of a firearm by a convicted felon and commerce." Id. at 564. It further held that the predecessor statute to section 922(g), 18 U.S.C. § 1202(a), was a legitimate exercise of Congress's powers under the Commerce Clause because the Constitution required only a "minimal nexus that the firearm have been, at some time, in interstate commerce." Id. at 575.

In the instant case, trial counsel stipulated in the presence of Defendant and the jury that the firearm in question affected interstate commerce. (Trial transcript at 96-97.) See United States v. Mejia-Alarcon, 995 F.2d 982, 991 (10th Cir.), cert. denied, 510 U.S. 927 (1993) (district court's failure to address the defendant directly before accepting a stipulation does not violate due process as long as the defendant was present in court and represented by counsel at the time of the stipulation).

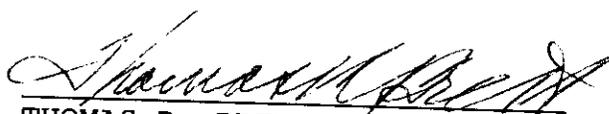
Defendant argues that counsel was ineffective for stipulating to an issue that could not be waived. (Docket # 38 at 3.) This Court does not agree. A district court has the authority to accept a stipulation that goes to one or more elements of the government's

case. In any event, Defendant does not offer any factual support for his contention that his attorney should not have stipulated that the firearm in question affected interstate commerce. Defendant simply has not come close to satisfying the rigid standard espoused by the Supreme Court in Strickland v. Washington, 466 U.S. 668, 687 (1984). A defendant claiming ineffective assistance of counsel must show that, 1) his counsel's performance fell below an objective standard of reasonableness, and 2) there is a reasonable probability that, but for counsel's errors, the result would have been different. See also Lockhart v. Fretwell, 506 U.S. 364, 368-373 (1993).²

III. CONCLUSION

Accordingly, Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Docket #33) is hereby DENIED.

SO ORDERED THIS 9 day of Sept., 1996.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

² Defendant's claim of ineffective assistance of counsel is not procedurally barred although it was raised for the first time in this section 2255 motion. See United States v. Galloway, 56 F.3d 1239 (10th Cir. 1995) (procedural bar does not apply to ineffective assistance of counsel claims which could have been brought on direct appeal but were brought in post-conviction proceedings instead).

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

FILED
SEP 13 1996

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ROBERT L. HOREY,)
)
 Defendant.)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

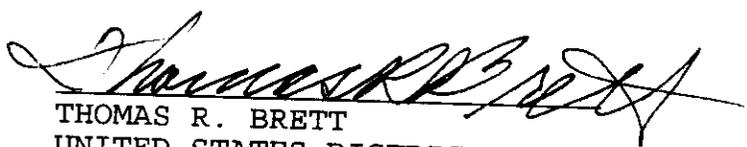
No. 93-CR-93-B
(96-CV-350-B)

ENTERED ON DOCKET
DATE **SEP 16 1996**

JUDGMENT

In accord with the order denying Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, the Court hereby **enters judgment** in favor of the government and against the Defendant Robert L. Horey.

SO ORDERED THIS 10th day of Sept., 1996.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

10

2

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

FILED
SEP 13 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
ANITA LOUISE MAXEY,)
)
Defendant.)

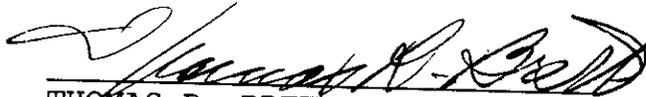
No. 91-CR-59-B ✓
(96-CV-729-B)

ENTERED ON DOCKET ✓
DATE SEP 16 1996

JUDGMENT

In accord with the order denying Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255, the Court hereby **enters judgment** in favor of the government and against the Defendant Anita Louise Maxey.

SO ORDERED THIS 10th day of Sept., 1996.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

48

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

FILED

SEP 13 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 ANITA LOUISE MAXEY,)
)
 Defendant.)

No. 91-CR-59-B ✓
(96-CV-729-B)

ENTERED ON DOCKET ✓
DATE SEP 16 1996

ORDER

Before the Court for consideration is the motion of Defendant Anita Louise Maxey to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Docket #37). The Government has objected.

In July 1991, a jury convicted Defendant of unlawfully attempting on April 16, 1991, to possess with intent to distribute sixteen ounces of cocaine, in violation of 21 U.S.C. § 846 (Count IV), and of possession of firearms during a drug trafficking offense, in violation of 18 U.S.C. § 924(c) (Count V). The Court sentenced Defendant to 63 months imprisonment on Count IV, and 60 months imprisonment on Count V, to run consecutively. The Tenth Circuit Court of Appeals affirmed her conviction on September 9, 1992.

In the present motion, Defendant asserts her conviction should be vacated in light of Bailey v. United States, 116 S.Ct. 501 (1995). In Bailey, the Supreme Court held that "§ 924(c)(1) requires evidence sufficient to show an active employment of the firearm by the defendant, a use that makes the firearm an operative

x7

factor in relation to the predicate offense." Id. at 505. Defendant contends that, although she carried a small pistol during the drug transaction, she carried it only for her protection. She contends that at no time she displayed the weapon or used it in any way.

In United States v. Miller, 84 F.3d 1244, 1257 (10th Cir. 1996), the Tenth Circuit Court of Appeals discussed Bailey's application where a defendant was convicted by a jury of using or carrying a firearm during an in relation to a drug trafficking offense. The Miller Court stated

If the substantive law allows the jury to convict a defendant for an offense, here a violation 18 U.S.C. § 924(c)(1), based on either of two alternative grounds, here that [Defendant] either "used" or "carried" the firearms, and the district court correctly instructs the jury regarding each ground, we must affirm the conviction if there is sufficient evidence to support it under either of the alternative grounds, even if there is no sufficient evidence to support the conviction under one of them."

