

~~FILED~~

MAR 27 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

EOP: 3-28-97

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-22-001-B

Charles Wayne Easky

JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF PROBATION

Now on this 21st day of March, 1997, this cause comes on for a revocation and sentencing hearing regarding violations of probation conditions as set out in the Petition on Probation filed on February 27, 1997. The defendant is present in person and with his attorney, Stephen J. Knorr. The Government is represented by Assistant United States Attorney F.L. Dunn III, and the United States Probation Office is represented by Tony Budzinsky.

The defendant was heretofore, on March 15, 1996, convicted on his plea of guilty to a one-count Indictment which charged Delay or Destruction of Mail, in violation of Title 18, United States Code, Section 1703. He was subsequently sentenced on September 24, 1996, to a three (3) year period of probation.

On March 21, 1997, a Revocation Hearing was held regarding the allegations noted in the Petition on Probation; said allegations being that the defendant failed to successfully participate in a program of testing and treatment (to include inpatient) for drug abuse; that the defendant submitted six (6) urinalysis samples which tested positive for methamphetamine. The Court found him in violation after the defendant stipulated to the allegations. A Sentencing Hearing was held this same date.

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 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

9

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 two (2) months, provided that no credit is given for time served. However, it is the Court's intent that the defendant serve a custody sentence of three (3) months if credit is given for time served. Upon release from imprisonment, the defendant shall be placed on supervised release for a term of two (2) years. The first ninety (90) days of the term of supervised release shall be spent at 12&12, Inc., in the inpatient drug treatment program (or a comparable inpatient program) to be followed by ninety (90) days of electronic monitoring, with costs of that program assessed to the defendant.

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 not possess a firearm or destructive device.
2. The defendant shall enter the inpatient treatment program at 12&12, Inc., (or a comparable program) within 72 hours of his release from custody.
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 three (3) months, to commence within 72 hours of release from the inpatient program at 12&12, Inc. (or a comparable program). 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.
4. The defendant shall comply with the special search and seizure condition set forth in Miscellaneous Order Number M-128, dated May 25, 1995.

5. 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.

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



The Honorable Thomas R. Brett
United States District Judge

92041
SAC

ENTERED ON DOCKET
DATE 3-26-97

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

MAR 24 1997

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DAVID WANN,)
)
 Defendant.)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

No. 89-CR-56-E

ORDER

This case comes on for evidentiary hearing as a result of a remand from the 10th Circuit Court of Appeals.

Having had an evidentiary hearing on March 18, 1997 wherein the government proved that the methamphetamine in this case was in fact D-L methamphetamine and where the defendant presented no evidence, the Court finds that the methamphetamine in this case was D-L methamphetamine.

Therefore, the Court finds that the defendant's present sentence was properly entered by the Court as reflected in the Judgment and Conviction on file in this case.


JAMES O. ELLISON, Senior
United States District Judge

ENTERED ON DOCKET
3-26-97

IN THE UNITED STATES DISTRICT COURT FOR THE **F I L E D**
NORTHERN DISTRICT OF OKLAHOMA

MAR 24 1997 *PL*

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JAMES BARNES,)
)
 Defendant.)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Case No. 91-CR-50-C

ORDER

This matter came before the Court for an evidentiary hearing to determine the character of the methamphetamine which was involved in the offense for which James Barnes was convicted by a jury on September 24, 1991. Barnes contends that the government failed to meet its burden at the sentencing hearing to prove whether D or L methamphetamine was involved in the subject conspiracy.

The record in this case shows that on May 9, 1991, a Federal Grand Jury in the Northern District of Oklahoma returned a five-count Indictment, charging defendant Barnes, and co-defendants Johnny Glover, Melvin Reynolds, Randy Glover, Roy Glover, and Charles Williams, with violations of various federal drug crimes. Defendant Barnes was charged, along with his co-defendants, in Count Two of the Indictment with having violated Title 21, United States Code, Sections 846, 841(a)(1) and 841 (b)(1)(A) (viii), conspiracy to manufacture, possess and distribute methamphetamine. It was established at trial that defendant Johnny Glover learned to cook methamphetamine in the summer of 1988 from an individual named Joe Thornburgh. Through the pre-sentence investigation it was reported that Johnny Glover organized and moved his clandestine drug laboratory

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to at least six different locations within the Northern District during the course of the conspiracy. Johnny Glover testified that he orchestrated twenty "cooks" of methamphetamine, which produced approximately forty pounds of saleable products. The presentence report indicated that James Barnes' involvement in the conspiracy began in the summer of 1988. Barnes received a total of 17 pounds of methamphetamine for distribution. Barnes admitted at the time of sentencing that he had read the presentence report and that it was "accurate" and "correct." Barnes' conviction was affirmed on appeal in United States v. James Barnes, 986 F.2d 1430 (10th Cir.1993)(unpublished).

Defendant Barnes filed his first motion pursuant to 28 U.S.C. § 2255 to vacate or correct sentence on May 28, 1993, as amended on July 19, 1993. In his first § 2255 motion Barnes challenged, among other things, that the Court improperly computed his base level offense by erroneously attributing to him 17 pounds of methamphetamine. The denial of Barnes' first § 2255 motion was affirmed on appeal in United States v. James Barnes, 43 F.3d 1484 (10th Cir.1994) (unpublished).

Defendant Barnes filed the present motion on March 13, 1996 pursuant to 28 U.S.C. § 2255 to vacate or correct sentence. Barnes challenges, among other things, government's failure to prove the character of the methamphetamine involved in the conspiracy. The Court denied Barnes' motion by order dated October 9, 1996. On October 23, 1996, Barnes filed a "Motion to Reconsider/Alter and/or Amend Judgment," relying on United States v. Glover and Wann, 97 F.3d 1345 (10th Cir.1996) and requesting the Court to conduct an evidentiary hearing requiring government to establish by a preponderance of the evidence the character of the methamphetamine.

The Court conducted the evidentiary hearing, as requested by defendant Barnes, on January 23, 1997. Government presented the testimony of Earl Beaver, an agent with the Oklahoma Bureau of Narcotics. Mr. Beaver was one of the officers who took part in the investigation of the criminal conspiracy involving defendant Barnes and executed the search of a rural farmhouse in Osage County where Johnny Glover maintained his laboratory on April 5, 1989 to manufacture methamphetamine.

Mr. Beaver took a series of photographs of the chemicals, glassware and equipment located at the farmhouse and identified the contents of the photographs.¹ In reference to the function or purpose of various items shown in the photographs, Mr. Beaver testified that coffee filters are used in clandestine laboratories in "powdering the substance out." The presence of a puddle of sludge in the ground outside the farmhouse represented the by-product of the "old method" of manufacturing methamphetamine. PVC pipes were used to transport or for underground storage of methamphetamine and the money obtained from the sell of illegal narcotics.

Mr. Beaver testified that the farmhouse had a distinct odor of Phenyl-2-Propanone or P2P; and that in his opinion, the farmhouse was used as a clandestine laboratory to manufacture methamphetamine.

¹ Products and equipment located at the farmhouse include: Chloride gas air tanks, aluminum foil and aluminum trimmings, glass jars, coffee filters, salt, separator funnels and gas cylinders. Five gallon containers marked ethyl, ether, and hydrous. Cardboard boxes labeled acetic anhydride and methylamine. One gallon buckets labeled isopropyl alcohol and metal buckets containing extra strength acetone and sodium acetate. A vacuum pump, triple-neck flask, a heating mantle, hosing, other glassware, a rheostat and PVC pipes capped at both ends. Large containers of distilled water and several small containers of Red Devil Lye.

Government presented the testimony of John Salley an agent with the Drug Enforcement Administration (DEA). Mr. Salley was also involved in the investigation of the Johnny Glover conspiracy ring. Mr. Salley took several samples of the liquids contained in the cans, buckets and laboratory glassware located in the subject farmhouse and sent the samples to the DEA South Central Laboratory in Dallas, Texas for chemical analysis.

Government also presented the testimony of William Kent Glanville, a chemist employed by the DEA laboratory in Dallas who conducted the analysis of all the samples sent to him by Mr. Salley. Mr. Glanville testified that based on an analysis of the liquid samples of those which contained sufficient substance for testing, he determined that the liquid substance was DL methamphetamine.

Additionally Mr. Salley testified that in 1989, primarily the clandestine laboratories manufactured the type of methamphetamine involving a procedure that used Phenyl-2-Propanone or P2P, as the precursor chemical. He further testified that the use of P2P in the manufacturing process results in the production of DL methamphetamine. DL methamphetamine is manufactured by use of phenylacetic acid as the main building block and then other chemicals are added, which include, phenylacetic acid, sodium acetate and acetic anhydride. By combining and heating these chemicals P2P is formed. The P2P is distilled and placed in a round bottom flask. Methylamine, aluminum filed fresh cuttings and a solvent is added that causes a exothermic reaction. Following another chemical clean-up procedure, the pure free base methamphetamine results. Acid is added to form a salt which produces the white powder form of DL methamphetamine which is water soluble and ingestible into the body.

Mr. Gladville testified that the use of P2P as a precursor to the manufacturing of methamphetamine will always result in the production of DL methamphetamine. Mr. Gladville further testified that he had viewed the photographs taken by Mr. Beaver and based on the types of chemicals, glassware and equipment shown located at the farmhouse, the laboratory was used to manufacture methamphetamine using the P2P method.

Defendant Barnes offered no testimony or evidence at the hearing but requested leave to file a supplemental brief. In his post-hearing brief, Barnes argues that the government failed to establish that all of Johnny Glover's methamphetamine "cooks" and laboratories produced P2P methamphetamine and, specifically, that the 17 pounds of methamphetamine contributed to defendant Barnes was DL methamphetamine. Defendant Barnes relies on several isolated portions of the trial transcript to show that Johnny Glover was on occasion unsuccessful in producing saleable methamphetamine using the P2P process. Barnes argues that the amount of DL methamphetamine recovered and tested was relatively small in comparison to amount Johnny Glover actually produced. Thus, Barnes argues that government failed to prove that each of the separate deliveries from Glover to Barnes totalling 17 pounds was in fact DL methamphetamine.

Barnes' argument fails for several reasons. The trial evidence cited by Barnes was not offered to establish the character of methamphetamine involved in the conspiracy. It related solely to Johnny Glover's success or failure of manufacturing methamphetamine to establish that the manufacturing was in fact occurring, and the quantity of drugs involved in the conspiracy. Since the character of the methamphetamine was not raised or challenged by the defendants at trial, such testimony is irrelevant to the issue now before

the Court. Moreover, defendant Barnes failed to raise any portions of the trial testimony at the hearing, thus denying the government an opportunity to address or defend against such allegations. Thus, defendant's proffered "evidence" is no evidence at all.

Government has clearly established by a preponderance of the evidence that DL methamphetamine was identified through chemical analysis and that the method of manufacturing employed by Johnny Glover could result only in the production of DL methamphetamine. There was no evidence offered that Glover's "cooks" used any other manufacturing method. Further, the fact that Mr. Glanville was not provided a sufficient quantity of each sample of liquid submitted for testing, does not discredit the evidence that those samples which were tested established the presence of DL methamphetamine. No evidence was offered by defendant Barnes to discredit the reliability of the samples which were sufficient in quantity for a successful testing.

The Court finds and concludes that government has established by a preponderance of the evidence that the character of the methamphetamine involved in defendant James Barnes' offense of conviction was DL methamphetamine, and that defendant Barnes' sentence was properly calculated based on his illegal involvement with D isomer methamphetamine.

ACCORDINGLY, IT IS THE ORDER OF THE COURT that defendant Barnes' motion filed pursuant to § 2255 to correct or vacate sentence is hereby DENIED.

IT IS SO ORDERED this 21st day of March, 1997.



H. DALE COOK
Senior, United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

MAR 21 1997 *rm*

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

UNITED STATES OF AMERICA

v.

Case Number 94-CR-030-001-BU ✓

DENNIS REID EIDSON
Defendant.

ENTERED ON DOCKET

DATE 3-21-97

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

The defendant, DENNIS REID EIDSON, was represented by John D. Echols.

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

The defendant pleaded guilty to count(s) 1 of the Superseding Indictment on December 11, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 841(a)(1), 841(b)(1)(A)(vii)	Manufacture by Production More than 1,000 Marijuana Plants	02/23/94	1

As pronounced on March 17, 1997, 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 21st day of March, 1997.

Michael Burrage
The Honorable Michael Burrage, 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

Defendant's SSN: 447-54-1408

Defendant's Date of Birth: 08/08/52

Defendant's mailing address: 4100 Colonial Drive, Sapulpa, OK 74066

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

Phil Lombardi
Deputy

Defendant: DENNIS REID EIDSON
Case Number: 94-CR-030-001-BU

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 120 months on Count 1.

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: DENNIS REID EIDSON
Case Number: 94-CR-030-001-BU

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: DENNIS REID EIDSON
Case Number: 94-CR-030-001-BU

FINE

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

The defendant shall pay a fine of \$ 3,000.00. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: DENNIS REID EIDSON
Case Number: 94-CR-030-001 BU

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	25
Criminal History Category:	I
Imprisonment Range:	120 months - Ct. 1
Supervised Release Range:	5 years - Ct. 1
Fine Range:	\$ 10,000 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 does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

LA

UNITED STATES DISTRICT COURT
 Northern District of Oklahoma

ENTERED ON DOCKET
 DATE MAR 20 1997

UNITED STATES OF AMERICA

v.

Case Number 96-CR-151-004-H

F I L E D

MAR 19 1997

ROBERT PAUL SMITH
 Defendant.