Miller, 83 F.3d at 1256.¹

Defendant is correct that she did not "use" the firearm within the meaning of 18 U.S.C. § 924(c)(1). "The active employment understanding of 'use' . . . includes brandishing, displaying, bartering, striking with, and most obviously, firing or attempting to fire, a firearm." Bailey, 116 S.Ct. at 508. Defendant, however, overlooks that at trial there was sufficient evidence to support a conviction under the "carry" prong of section 924(c)(1).

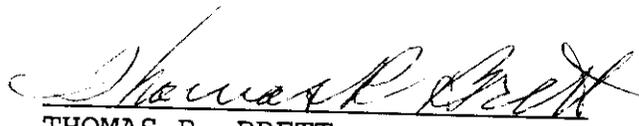
¹ In Miller, unlike the instant case, the Court improperly instructed the jury as to the "use" prong of the statute.

Confidential informant Neil Morrow testified that when he seated in Defendant's car she showed him that she was armed. (Trial tr. at 42.) There was also evidence the police seized a loaded .22 caliber revolver from Defendant's right coat pocket. Moreover, Defendant admits in the instant motion that she "carried" the firearm in question tucked in her pocket.

Physically "carrying" a firearm hidden in the clothing during a drug transaction is exactly the type of situation which the Supreme Court envisioned in Bailey to distinguish "use" from "carry" under § 924(c)(1). Bailey, 116 S.Ct. at 507; Miller, 84 F.3d at 1259. Therefore, the Court finds there was sufficient evidence at trial to support Defendant's conviction under the "carry" prong of section 924(c)(1).

ACCORDINGLY, IT IS HEREBY ORDERED that the section 2255 motion of Defendant Anita Louise Maxey (Docket #43) is DENIED.

SO ORDERED THIS 9 day of Sept, 1996.


THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

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

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
LEONARD JAMES TERNES,)
)
Defendant.)

No. 92-CR-20-C ✓
(96-CV-358-C)

F I L E D

SEP 16 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ENTERED ON DOCKET

DATE SEP 16 1996

ORDER

This matter comes before the Court on the motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 of Defendant Leonard James Ternes. The government has objected.

In May 1992, a jury convicted Defendant of Armed Bank Robbery in violation 18 U.S.C. § 2113(d) and Carrying a Firearm During the Commission of a Crime of Violence in violation of 18 U.S.C. § 924(c)(1). On August 12, 1992, the Court sentenced Defendant to 78 months for Count One and 60 months for Count Two. The Tenth Circuit Court of Appeals affirmed the conviction and sentence on October 29, 1993.

In the present motion, Defendant contends his counsel violated his Due Process rights when he stipulated at trial that the bank named in the indictment was insured by the Federal Deposit Insurance Corporation (FDIC), thereby improperly waiving subject matter jurisdiction. Defendant further argues that by entering into the above stipulation counsel provided ineffective assistance of counsel.

The government has raised the defense of procedural default in response to Defendant's contention that his due process rights were

violated by the stipulation in question. It is well settled that "[s]ection 2255 motions are not available to test the legality of matters which should have been raised on direct appeal." United States v. Warner, 23 F.3d 287, 291 (10th Cir. 1994) (citation omitted). Consequently, a defendant's failure to present an issue on direct criminal appeal bars him from raising that issue in his section 2255 motion, unless he can show cause excusing his procedural default and actual prejudice resulting from the errors of which he complains, or can show that a fundamental miscarriage of justice will occur if his claim is not addressed. United States v. Cook, 997 F.2d 1312, 1320 (10th Cir. 1993).

Defendant has failed to articulate any cause and prejudice, or a miscarriage of justice to excuse his failure to raise this claim on direct appeal. Even if the claim were not procedurally barred, Defendant would not be entitled to relief. Defendant is correct that this court has jurisdiction over a bank robbery offense only if the institution robbed is insured by the FDIC. See 18 U.S.C. §§ 2113(f), 3231; see also United States v. Mohawk, 20 F.3d 1480, 1482 n.1 (9th Cir. 1984). This Court, however, has the authority to accept a stipulation that goes to one or more elements of the government's case. While this Court could have ascertained whether Defendant understood the stipulation and entered it voluntarily, this Court's failure to do so did not deprive Defendant of due process because he was present in court and represented by counsel at the time of the stipulation. See United States v. Mejia-Alarcon, 995 F.2d 982, 991 (10th Cir.), cert. denied, 510 U.S. 927

(1993).

Defendant does not offer any factual support for his contention that his attorney should not have stipulated that the bank was not a federally insured institution. Defendant simply has not come close to satisfying the rigid standard espoused by the Supreme Court in Strickland v. Washington, 466 U.S. 668, 688, 694 (1984). A defendant claiming ineffective assistance of counsel must show that, 1) his counsel's performance fell below an objective standard of reasonableness, and 2) there is a reasonable probability that, but for counsel's errors, the result would have been different. See also Lockhart v. Fretwell, 506 U.S. 364, 368-373 (1993).

III. CONCLUSION

Accordingly, Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 [docket #19] is hereby **denied**.

SO ORDERED THIS 13th day of Sept, 1996.


H. DALE COOK
UNITED STATES DISTRICT JUDGE

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

F I L E D

SEP 6 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 SALVADOR HINOJOS, JR.)
)
 Defendant .)