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

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

The defendant, ROBERT PAUL SMITH, was represented by David Phillips, III.

The defendant pleaded guilty to count(s) 1 of the Indictment on November 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 846	Conspiracy to Possess With Intent to Distribute and to Distribute Methamphetamine	09/19/96	1

As pronounced on February 13, 1997, 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 of the Indictment, which shall be due immediately.

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

Signed this the 19TH day of MARCH, 1997.



 The Honorable Sven Erik Holmes
 United States District Judge

Defendant's SSN: 441-56-1354
 Defendant's Date of Birth: 05/13/54
 Defendant's mailing address: 622 North 2nd St., Sapulpa, OK
 Defendant's residence address: (Currently in custody of U.S. Marshal's Service) C/O Tulsa County Jail, 500 S. Denver, Tulsa, OK 74103

Defendant: ROBERT PAUL SMITH
Case Number: 96-CR-151-004-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 54 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 that offers and will make available all forms of drug treatment.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: ROBERT PAUL SMITH
Case Number: 96-CR-151-004-H

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall 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: ROBERT PAUL SMITH
Case Number: 96-CR-151-004-H

FINE

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: ROBERT PAUL SMITH
Case Number: 96-CR-151-004-H

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	21
Criminal History Category:	III
Imprisonment Range:	46 months to 57 months - Ct. 1
Supervised Release Range:	3 years - Ct. 1
Fine Range:	\$ 7,500 to \$ 1,000,000 - 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 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

MAR 20 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 96-CR-133-001-B

JIMMY DAN FLICK
Defendant.

ENTERED ON DOCKET
DATE MAR 20 1997

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

The defendant, JIMMY DAN FLICK, was represented by Michael Able.

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

The defendant pleaded guilty to count(s) 1 and 2 of the Indictment on December 13, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

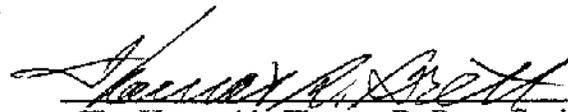
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841(a)(1) and 2(a)	Possession of Methamphetamine With Intent to Distribute and Aiding & Abetting	04/24/96	1
21 USC 841(a)(1) and 2(a)	Possession of Marijuana and Aiding & Abetting	04/24/96	2

As pronounced on March 13, 1997, 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.

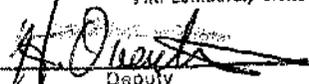
It is ordered that the defendant shall pay to the United States a special assessment of \$ 100.00, for count(s) 1 and 2 of the Indictment, which shall be due immediately.

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 March, 1997.


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

Defendant's SSN: 447-76-3052
Defendant's Date of Birth: 09/18/64
Defendant's residence and mailing address: 725 North Grant, Sand Springs, OK 74063

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: JIMMY DAN FLICK
Case Number: 96-CR-133-001-B

IMPRISONMENT

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

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons designate a facility that will allow him to be placed in an Intensive Drug Treatment Program.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before noon on April 14, 1997.

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: JIMMY DAN FLICK
Case Number: 96-CR-133-001-B

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years on each of 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 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: JIMMY DAN FLICK
Case Number: 96-CR-133-001-B

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: That the two-level enhancement pursuant to USSG § 2D1.1(b)(1), Possession of a Firearm in Connection With a Drug Offense, shall not apply.

Guideline Range Determined by the Court:

Total Offense Level:	15
Criminal History Category:	I
Imprisonment Range:	18 months to 24 months - Cts. 1 & 2
Supervised Release Range:	3 years - Ct. 1 2 to 3 years - Ct. 2
Fine Range:	\$ 4,000 to \$ 1,000,000 - Cts. 1 & 2
Restitution:	N/A

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

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

MAR 20 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 94-CR-122-001-B

ROBERT DENNIS BUNNER
Defendant.

ENTERED ON DOCKET
DATE MAR 20 1997

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

On motion of the United States the court has dismissed count(s) 1 and 4 of the Indictment. On November 12, 1996, the Court vacated the conviction and sentence in Count 2.

The defendant pleaded guilty to count(s) 3 of the Indictment on February 6, 1997. 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 by a Convicted Felon	08/18/93	3

As pronounced on March 13, 1997, 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.

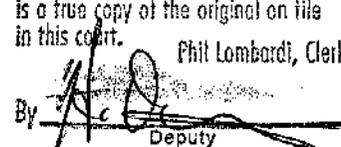
It is ordered that the defendant shall pay to the United States a special assessment of \$ 50.00, for count(s) 3 of the Indictment, which shall be due immediately.

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 20th day of March, 1997.


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

Defendant's SSN: 514-54-1632
Defendant's Date of Birth: 08/29/50
Defendant's mailing address: 5126 Yecker, Kansas City, KS 66104
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: ROBERT DENNIS BUNNER
Case Number: 94-CR-122-001-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 50 months.

The Court makes the following recommendations to the Bureau of Prisons: That the defendant receive both credit for time served and any good time credit for sentence imposed on March 24, 1995, that has since been vacated by the Court.

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: ROBERT DENNIS BUNNER
Case Number: 94-CR-122-001-B

SUPERVISED RELEASE

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

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: ROBERT DENNIS BUNNER
Case Number: 94-CR-122-001-B

FINE

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

The defendant shall pay a fine of \$ 2,500.00. 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.

The Court notes for the record that \$167.00 has been paid by the defendant relative to the vacated count in this matter. Any monies previously paid shall be appropriately credited toward the payment of the Special Monetary Assessment and fine of this instant sentence.

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: ROBERT DENNIS BUNNER
Case Number: 94-CR-122-001-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:	22
Criminal History Category:	II
Imprisonment Range:	46 to 57 months - Ct. 3
Supervised Release Range:	2 to 3 years - Ct. 3
Fine Range:	\$ 7,500 to \$ 75,000 - Ct. 3
Restitution:	N/A

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

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

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

F I L E D

MAR 12 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 JOHN MICHAEL GRIFFIN,)
)
 Defendant.)

Civil Case No. 96-CV-529-B
Crim. Case No. 89-CR-97-B

ENTERED ON DOCKET

DATE MAR 18 1997

ORDER

Before the Court for consideration is Defendant's Motion for Reconsideration and Clarification of Order Denying Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 ("Motion") (Docket # 67). Although Defendant has filed a timely Notice of Appeal from this Court's Order Denying Motion to Vacate, Set Aside, or Correct Sentence ("Order") (Docket # 66), thus divesting the Court of subject matter jurisdiction, the Court nevertheless entertains the instant motion.

Defendant raises three (3) issues in the instant Motion. First, Defendant "believed the court would decide whether trial counsel's tactical decision to forego defense of necessity/duress...fell below objective standards of reasonableness under Strickland v. Washington." Motion at 2. Curiously, Defendant cites to the page in the Order where the Court decides this exact issue by concluding:

The Court does not believe the decision made by Mr. Brunton fell below an objective standard of reasonableness.