Case No. 93-CR-33-E ✓

ENTERED ON DOCKET
DATE SEP 09 1996

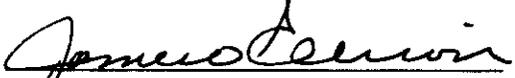
ORDER

Before the Court is Defendant's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. §2255 (Docket No. 45). On July 30, 1993, Defendant Salvador Hinojos, Jr. was found guilty of Possession of a Controlled Substance with Intent to Distribute, 21 U.S.C. §841(a)(1), and Carrying a Firearm during Commission of a Drug Trafficking Crime, 18 U.S.C. §924(c). Judgment was entered on October 22, 1993. The case was appealed. On January 18, 1996, the Tenth Circuit Court of Appeals vacated this Court's denial of defendant's motion to suppress and the imposition of a fine, and remanded the case for further proceedings. After a hearing, the Court denied Defendant's motion to suppress on May 8, 1996. Defendant then filed his notice of appeal and a motion to amend judgment on May 15, 1996. As the notice of appeal was filed before the disposition of the motion to amend judgment, the Tenth Circuit abated the appeal pending that disposition. On June 5, 1996, this Court entered an amended judgment, and on July 12, 1996, the Tenth Circuit lifted the abatement. Defendant's appeal is therefore currently pending.

9/10/96

Defendant moves to vacate his conviction for possession of a firearm in the commission of a drug trafficking crime based on *Bailey v. United States*, __ U.S. __, 116 S.Ct. 501 (1995). As the appeal relates to defendant's conviction on both counts, in the interest of the orderly administration of justice, the Court will stay consideration of defendant's §2255 motion pending the disposition of the appeal.

IT IS SO ORDERED THIS 4th DAY OF SEPTEMBER, 1996.


JAMES O. ELLISON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

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

F I L E D

SEP 6 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 PHILLIP OMAR JACKSON,)
)
 Defendant.)

No. 92-CR-54-005-E /

ENTERED ON DOCKET

DATE SEP 09 1996

O R D E R

Before the Court is the Motion to Reconsider the Court's Application of Section 3E1.1 of the Sentencing Guidelines filed by the defendant, Phillip Omar Jackson ("Jackson"). Three and a half years after sentencing, Jackson seeks a rehearing of the Court's finding that he was not entitled to a point reduction in base level under U.S. Sentencing Guidelines, Section 3E1.1 Acceptance of Responsibility. Jackson does not cite to and the Court is unaware of any authority to support, either procedurally or substantively, Jackson's motion to reconsider. Jackson's motion (Docket No. 192) is denied.

ORDERED this 4th day of September, 1996.



JAMES O. ELLISON
UNITED STATES DISTRICT COURT

193

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED ON DOCKET
DATE SEP 05 1996

UNITED STATES OF AMERICA,)
)
 Plaintiff)
)
 v.)
)
 DANNY RAY EVANS, a/k/a)
 DANNY TAYLOR,)
)
 Defendant.)

CRIMINAL NO. 95-CR-31-K ✓

FILED

SEP 04 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

FINAL ORDER OF FORFEITURE

WHEREAS, on April 12, 1996, this Court entered a Preliminary Order of Forfeiture pursuant to the provisions of 21 U.S.C. §§ 846, 841(a)(1) and 853. Subsequent to the trial jury's October 31, 1995 Guilty Verdict against Danny Ray Evans, a/k/a Danny Taylor, on all substantive counts of the indictment and superseding indictment, the Defendant agreed to waive jury trial as to the criminal forfeiture of the vehicle and currency described in the forfeiture portion of Count One of the indictment and thereafter executed a Decree of Forfeiture, which was filed on December 18, 1995. The Decree of Forfeiture and the Preliminary Order of Forfeiture entered by this Court forfeited the Defendant's interest in the vehicle and currency described in Count One of the indictment;

AND WHEREAS, on July 11, 18 and 25, 1996, the United States Marshal for the Northern District of Oklahoma published in the Tulsa Daily Commerce & Legal News of Tulsa, Oklahoma, a newspaper of general circulation in the Northern District of

Oklahoma, and on June 21 and 28 and July 5, 1996, the United States Marshal for the Western District of Oklahoma published in the Journal Record, a newspaper of general circulation in the Western District of Oklahoma, notice of this forfeiture and of the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property;

AND WHEREAS, the Court has been advised that Bank One, Texas, N.A. filed a timely petition asserting a legal interest in the 1991 Chevrolet Silverado Pickup Truck VIN #2GBEC19K5M1234351 and that the United States will recognize the interest of Bank One, Texas, N.A.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that the United States Marshal is hereby ORDERED to pay the security interest held by Bank One, Texas, N.A. in the principal amount of \$8,173.64 as of November 15, 1994, plus contractual interest lawfully accruing from November 15, 1994 at the rate of \$2.231 per diem until the date of payment. Upon payment as directed herein, the United States Marshal shall obtain from said Bank One, Texas, N.A. an appropriate release, cancellation and satisfaction evidencing payment of said interest.

IT IS FURTHER ORDERED, ADJUDGED and DECREED:

1. That the right, title and interest to all of the hereinafter described property, whether real, personal and/or mixed, of the Defendant Danny Ray Evans, is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law.

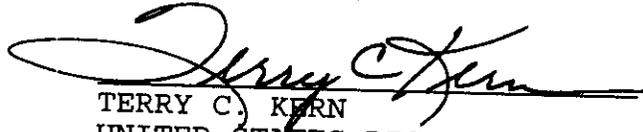
2. That the following property belonging to Danny Ray Evans, a/k/a Danny Taylor, who is the subject of this Order, is hereby condemned and forfeited to the United States of America, as follows:

- A. One 1991 Chevrolet Silverado Pickup Truck,
VIN 2GBEC19K5M1234351
- B. The sum of Thirteen Thousand Nine Hundred Sixty-five Dollars (\$13,965.00) in United States Currency

3. That any and all forfeited funds, including but not limited to currency, currency equivalents and certificates of deposit, as well as any income derived as a result of the United States Marshals management of any property forfeited herein, and the proceeds from the sale of any forfeited property, after the payment of costs and expenses incurred in connection with the forfeiture, sale and disposition of the forfeited property, shall be deposited forthwith by the United States Marshal into the Department of Justice Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record and the United States Marshal.

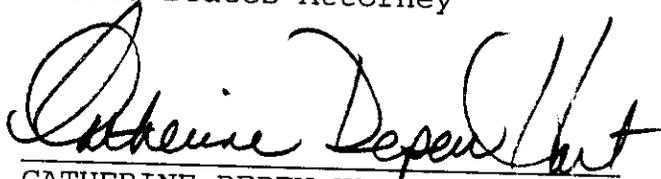
SO ORDERED this 3 of day September, 1996.



TERRY C. KERN
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

STEVEN C. LEWIS
United States Attorney



CATHERINE DEPEW HART
Assistant United States Attorney

ATTORNEY FOR THE UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 KENNETH L. PARRY; SHARRON)
 SOLDIER; DANIELLE PERRY;)
 COUNTY TREASURER, Mayes County,)
 Oklahoma; BOARD OF COUNTY)
 COMMISSIONERS, Mayes County,)
 Oklahoma,)
)
 Defendants.)

FILED

SEP - 4 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ENTERED ON DOCKET

DATE SEP 5 1996

Civil Case No. 96 C 0242B

ORDER

Upon the Motion of the United States of America, acting on behalf of the Secretary of Housing and Urban Development, by Stephen C. Lewis, United States Attorney for the Northern District of Oklahoma, through Loretta F. Radford, Assistant United States Attorney, and for good cause shown it is hereby **ORDERED** that this action shall be dismissed without prejudice.

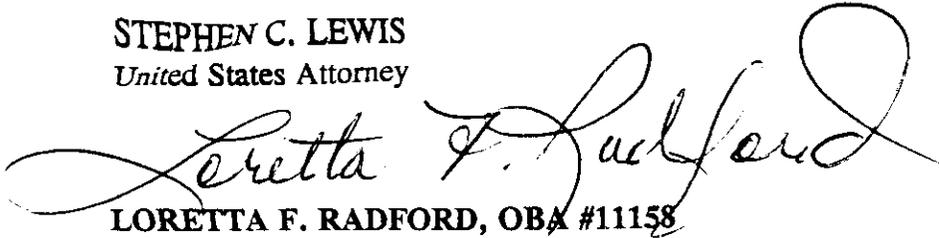
Dated this 4th day of Sept., 1996.

S/ THOMAS R. BRETT

UNITED STATES DISTRICT JUDGE

APPROVED AS TO FORM AND CONTENT:

STEPHEN C. LEWIS
United States Attorney

A large, elegant handwritten signature in cursive script, reading "Loretta F. Radford". The signature is written in black ink and is positioned above the typed name and address.

LORETTA F. RADFORD, OBA #11158
Assistant United States Attorney
3460 U.S. Courthouse
Tulsa, Oklahoma 74103
(918) 581-7463

*

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

LARRY W. MERCER,

Plaintiff,

v.

HARLEY INDUSTRIES, INC.,

Defendant.

Case No. 96-C-0060 K

F I L E D

SEP 4 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ENTERED ON DOCKET

SEP 6 1996

STIPULATION OF DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the Plaintiff, Larry W. Mercer, hereby stipulates with the Defendant, Harley Industries, Inc., that this action shall be dismissed with prejudice. Each party is to bear its own costs and attorneys fees.

Respectfully submitted,



Stephen L. Andrew
D. Kevin Ikenberry
Stephen L. Andrew & Associates
125 West Third Street
Tulsa, OK 74103
(918) 583-1111

Attorneys for Plaintiff,
Larry W. Mercer



Karen L. Long, OBA #5510
ROSENSTEIN, FIST & RINGOLD
525 South Main, Suite 700
Tulsa, Oklahoma 74103
(918) 585-9211

Attorneys for Defendant,
Harley Industries, Inc.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

ENTERED ON DOCKET

DATE 9-5-96

v.

Case Number 96-CR-027-002-K

CESAR MARTINEZ DeLEON
Defendant.

F I L E D

SEP 05 1996

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, CESAR MARTINEZ DeLEON, was represented by Robert S. Durbin.

On motion of the United States the court has dismissed count(s) 2 through 4 of the Superseding Indictment and Enhancing Information.

The defendant pleaded guilty to count(s) 1 of the Superseding Indictment on May 17, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

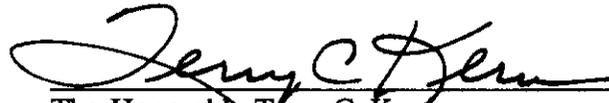
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841(a)(1), and 18 USC 2	Distribution of Marijuana and Aiding & Abetting	02/13/96	1

As pronounced on August 29, 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 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 5 day of September, 1996.


The Honorable Terry C. Kern
United States District Judge

Defendant's SSN: 448-72-0012
Defendant's Date of Birth: 08/12/66
Defendant's residence and mailing address: 5721 East 4th Place, Tulsa, OK

Defendant: CESAR MARTINEZ DeLEON
Case Number: 96-CR-027-002-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 90 months.

The Court makes the following recommendations to the Bureau of Prisons: Placement in Federal Correctional Institution, Ft. Worth, Texas.

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: CESAR MARTINEZ DeLEON
Case Number: 96-CR-027-002-K

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: CESAR MARTINEZ DeLEON
Case Number: 96-CR-027-002-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 \$ 12,500.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate 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: CESAR MARTINEZ DeLEON
Case Number: 96-CR-027-002-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	27
Criminal History Category:	III
Imprisonment Range:	87 months to 108 months - Ct. 1
Supervised Release Range:	3 to 5 years - Ct. 1
Fine Range:	\$ 12,500 to \$ 2,000,000 - Ct. 1
Restitution:	N/A

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

SEP 4 1996

UNITED STATES OF AMERICA

v.