Order at 10.

Despite the four (4) affidavits accompanying Defendant's Motion which support Defendant's necessity/duress defense, the Court's opinion of Mr. Brunton's tactical decision remains unchanged.

It should not escape mention that Mr. Brunton was retained by Defendant. Defendant was free at any time to terminate the services of Mr. Brunton. This he chose not to do. Further, Defendant signed a Petition to Enter Plea of Guilty and Order Entering Plea. Docket #60, Ex. B. Numerous sections of said Petition belie Defendant's argument he was not afforded adequate representation. Docket #60, Ex. B, ¶¶ 3, 6, 11, 12, 14, 15, 19, and 21. Upon reconsideration of the issue of ineffective assistance of counsel with respect to counsel's decision to forego the defense of necessity/duress, the Court hereby denies habeas corpus relief.

Defendant next asserts he “believed that the court would understand defendant's situation and his statement of **“not allowing court to exercise its discretion; and by not protecting defendant's due process and equal protection rights”**, ... to mean, defendant was denied his right to testify and present a defense.” Motion at 2. (emphasis in original). Assuming, for the sake of discussion, the Court did not interpret Defendant's statement as he intended, the Court does so at this time. In support of the Court's opinion this argument is without merit, the Court directs Defendant's attention to ¶¶ 7, 8, 9, 16, 19, and 21 of the Petition to Enter Plea of Guilty. Defendant freely and voluntarily chose to waive his right to testify and present a defense. Again, the Court denies habeas corpus relief on this issue.

Finally, Defendant illogically attempts to convince this Court that his sentence would not have been enhanced two points for failure to accept responsibility had Mr. Brunton presented the defense of necessity/duress to a jury, as such would have caused the jury to ponder a not guilty verdict. After being informed of the potential consequences, both favorable and unfavorable, Defendant waived his right to a jury trial. Thus, this argument is pure speculation, frivolous, and does not warrant habeas corpus relief.

Defendant's Motion for Reconsideration is **denied**.

As Defendant has appealed this Court's Order denying habeas corpus relief, the Court, *sua sponte*, addresses the issue of a certificate of appealability. 28 U.S.C. § 2253, as amended by § 102 of the Antiterrorist and Effective Death Penalty Act of 1996, requires a petitioner to obtain a certificate of appealability before appealing a final order in a habeas corpus proceeding under 28 U.S.C. § 2254. See Lennox v. Evans, 87 F.3d 431, 432-34 (10th Cir. 1996) (holding that § 102 codifies the standard set out in Barefoot v. Estelle, 463 U.S. 880, 892-92 (1983), for issuance of a certificate of probable cause and, therefore, does not have retroactive effect within the meaning of Landgraf v. U.S.I. Film Prods, 511 U.S. 244 (1994)). Section 2253(c) instructs that the court may issue a certificate of appealability “only if the applicant has made a substantial showing of the denial of a constitutional right,” and the court “indicates which specific issue or issues satisfy [that] showing.” A petitioner can satisfy that standard by demonstrating that the issues raised are debatable among jurists, that a court could resolve the issues differently, or that the questions deserve further proceedings. Barefoot, 463 U.S. at 893.

After considering the record in this case, the Court seriously questions the issuance of a certificate of appealability as Defendant has not made a substantial showing of the denial of a constitutional right. The record is devoid of any authority suggesting that the Tenth Circuit Court of Appeals would resolve the issues in this case differently. However, in the interest of justice, the Court hereby grants Defendant until April 1, 1997, to file an application and argument in support thereof for the issuance of a certificate of appealability. Should Defendant elect to forego the filing of such an application, the Court shall enter an Order denying the issuance of a certificate of appealability based on the record in this case.

The Court directs the Clerk of the Northern District of Oklahoma to mail to Defendant a motion to proceed in forma pauperis on appeal and supporting financial affidavit. Upon receipt of the completed documents by the Clerk, the Court will rule on Defendant's motion to proceed in forma pauperis on appeal. See 28 U.S.C. §1915(a), (b) as amended by the Prison Litigation Reform Act of 1996, Pub. L. No. 104-134, 110 Stat. 1321 (1996).

IT IS SO ORDERED this 12 day of March, 1997.



THOMAS R. BRETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE 3-18-97

UNITED STATES OF AMERICA

v.

Case Number 96-CR-126-003-K ✓

CAROL LYNN TRIPLETT
Defendant.

FILED

MAR 18 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

The defendant, CAROL LYNN TRIPLETT, was represented by Craig Bryant.

On motion of the United States the court has dismissed count(s) 4 through 9 of the Indictment, and Counts 4, 5, 6, 8, and 9 of the Superseding Indictment.

The defendant pleaded guilty to count(s) 1 of the Information on December 11, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

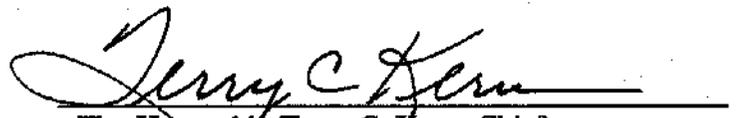
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 471 and 2	Counterfeiting Currency and Aiding & Abetting	08/27/96	1.

As pronounced on March 13, 1997, 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 of the Information, which shall be due immediately.

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

Signed this the 18 day of March, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 128-52-6473

Defendant's Date of Birth: 09/12/57

Defendant's residence and mailing address: 2100 S. Main, Apt. #21, Sapulpa, OK 74066

Defendant: CAROL LYNN TRIPLETT
Case Number: 96-CR-126-003-K

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 Court makes the following recommendations to the Bureau of Prisons: That the defendant be incarcerated at a facility affording defendant drug treatment and mental health treatment.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: CAROL LYNN TRIPLETT
Case Number: 96-CR-126-003-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 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 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: CAROL LYNN TRIPLETT
Case Number: 96-CR-126-003-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$5,549.27 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>
Richard Allen 7877 Maryland Lane Sapulpa, OK 77413	\$500
Schiller Law Firm Attorneys for Farmers Insurance P.O. Box 159 Haskell, Oklahoma 74436	\$2,969.06
Office Depot Acct. # 279344 P.O. Box 5019 Boca Raton, FL 34478	\$1,980.21

No further payment shall be required after the sum of the amount actually paid by all defendants has fully covered the compensable injury.

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma 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: CAROL LYNN TRIPLETT
Case Number: 96-CR-126-003-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:	13
Criminal History Category:	I
Imprisonment Range:	12 months to 18 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 3,000 to \$ 30,000 - Ct. 1
Restitution:	\$ 5,549.27

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.

LA

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

UNITED STATES OF AMERICA

FILED
3-18-97

v.