Case Number 96-CR-036-002-C

Phil Lombardi, Clerk
U.S. DISTRICT COURT

SHIRLEY OLUMIRADESA aka SHIRLEY OLUPITAN, SHIRLEY KIRBY, AND SHIRLEY DICKSON
Defendant. ENTERED ON DOCKET

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

DATE 9/5/96

The defendant, SHIRLEY OLUMIRADESA AKA SHIRLEY OLUPITAN, SHIRLEY KIRBY, AND SHIRLEY DICKSON, was represented by G. Steven Stidham.

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

The defendant pleaded guilty to count(s) 3 of the Indictment on May 2, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

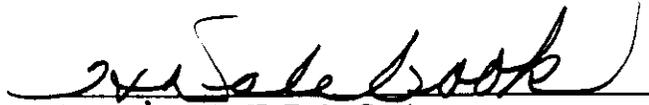
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1542	False Statement in Application and Use of Passport	08/23/95	3

As pronounced on August 22, 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) 3 of the Indictment, which shall be due immediately.

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

Signed this the 4 day of Sept, 1996.

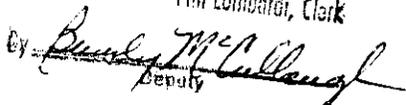

The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 440-64-7129

Defendant's Date of Birth: 10/21/54

Defendant's residence and mailing address: 7478 e. 47th St., #85-8, Tulsa, OK 74146

Phil Lombardi, Clerk
U.S. District Court
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
By 
Deputy

Defendant: SHIRLEY OLUMIRADESA AKA SHIRLEY OLUPITAN, SHIRLEY K
Case Number: 96-CR-036-002-C

PROBATION

The defendant is hereby placed on probation for a term of 3 year(s).

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

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

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: SHIRLEY OLUMIRADESA AKA SHIRLEY OLUPITAN, SHIRLEY K
Case Number: 96-CR-036-002-C

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$3,526.00 on Ct. 3. The restitution amount shall be due immediately. Any unpaid amount shall be due during the period of probation.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Department of Human Services Attn: Revenue Processing Unit Case #C-391472 and Account #84208 P.O. Box 53306 Oklahoma City, OK 53306	\$3,526.00

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

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

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

Defendant: SHIRLEY OLUMIRADESA AKA SHIRLEY OLUPITAN, SHIRLEY K
Case Number: 96-CR-036-002-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	4
Criminal History Category:	I
Imprisonment Range:	0 to 6 months - Ct. 3
Supervised Release Range:	2 to 3 years - Ct. 3
Fine Range:	\$ 250 to \$ 5,000 - Ct. 3
Restitution:	\$ 3,526

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

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



UNITED STATES DISTRICT COURT
Northern District of Oklahoma

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 95-CR-148-002-C

ENTERED ON DOCKET

ROMAN DEVON HANKINS
Defendant.

DATE 9/5/96

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

The defendant, ROMAN DEVON HANKINS, was represented by Jeffrey D. Fischer.

The defendant pleaded guilty to count(s) 1 of the Second Superseding Indictment on February 14, 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>
21 USC 846, 841(a)(1), 841(b)(1)(A), and 853	Conspiracy to Possess Cocaine With With Intent to Distribute	11/30/95	1

As pronounced on August 22, 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.

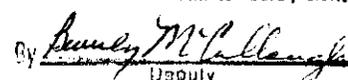
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 1 of the Second Superseding Indictment, which shall be due immediately.

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 4 day of Sept, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 440-72-6849
Defendant's Date of Birth: 09/07/73
Defendant's mailing address: 5907 E. Reading St., Tulsa, OK 74115
Defendant's residence address: C/O Tulsa County Jail, 500 S. Denver, Tulsa, OK 74103

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

Defendant: ROMAN DEVON HANKINS
Case Number: 95-CR-148-002-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 230 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: ROMAN DEVON HANKINS
Case Number: 95-CR-148-002-C

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall 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: ROMAN DEVON HANKINS
Case Number: 95-CR-148-002-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 \$ 5,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: ROMAN DEVON HANKINS
Case Number: 95-CR-148-002-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: The Court finds the defendant obstructed justice and awards a 2 level increase under USSG § 3C1.1; and finds further the defendant did not possess a firearm in connection with the offense, therefore, a 2 level enhancement pursuant to § 2D1.1(b)(1) is not applied.

Guideline Range Determined by the Court:

Total Offense Level:	37
Criminal History Category:	I
Imprisonment Range:	210 months to 262 months - Ct. 1
Supervised Release Range:	5 years - Ct. 1
Fine Range:	\$ 20,000 to \$ 4,000,000 - Ct. 1
Restitution:	N/A

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

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): The large amount of drugs involved in the conspiracy, and the lengthy period of the conspiracy.

FILED

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

SEP 4 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-035-001-C

ENTERED ON DOCKET

MICHAEL DON GREENE
Defendant.

DATE 9/5/96

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

The defendant, MICHAEL DON GREENE, was represented by Michael Blessington.

The defendant pleaded guilty to count(s) 1 of the Information on May 14, 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>
26 USC 7206(1)	Filing False Tax Return	03/15/91	1

As pronounced on August 21, 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 4 day of Sept, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 461-90-8301
Defendant's Date of Birth: 07/03/50
Defendant's Residence Address: 6123 S. 197th East Ave., Broken Arrow, OK 74014

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: MICHAEL DON GREENE
Case Number: 96-CR-035-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 18 months.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant serve his term as close to home as possible; FCI El Reno, Oklahoma, if available.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on September 23, 1996.