Case Number 96-CR-142-002-K

BETTY LAGINA LYNN GAINES aka Betty Lagina Lynn Jones, Betty Lagina Gaines, and "Gina" Jones
Defendant. **FILED**

MAR 18 1997

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, BETTY LAGINA LYNN GAINES aka Betty Lagina Lynn Jones, Betty Lagina Gaines, and "Gina" Jones, was represented by Randal D. Morley.

The defendant pleaded guilty to count(s) 1 of the Indictment on December 11, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

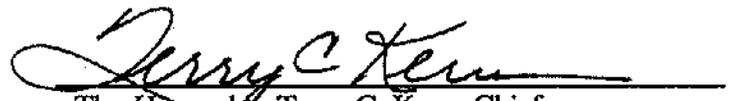
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Commit Bank Fraud	06/26/91	1

As pronounced on March 13, 1997, 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 of the Indictment, which shall be due immediately.

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

Signed this the 18 day of March, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 448-68-2334

Defendant's Date of Birth: 01/03/70

Defendant's residence and mailing address: 249 E. 29th Street N., Tulsa, OK 74106

Defendant: BETTY LAGINA LYNN GAINES aka Betty Lagina Lynn Jones
Case Number: 96-CR-142-002-K

PROBATION

The defendant is hereby placed on probation for a term of 1 year(s).

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF PROBATION

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

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

Defendant: BETTY LAGINA LYNN GAINES aka Betty Lagina Lynn Jones
Case Number: 96-CR-142-002-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$1,500 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>
Boatmen's Bancshares, Inc. Attn: Marvin Janssen 100 North Broadway Wichita, KS 67201	\$1,500.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma 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. No further payment shall be required after the sum of the amount actually paid by all defendants has fully covered the compensable injury.

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

Defendant: BETTY LAGINA LYNN GAINES aka Betty Lagina Lynn Jones
Case Number: 96-CR-142-002-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: The defendant's monthly salary is now \$1,400.

Guideline Range Determined by the Court:

Total Offense Level:	4
Criminal History Category:	I
Imprisonment Range:	0 to 6 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 250 to \$ 5,000 - Ct. 1
Restitution:	\$ 1,500

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.

ENTERED ON DOCKET

3/18/97
FILED

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

MAR 17 1997

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

UNITED STATES OF AMERICA

v.

Case Number 96-CR-144-001-H

MILTON THOMAS WALTON
Defendant.

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

The defendant, MILTON THOMAS WALTON, was represented by Stephen Greubel.

The defendant pleaded guilty to count(s) 1 of the Indictment on December 3, 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 751(a)	Escape From Custody of an Institution	09/03/96	1

As pronounced on March 4, 1997, 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 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 17TH day of MARCH, 1997.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 440-56-8728
Defendant's Date of Birth: 03/03/53
Defendant's residence and mailing address: C/O U.S. MARSHAL'S SERVICE

Defendant: MILTON THOMAS WALTON
Case Number: 96-CR-144-001-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 to run consecutively to the two sentences in 90-CR-051-001-C and 90-CR-066-001-C, both previously imposed in the Northern District of Oklahoma.

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: MILTON THOMAS WALTON
Case Number: 96-CR-144-001-H

SUPERVISED RELEASE

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

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

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

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.
- 3) 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: MILTON THOMAS WALTON
Case Number: 96-CR-144-001-H

FINE

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

The defendant shall pay a fine of \$ 500.00. 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: MILTON THOMAS WALTON
Case Number: 96-CR-144-001-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:	7
Criminal History Category:	V
Imprisonment Range:	12 months to 18 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 500 to \$ 5,000 - 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.

RA

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-159-001-K

SANFORD LEE RANKINS
Defendant.

ENTERED ON DOCKET

DATE 3-17-97

FILED

MAR 17 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

The defendant, SANFORD LEE RANKINS, was represented by Craig Bryant.

The defendant pleaded guilty to count(s) 1 of the Indictment on December 20, 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, 843(a)(3)	Conspiracy to Obtain and Obtaining Controlled Substance by Fraud	10/20/94	1

As pronounced on March 12, 1997, 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 17th day of March, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 448-40-4567
Defendant's Date of Birth: 05-27-41
Defendant's residence and mailing address: 602 S.W. 12th, Wagoner, OK 74467

Defendant: SANFORD LEE RANKINS

Case Number: 96-CR-159-001-K

PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 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 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 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: SANFORD LEE RANKINS
Case Number: 96-CR-159-001-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	6
Criminal History Category:	II
Imprisonment Range:	1 to 7 months - Ct. 1
Supervised Release Range:	1 year - Ct. 1
Fine Range:	\$ 500 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.

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UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

ENTREPRENEUR
DATE 3-17-97

v.

Case Number 96-CR-157-001-K ✓

DUDLEY ALTON NEWMAN
Defendant.

FILED
MAR 17 1997

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT ✓

The defendant, DUDLEY ALTON NEWMAN, was represented by Tom H. Bruner.

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

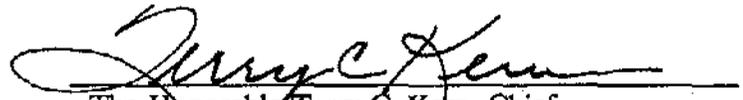
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846, 843(a)(3)	Conspiracy to Obtain and Obtaining Controlled Substance by Fraud	10/94	1

As pronounced on March 12, 1997, the defendant is sentenced as provided in pages 2 through 4 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 17th day of March, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 448-52-2028
Defendant's Date of Birth: 10-26-51
Defendant's residence and mailing address: P.O. Box 626, Skiatook, OK 74070

Defendant: DUDLEY ALTON NEWMAN
Case Number: 96-CR-157-001-K

PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall 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 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: DUDLEY ALTON NEWMAN
Case Number: 96-CR-157-001-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 \$ 2,000.00. 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: DUDLEY ALTON NEWMAN
Case Number: 96-CR-157-001-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	6
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months - Ct. 1
Supervised Release Range:	1 year - Ct. 1
Fine Range:	\$ 500 to \$ 5,000 - 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.

pen

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON CLERK'S
DATE 3-17-97

UNITED STATES OF AMERICA

v.

Case Number 96-CR-148-005-K

RAY BASHERA FISHER
Defendant.

F I L E D

MAR 17 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

The defendant, RAY BASHERA FISHER, was represented by Art Fleak.

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

The defendant pleaded guilty to count(s) 1 and 2 of the Indictment on December 20, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

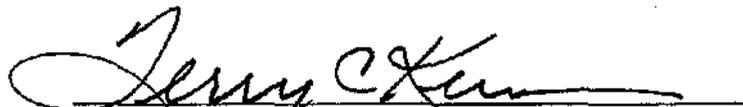
Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 371	Conspiracy	09/16/96	1
18 USC 2113(a), (d) and 2	Armed Bank Robbery and Aiding & Abetting	09/18/96	2

As pronounced on March 12, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 17th day of March, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 447-66-5232
Defendant's Date of Birth: 04-21-70
Defendant's residence and mailing address: 3576 E. Woodrow Place, Tulsa, OK 74126

Defendant: RAY BASHERA FISHER
Case Number: 96-CR-148-005-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 136 months. This term consists of 60 months as to Count 1, and 136 months as to Count 2, said counts 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: RAY BASHERA FISHER
Case Number: 96-CR-148-005-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years. This term consists of 3 years as to Count 1 and 5 years as to Count 2, said terms 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.

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: RAY BASHERA FISHER

Case Number: 96-CR-148-005-K

RESTITUTION AND FORFEITURE**RESTITUTION**

The defendant shall make restitution in the total amount of \$10,282.71 on Counts 1 and 2.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Liberty Bank Attn: Janet Siegel P.O. Box 25848 Oklahoma City, OK 73132	\$1,544.50
ICI Americas Attn: C. Fountain P.O. Box 819 Valley Forge, Pennsylvania 19482	\$4,687.50
Dan F. O'Rourke 1520 E. 41st St. Tulsa, OK 74105	\$ 48.00
Hall Security Services 8301 E. 51st St. Tulsa, OK 74145	\$ 691.75
Paul R. Schrader 11527 E. 7th St. Tulsa, OK 74116	\$ 882.38
American States Ins. Co. 7912 E. 31st St. Tulsa, OK 74145	\$1,678.58
Phyllis Williams 651 E. Mohawk Blvd. Tulsa, OK 74106	\$ 750.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma 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, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

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

Defendant: RAY BASHERA FISHER
Case Number: 96-CR-148-005-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except: Defendant shall receive a 2 level reduction in the offense level based on minor participant, pursuant to USSG § 3B1.2(b). Defendant's name shall be removed from the facts presented in paragraph 13 of the Presentence Investigation Report.

Guideline Range Determined by the Court:

Total Offense Level:	27
Criminal History Category:	IV
Imprisonment Range:	121 months to 151 months
Supervised Release Range:	2 to 5 years
Fine Range:	\$ 15,000 to \$ 150,000
Restitution:	\$ 10,282.71

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

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): Sentence is imposed in the middle of the guideline range based on the danger the defendant poses to the community, the guidelines did not fully take into account the assault on the security guard, and the defendant was granted a role adjustment as a minor participant.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE 3-13-97

UNITED STATES OF AMERICA

v.

Case Number 96-CR-165-002-K

DEON LAWAYNE TUCKER
Defendant.

FILED

MAR 13 1997

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, DEON LAWAYNE TUCKER, was represented by William D. Lunn.

On motion of the United States the court has dismissed count(s) 1, 2, 4, and 5 of the Indictment.

The defendant pleaded guilty to count(s) 3 of the Indictment on December 11, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

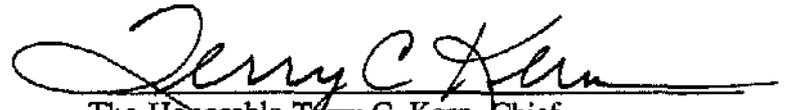
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 924(c)	Possession of a Firearm During Commission of a Violent Act	08/12/96	3

As pronounced on March 3, 1997, 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) 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 12 day of March, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 442-80-9056

Defendant's Date of Birth: 01/07/68

Defendant's residence and mailing address: 1390 E. 51st Pl. N., Tulsa, OK 74126

Defendant: DEON LAWAYNE TUCKER
Case Number: 96-CR-165-002-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 60 months. Said term to run consecutively to the terms imposed in Counts 1 and 2 of Northern District of Oklahoma case 96-CR-148-001-K.

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: DEON LAWAYNE TUCKER
Case Number: 96-CR-165-002-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years as to Count 3, to run concurrently with Counts 1 and 2 of 96-CR-148-001-K.

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: DEON LAWAYNE TUCKER
Case Number: 96-CR-165-002-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$11,503.85 on Count 3.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Action Pawn and Jewelry Attn: Robert McGee 5056 N. Peoria Tulsa, OK 74126	\$11,503.85

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma 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: DEON LAWAYNE TUCKER
Case Number: 96-CR-165-002-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:	N/A
Criminal History Category:	N/A
Imprisonment Range:	60 months - Ct. 3
Supervised Release Range:	2 to 3 years - Ct. 3
Fine Range:	\$ 0 to \$ 250,000 - Ct. 3
Restitution:	\$ 11,503.85

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 3-13-97

UNITED STATES OF AMERICA

v.

Case Number 96-CR-148-001-K

DEON LAWAYNE TUCKER
Defendant.

F I L E D

MAR 13 1997

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, DEON LAWAYNE TUCKER, was represented by William D. Lunn.

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

The defendant pleaded guilty to count(s) 1 and 2 of the Indictment on November 13, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

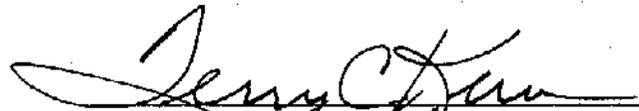
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
8 USC 371	Conspiracy	09/18/96	1
18 USC 2113(a) and (d); and (2)	Bank Robbery and Aiding & Abetting	09/18/96	2

As pronounced on March 3, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 12 day of March, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 442-80-9056

Defendant's Date of Birth: 01/07/68

Defendant's residence and mailing address: 1390 E. 51st Pl. N., Tulsa, OK 74126

Defendant: DEON LAWAYNE TUCKER

Case Number: 96-CR-148-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 115 months. This term consists of: 60 months in Count 1, and 115 months as to Count 2, said counts 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: DEON LAWAYNE TUCKER
Case Number: 96-CR-148-001-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to Count 2, two (2) years as to Count 1, 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 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: DEON LAWAYNE TUCKER
Case Number: 96-CR-148-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution as to Count 1 in the total amount of \$10,282.71.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Liberty Bank Attn: Janet Siegel P.O. Box 25848 Oklahoma City, OK 7312	\$1,544.50
ICI Americas Attn: C. Fountain P.O. Box 819 Valley Forge, Pennsylvania 19482	\$4,687.50
Dan F. O'Rourke 1520 East 41st Street Tulsa, OK 74105	\$ 48.00
Hall Security Services 8301 East 51st Street Tulsa, OK 74145	\$ 691.75
Paul R. Schrader 11527 E. 7th Street Tulsa, OK 74116	\$ 882.38
American States Insurance Company 7912 East 31st Street Tulsa, OK 74145	\$1,678.58
Phyllis Williams 651 E. Mohawk Blvd. Tulsa, OK 74106	\$ 750.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma 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, except that no further payment shall be required after the sum of the amount actually paid by all defendants has fully covered the compensable injury.

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

Defendant: DEON LAWAYNE TUCKER
Case Number: 96-CR-148-001-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except: A 2 level increase for restraint of victim under USSG § 2B3.1(b)(4)(B), does not apply. Pursuant to USSG § 3D1.4, the resulting offense level is 30.