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: MICHAEL DON GREENE
Case Number: 96-CR-035-001-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 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 will pay any final settlement with the Internal Revenue Service concerning delinquent taxes, penalties and interests during his term of supervision.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: MICHAEL DON GREENE
Case Number: 96-CR-035-001-C

FINE

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

The defendant shall pay a fine of \$ 1,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: MICHAEL DON GREENE
Case Number: 96-CR-035-001-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:	15
Criminal History Category:	I
Imprisonment Range:	18 months to 24 months - Ct. 1
Supervised Release Range:	1 year - Ct. 1
Fine Range:	\$ 1,000 to \$ 33,600 - Ct. 1
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

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

SEP 4 1996

**Phil Lombardi, Clerk
U.S. DISTRICT COURT**

UNITED STATES OF AMERICA

v.

Case Number 95-CR-148-005-C

KRISTY ANN KOTULA aka Christy Dabbs and Kristy Dare
Defendant.

RECEIVED ON COURT
9/5/96

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

The defendant, KRISTY ANN KOTULA aka Christy Dabbs and Kristy Dare, was represented by David Phillips, III.

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

The defendant pleaded guilty to count(s) 1 of the Information on May 2, 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 1952(a)(3) and 2	Interstate Travel in Aid of Racketeering, Facilitation of a Narcotics Enterprise, and Aiding & Abetting	11/93	1

As pronounced on August 21, 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 4 day of Sept, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 079-52-8543

Defendant's Date of Birth: 11/12/71

Defendant's residence and mailing address: 3189 Riverside Drive, Carrollton, Texas (Mother's residence)

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: KRISTY ANN KOTULA aka Christy Dabbs and Kristy Dare
Case Number: 95-CR-148-005-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 27 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons place the defendant in the Bureau of Prisons Intensive Confinement Center in FCI, Bryan, Texas.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on September 16, 1996.

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: KRISTY ANN KOTULA aka Christy Dabbs and Kristy Dare
Case Number: 95-CR-148-005-C

SUPERVISED RELEASE

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

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

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

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: KRISTY ANN KOTULA aka Christy Dabbs and Kristy Dare
Case Number: 95-CR-148-005-C

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: The Court grants an additional one level reduction in the offense level for the defendant's role in the offense. The defendant is between a minor and minimal participant and should have a 3 level reduction under USSG § 3B1.2.

Guideline Range Determined by the Court:

Total Offense Level:	18
Criminal History Category:	I
Imprisonment Range:	27 months to 33 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 6,000 to \$ 60,000
Restitution:	\$ N/A

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

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

FILED

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

SEP 4 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-002-003-C

MARTHA NAVA CHACON
Defendant.

DATE 9/5/96

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

The defendant, MARTHA NAVA CHACON, was represented by Richard Amatucci.

On motion of the United States the court has dismissed count(s) 1, 2, 3, 5, and 7 of the Indictment.

The defendant pleaded guilty to count(s) 4 of the Indictment on July 31, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

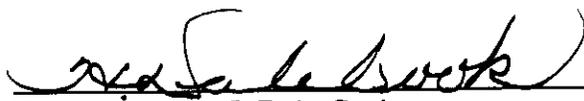
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1952 & 2	Interstate Travel in Aid of Racketeering, Facilitation of a of a Narcotics Enterprise, and Aiding & Abetting	12/22/95	4

As pronounced on August 22, 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) 4 of the Indictment, which shall be due immediately.

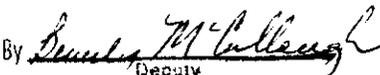
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 4 day of Sept, 1996.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 603-03-6009
Defendant's Date of Birth: 03/04/70
Defendant's mailing address: C/O U.S. Marshal (in custody)
Defendant's residence address: C/O U.S. Marshal (in custody)

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: MARTHA NAVA CHACON
Case Number: 96-CR-002-003-C

IMPRISONMENT

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

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons designate the defendant to a facility near the family in Northern California.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal
By _____
Deputy Marshal

Defendant: MARTHA NAVA CHACON
Case Number: 96-CR-002-003-C

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall, if deemed necessary by the U.S. Probation Office, 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: MARTHA NAVA CHACON
Case Number: 96-CR-002-003-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	29
Criminal History Category:	II
Imprisonment Range:	97 months to 121 months - Ct. 4
Supervised Release Range:	2 to 3 years - Ct. 4
Fine Range:	\$ 15,000 to \$ 150,000 - Ct. 4
Restitution:	N/A

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

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



FILED

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

SEP 4 1996

UNITED STATES OF AMERICA)
)
 Plaintiff)
)
 vs)
)
 JAMES TURNBULL JR.)
)
 Defendant)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Criminal No. 94-CR-034-E

ENTERED ON DOCKET
DATE SEP 0 5 1996

ORDER

This matter comes on for consideration of the petition of the United States of America for remission of fine. Upon review of the motion and the record herein, the Court finds that there is no reasonable likelihood that expending further efforts to collect this fine would produce any revenue to the United States.

IT IS THEREFORE ORDERED that this court remit the fine and penalty assessment, including interest and penalty.

S/ JAMES O. ELLISON
~~H. D. ...~~
UNITED STATES DISTRICT JUDGE

LFR/jmo

FILED

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

SEP 4 1996

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-020-001-C
ENTERED ON DOCKET

JAMES STAGE, JR.
Defendant.

DATE 9/5/96

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

The defendant, JAMES STAGE, JR., was represented by Regina Stephenson.

On motion of the United States the court has dismissed count(s) 2-7, and 9-13 of the Indictment.

The defendant pleaded guilty to count(s) 1 and 8 of the Indictment on May 13, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

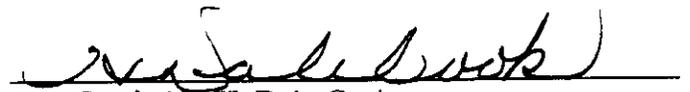
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841(a)(1)	Distribution of Methamphetamine	06/14/95	1
26 USC 5841, 5845, 5861(d), and 5871	Possession of an Unregistered Firearm	06/22/95	8

As pronounced on August 22, 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 \$ 100.00, for count(s) 1 and 8 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 4 day of Sept, 1995.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 440-62-5492
Defendant's Date of Birth: 10/04/56
Defendant's mailing address: 2103 E. Oklahoma St., Tulsa, OK 74120
Defendant's residence address: C/O Tulsa County Jail, 500 S. Denver, Tulsa, OK 74103

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

By 
Deputy

Defendant: JAMES STAGE, JR.
Case Number: 96-CR-020-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 100 months in Counts 1 and 8 as to each count to run concurrently, each with the other.

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

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal
By _____
Deputy Marshal

Defendant: JAMES STAGE, JR.
Case Number: 96-CR-020-001-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years in Counts 1 and 8 as to each count, to run concurrently, each with the other.

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: JAMES STAGE, JR.
Case Number: 96-CR-020-001-C

FINE

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

The defendant shall pay a fine of \$ 1,500.00 as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: JAMES STAGE, JR.
Case Number: 96-CR-020-001-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:	27
Criminal History Category:	IV
Imprisonment Range:	100 months to 125 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 12,500 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 exceeds 24 months, and the sentence is imposed for the following reason(s): The Court notes that the guideline range for these offenses exceeds twenty-four months and imposes the sentence based on the prior offenses not taken into consideration in the formulation of the guideline range.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 03 1996

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

UNITED STATES OF AMERICA)
Plaintiff)
VS)
VALVEETA M. BOYD)
Defendant)

Case Number: 88-CR-124-002-C ✓

ENTERED ON DOCKET

DATE SEP 04 1996

ORDER REVOKING SUPERVISED RELEASE

Now on this 21st day of August 1996, this cause comes on for sentencing concerning the allegation that the defendant violated a condition of supervised release as set out in the Petition on Probation and Supervised Release filed on May 8, 1996. The defendant is present in person and represented by counsel, Regina Stephenson. The Government is represented by Assistant U.S. Attorney Allen Litchfield, and the United States Probation Office is represented by Larry Morris.

The defendant was heretofore convicted on her plea of guilty to Count One of a two-count Indictment charging her with Possession of Cocaine With Intent to Distribute and Aiding and Abetting, in violation of 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2, respectively. On July 12, 1989, Boyd was committed to the custody of the U. S. Bureau of Prisons for a term of sixty-three months to be followed by a four-year term of supervised release. In

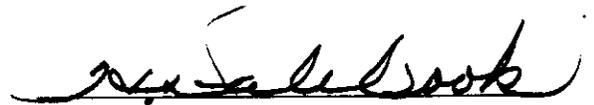
addition to the standard conditions of supervised release, Boyd was ordered to successfully participate in and complete a substance abuse treatment program at the discretion of the U.S. Probation Office.

On June 4, 1996, a revocation hearing was held regarding the allegation noted in the Petition on Probation and Supervised Release filed on May 8, 1996, said allegation being that on March 29, 1996, Boyd was arrested pursuant to a felony warrant issued subsequent to the filing of two counts of Obtaining Merchandise by Bogus Check in Tulsa County. The defendant stipulated to the allegation in the Petition, and sentencing was set for August 21, 1996.

On August 21, 1996, as a result of the sentencing hearing, the Court found that the violation occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable. Further, the Court found that the violation of supervised release constituted a Grade B violation in accordance with U.S.S.G. 7B1.1(a)(2), and that the defendant's original Criminal History Category of I was applicable for determining the imprisonment range. In addition, the Court found that a Grade B violation and a Criminal History Category of I, establish a revocation imprisonment range of four to ten months. In consideration of these findings and pursuant to U.S. vs. Lee, 957 F2d 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following was ordered:

The defendant, Valveeta Boyd, is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of five months.

The defendant is ordered to report to the designated Bureau of Prisons' institution no later than September 23, 1996, at 9:00 a.m.

A handwritten signature in black ink, appearing to read "H. Dale Cook", written in a cursive style.

The Honorable H. Dale Cook
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

SEP 03 1996

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

UNITED STATES OF AMERICA)
Plaintiff)
VS)
REGINA TURNEY)
Defendant)

Case Number: 94-CR-121-005-C

ENTERED ON DOCKET
DATE SEP 04 1996

ORDER REVOKING SUPERVISED RELEASE

Now on this 22nd day of August, 1996, this cause comes on for sentencing concerning allegations that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed on July 24, 1996. The defendant is present in person and represented by counsel, Stephen Greubel. The Government is represented by Assistant U.S. Attorney Allen J. Litchfield, and the United States Probation Office is represented by Dee Ann Bernaud.

The defendant was heretofore convicted on her plea of guilty to Count One of a one-count Indictment charging her with Conspiracy to Possess a Controlled Substance With Intent to Distribute, in violation of 21 U.S.C. § 846. On January 24, 1995, Turney was sentenced to twelve (12) months in the custody of the Bureau of Prisons followed by a five (5) year period of supervised release and ordered to pay a special assessment of \$50. In addition to the standard conditions of supervised release, the following special conditions were ordered:

100

The defendant shall submit to a search conducted by a United States Probation Officer of her person, residence, vehicle, office and/or business at a reasonable time and 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 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.