Guideline Range Determined by the Court:

Total Offense Level:	30
Criminal History Category:	I
Imprisonment Range:	97 months to 121 months - Cts. 1 & 2
Supervised Release Range:	2 to 3 years - Ct. 1 3 to 5 years - Ct. 2
Fine Range:	\$15,000 to \$150,000
Restitution:	\$ 10,282.71

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 3-13-97

UNITED STATES OF AMERICA

v.

Case Number 96-CR-148-002-K

F I L E D

RONALD DEWAYNE PERKINS
Defendant.

MAR 13 1997

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, RONALD DEWAYNE PERKINS, was represented by William E. Hughes.

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

The defendant pleaded guilty to count(s) 1 and 2 of the Indictment on November 13, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

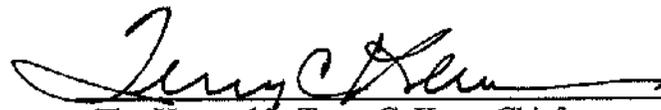
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
8 USC 371	Conspiracy	09/18/96	1
18 USC 2113(a) and (d)	Bank Robbery and Aiding & Abetting	09/18/96	2

As pronounced on March 3, 1997, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

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

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

Signed this the 12 day of March, 1997.


 The Honorable Terry C. Kern, Chief
 United States District Judge

Defendant's SSN: 547-43-2968

Defendant's Date of Birth: 08/06/75

Defendant's mailing address: 2186 E. 101st St., Los Angeles, CA 90002

Defendant's residence address: Currently in custody at the Tulsa County Jail, 500 S. Denver, Tulsa, OK 74103

Defendant: RONALD DEWAYNE PERKINS
Case Number: 96-CR-148-002-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 121 months. This term consists of 60 months as to Count 1, and 121 months as to Count 2, said counts 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: RONALD DEWAYNE PERKINS
Case Number: 96-CR-148-002-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years, 3 years as to Count 1, and 5 years as to Count 2, both terms to run concurrently.

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: RONALD DEWAYNE PERKINS

Case Number: 96-CR-148-002-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$10,282.71 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>
Liberty Bank Attn: Janet Siegel P.O. Box 25848 Oklahoma City, Oklahoma 73132	\$1,544.50
ICI Americas Attn: C. Fountain P.O. Box 819 Valley Forge, Pennsylvania 19482	\$4,687.50
Dan O'Rourke 1520 East 41st St. Tulsa, Oklahoma 74105	\$ 48.00
Hall Security Services 8301 E. 51st St. Tulsa, Oklahoma 74145	\$ 691.75
Paul R. Schrader 11527 E. 7th St. Tulsa, Oklahoma 74116	\$ 882.38
American States Insurance Co. 7912 E. 31st St. Tulsa, Oklahoma 74145	\$1,678.58
Phyllis Williams 651 Mohawk Blvd. Tulsa, Oklahoma 74106	\$ 750.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma 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, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

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

Defendant: RONALD DEWAYNE PERKINS
Case Number: 96-CR-148-002-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:	31
Criminal History Category:	I
Imprisonment Range:	108 months to 135 months
Supervised Release Range:	2 to 5 years
Fine Range:	\$ 15,000 to \$ 150,000
Restitution:	\$ 10,282.71

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): A sentence within the mid-range of the guidelines has been imposed, based on the danger the defendant poses to the community, and that the guidelines have not fully taken into account the assault on the security officer as noted in Part E of the Presentence Report.

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-143-001-H

PHILLIP M. KERNS
Defendant.

FILED

MAR 12 1997

Phil Lombardi, Clerk
DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1983)

The defendant, PHILLIP M. KERNS, was represented by Gerald R. Lee.

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 December 3, 1996. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1341	Mail Fraud	12/31/94	2

As pronounced on March 4, 1997, 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) 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 11th day of MARCH, 1997.


The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 014-40-7877

Defendant's Date of Birth: 10-29-48

Defendant's residence and mailing address: 6602 E. 73rd. Place, Tulsa, Oklahoma 74133

Defendant: PHILLIP M. KERNS
Case Number: 96-CR-143-001-H

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 4 months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.

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: PHILLIP M. KERNS
Case Number: 96-CR-143-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$3,000.00 on Count 2.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Ward Gas Services, Inc. P.O. Box 1187 Enid, OK 73702	\$3,000.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma 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: PHILLIP M. KERNS
Case Number: 96-CR-143-001-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:	9
Criminal History Category:	I
Imprisonment Range:	4 months to 10 months - Ct. 2
Supervised Release Range:	2 to 3 years - Ct. 2
Fine Range:	\$ 1,000 to \$ 10,000 - Ct. 2
Restitution:	\$ 53,602.45

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

MAR 5 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 GARY B. HOBBS,)
)
 Defendant.)

Case No. 91-CR-18-E ✓
93-C-66-E

RECEIVED BY CLERK

MAR 06 1997

ORDER

Now before the Court is the Motion to Vacate Sentence, Or In the Alternative, Motion for Correction of Sentence and Motion for Release Pending Proceedings (docket #139), of the Defendant Gary B. Hobbs.

Pursuant to the terms of a Plea Agreement, in June, 1991, Hobbs pled guilty to eighteen counts of engaging in a scheme to defraud a federally insured institution, embezzlement of funds belonging to the Government National Mortgage Association, and money laundering. On September 10, 1991, he was sentenced to 90 months incarceration on each count, with the sentences to run concurrently. Hobbs did not appeal his sentence. He did, however, file a 28 U.S.C. §2255 Motion to Vacate on January 25, 1993. In that motion, he alleged 1) selective prosecution; 2) prosecutorial misconduct because of the withholding of exculpatory evidence from the grand jury and the presentation of false or misleading evidence to the grand jury; 3) violation of his constitutional rights by the illegal seizure of his business records and assets; 4) coercion in order to obtain a guilty plea; 5) bad faith on the part of the prosecutor in obtaining the plea; 6) inadequacy of the guilty plea because of failure to state the essential elements of the crime; 7) ineffective assistance of counsel; and

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8) errors in sentencing. The Court denied that Motion to Vacate, finding that by entering a plea of guilty, and failing to appeal his sentence, Hobbs had waived all error in absence of "cause and prejudice." The Court found that there was no "cause and prejudice" for the failure to appeal. On March 30, 1994, the Court of Appeals affirmed the denial of the Motion to Vacate, rejecting Hobbs' arguments that his guilty plea was not knowing and voluntary.

On May 11, 1994, Hobbs filed a second Motion to Vacate, renewing and supplementing his claims of ineffective assistance of counsel, asserting that counsel incorrectly advised him not to take a direct appeal, and failed to raise on direct appeal meritorious challenges to his guilty plea and sentence. The Court again denied Hobbs' motion, finding that "all of Defendant's arguments as to cause have been previously considered by this Court and found inadequate." On June 27, 1995, the Court of Appeals again affirmed the Order of the district court, finding that his second motion constituted an abuse of the writ.

In his third Motion to Vacate, Hobbs asserts that new evidence demonstrates that he was not guilty of the crimes to which he pled guilty, and that he improperly received a sentencing enhancement for his "leadership role" in the offense. Inasmuch as this is a "successive" §2255 petition, Rule 9(b), Rules governing Section 2255 Proceedings applies:

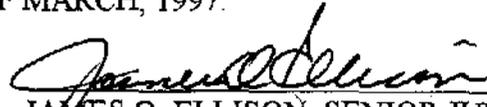
A second or successive petition may be dismissed if the judge finds that it fails to allege new or different grounds for relief and the prior determination was on the merits or, if new and different grounds are alleged, the judge finds that the failure of the petitioner to assert those grounds in a prior petition constituted an abuse of the writ.

The government asserts that Hobbs' motion fails under Rule 9(b). The government argues that the "new evidence" is irrelevant in light of the Court of Appeals' earlier finding that Hobbs' guilty plea was knowing and voluntary. The Court agrees. By pleading guilty, Hobbs waived all

nonjurisdictional defects. United States v. Gines, 964 F.2d 972, 977 (10th Cir. 1992). In addition, Hobbs' arguments regarding sentencing are without merit. After reviewing the record, the Court is convinced that the enhancement is appropriate in light of the conduct to which Hobbs plead guilty.

Hobbs' Motion to Vacate Sentence, or in the Alternative, Motion for Correction of Sentence, and Motion for Release Pending Proceedings (Docket #139) is denied. In light of this ruling, Hobbs' Motion to Grant Discovery (Docket #141) is denied as moot.

IT IS SO ORDERED THIS 5TH DAY OF MARCH, 1997.


JAMES O. ELLISON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

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

FILED

MAR 4 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 KEIR DULLEA SPROUTS,)
)
 Defendant.)

Case No. 92-CR-54-03-E ✓
95-CR-122-E

ENTERED ON THE COURT

~~MAR 3 5 1997~~

ORDER

Now before the Court is the Motion for an Order Compelling the Government to Show Cause Why the Motion for Reduction of Sentence Pursuant to Title 18 U.S.C. §35(b) has not been filed (Docket #'s 94 and 4) of the Defendant Keir Dullea Sprouts.

Sprouts asserts, with identical motions in both of his criminal cases, that he was promised a Fed.R.Crim.P. 35(b) reduction of his sentence in return for his agreement to testify against Leon Chitman in the Eastern District of Louisiana. Sprouts admits that he ultimately was not called to testify against Chitman, but maintains that he is entitled to the sentence reduction because he "kept his end of the bargain" by telling Chitman's attorney that he was in New Orleans to be a witness for the government against Chitman, and that he would be testifying for the government.

He asserts that the government breached its agreement by not filing the motion to this court, "as promised." The government argues that this issue was waived because it was not raised on direct appeal, and that the failure to file a motion for reduction

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of sentence was totally proper in this case because Sprouts was not helpful to the government's position in the Chitman case.

Fed.R.Crim. P. 35(b) provides:

The court, on motion of the Government made within one year after the imposition of the sentence, may reduce a sentence to reflect a defendant's subsequent, substantial assistance in the investigation or prosecution of another person who has committed an offense, in accordance with the guidelines and policy statements issued by the Sentencing Commission pursuant to section 994 of title 28, United States Code. The court may consider a government motion to reduce a sentence made one year or more after imposition of the sentence where the defendant's substantial assistance involves information or evidence not known by the defendant until one year or more after imposition of sentence. The court's authority to reduce a sentence under this subsection includes the authority to reduce such sentence to a level below that established by statute as a minimum sentence.

The government points out that a reduction of sentence may only be granted upon the filing of a motion by the government. United States v. Easter, 981 F.2d 1549, 1555 (10th Cir. 1992). Courts can review the government's refusal to file a Rule 35(b) motion only in three instances:

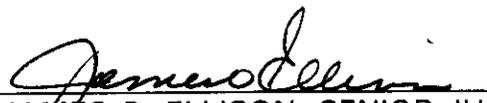
[1] if the refusal violates an agreement with the government . . . [2] if the refusal was based on an unconstitutional motive . . . or [3] "in an egregious case . . . where the prosecution stubbornly refuses to file a motion despite overwhelming evidence that the accused's assistance has been so substantial as to cry out for meaningful relief."

United States v. Lee, 989 F.2d 377 (10th Cir. 1993). The letter of the assistant U.S. attorney for the Eastern District of Louisiana provides a plausible, and uncontroverted, reason for not filing the motion. According to that letter Sprouts simply did not provide substantial assistance to the government. He did not testify, and could not be used to testify because the U.S. attorney believed he was being less than candid.

Moreover, there is no evidence of a formal agreement between the parties.

The court is convinced that none of the three instances requiring review exists in this case. Sprouts' Motion for an Order Compelling the Government to Show Cause Why the motion for Reduction of Sentence Pursuant to Title 18 U.S.C. §35(b) Has Not Been Filed (Docket #'s 94 and 4) is denied.

IT IS SO ORDERED THIS 4th DAY OF MARCH, 1997.


JAMES O. ELLISON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

Entered on Docket

3/5/97

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-156-001-K

JOHN DANIEL RITZ
Defendant.

FILED

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

MAR 04 1997

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, JOHN DANIEL RITZ, was represented by Jack Short.

The defendant was found guilty on count(s) 1 of the Indictment on December 19, 1996 after a plea of not guilty. Accordingly, the defendant is adjudged guilty of such count(s), involving the following offense(s):

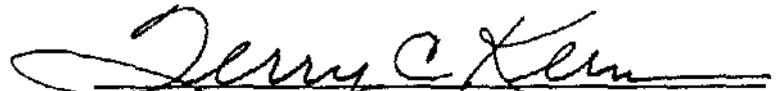
Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 846, 843(a)(3)	Conspiracy to Obtain and Obtaining Controlled Substance by Fraud	10/11/94	1

As pronounced on February 13, 1997, 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 3rd day of March, 1997.


The Honorable Terry C. Kern, Chief
United States District Judge

Defendant's SSN: 444-56-5363
Defendant's Date of Birth: 01/07/56
Defendant's residence and mailing address: 109 N. Polk, Wagoner, OK 74467

Defendant: JOHN DANIEL RITZ
Case Number: 96-CR-156-001-K

PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
5. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 4 months, to commence within 7 days of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office.

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: JOHN DANIEL RITZ
Case Number: 96-CR-156-001-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:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months - Ct. 1
Supervised Release Range:	2 to 3 years - Ct. 1
Fine Range:	\$ 1,000 to \$ 10,000 - 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.

CPM