The defendant shall pay a fine of \$1,500.

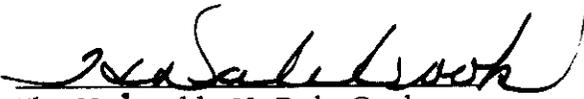
The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

On August 22, 1996, a Revocation Hearing was held regarding the allegations as memorialized in the Petition on Supervised Release, filed July 24, 1996. Turney stipulated to the violations at the Revocation Hearing and Sentencing immediately followed the hearing. As a result of the Sentencing Hearing, the Court found that the violations occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines

is applicable. Further, the Court finds that the violation of supervised release constitutes a Grade C violation in accordance with U.S.S.G. § 7B1.1(a)(3)(B), and that the defendant's original Criminal History Category of I establishes a revocation imprisonment range of 3-9 months, pursuant to U.S.S.G. § 7B1.4(a). In consideration of these findings and pursuant to U.S. vs. Lee, 957 F2d 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following was ordered:

The defendant is committed to the custody of the U. S. Bureau of Prisons to be imprisoned for a term of nine (9) months; the Court reimposes the remaining fine balance of \$1,210.00; and it is recommended that the defendant be placed in the Bureau of Prisons' five hundred (500) hour Comprehensive Drug Treatment Program in Bryan, Texas.

The defendant is remanded to the custody of the U.S. Marshal's Service pending transfer to an institution.


The Honorable H. Dale Cook
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

FILED

SEP 3 1996

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

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

CRIMINAL NO. 95-CR-81-H

ENTERED ON DOCKET
DATE SEP. 3 1996

FINAL ORDER OF FORFEITURE

WHEREAS, subsequent to the April 17, 1996 Guilty Verdict against Sharon K. Allen, formerly Sharon K. Bruce, on all substantive counts of the indictment, the Defendant entered into a Consent Decree of Forfeiture as to the criminal forfeiture of the vehicle and refrigerator described in the forfeiture portion of the indictment. The Consent Decree of Forfeiture was filed in open court on May 31, 1996.

AND WHEREAS, on May 31, 1996, this Court entered a Preliminary Order of Forfeiture pursuant to the provisions of 18 U.S.C. § 982 and 21 U.S.C. § 853 forfeiting the Defendant's interest in the vehicle and refrigerator described in the indictment;

AND WHEREAS, on July 11, 18 and 25, 1996, the United States Marshal for the Northern District of Oklahoma published in the Tulsa Daily Commerce & Legal News of Tulsa, Oklahoma, a newspaper of general circulation in the Northern District of Oklahoma, notice of forfeiture of the Defendant's interest in the

property and of the intent of the United States to dispose of the property in accordance with the law and further notifying all third parties of their right to petition the Court within thirty (30) days for a hearing to adjudicate the validity of their alleged legal interest in the property;

AND WHEREAS, it appears from the record that no claims, contested or otherwise, have been filed for any of the properties described in this Court's Preliminary Order of Forfeiture.

AND WHEREAS, the Court has been advised that the United States of America recognizes the innocent secured interest of Oklahoma Employee Credit Union in the 1994 GMC Sierra Extended Cab V6 Pickup Truck VIN #2GTEC19Z6R1570834.

Accordingly, it is hereby ORDERED, ADJUDGED and DECREED that the United States Marshal is hereby ORDERED to pay the security interest held by Oklahoma Employee Credit Union in the amount of \$13,661.96 (representing principal and contractual interest as of September 1, 1996) plus contractual interest lawfully accruing from September 1, 1996 until the date of payment. Upon payment as directed herein, the United States Marshal shall obtain from said Oklahoma Employee Credit Union an appropriate release, cancellation and satisfaction evidencing payment of said interest.

IT IS FURTHER ORDERED, ADJUDGED and DECREED:

1. That the right, title and interest to all of the hereinafter described property, whether real, personal and/or

mixed, of the Defendant Sharon K. Allen, formerly known as Sharon K. Bruce, is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law, by placement into official use by the Federal Bureau of Investigation, Tulsa Resident Agency. The refrigerator is to be used by the Federal Bureau of Investigation for storage of evidence, and the vehicle is to be used for law enforcement purposes.

2. That the following property belonging to Sharon K. Allen, formerly known as Sharon K. Bruce, who is the subject of this Order, is hereby condemned and forfeited to the United States of America, as follows:

- A. One 1994 GMC Sierra Extended Cab
Pickup Truck,
VIN 2GTEC19Z6R1570834
- B. One Amana Refrigerator, Model No 096TX121A3.

The Clerk is hereby directed to send copies of this Order to all counsel of record and the United States Marshal. The United States Marshal is hereby directed to turn over to the Federal Bureau of Investigation, Tulsa Resident Agency, the above described vehicle and refrigerator.

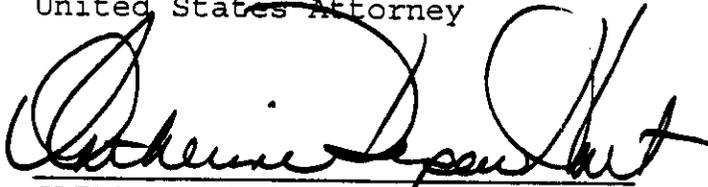
SO ORDERED this 3RD (of day) SEPTEMBER, 1996.

S/ SVEN ERIK HOLMES

SVEN E. HOLMES
UNITED STATES DISTRICT JUDGE

SUBMITTED BY:

STEVEN C. LEWIS
United States Attorney

A handwritten signature in cursive script, appearing to read "Catherine Depew Hart", written over a horizontal line.

CATHERINE DEPEW HART
Assistant United States Attorney

ATTORNEY FOR THE UNITED STATES OF AMERICA