

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

NOV 24 1997 *rm*

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

United States of America,

Plaintiff

v.

Arcadio Lee

Defendant

Case No.: 96-CR-091-002-BU ✓

ENTERED ON DOCKET

DATE 11-24-97

ORDER REVOKING PROBATION

Now on this 20th day of November 1997, this cause comes on for sentencing, concerning allegations that the defendant violated conditions of probation as set out in the Petition on Probation filed September 11, 1997. The defendant is present in person and represented by counsel, Stan Monroe, the Government by Scott Woodward, Assistant U.S. Attorney, and the United States Probation Office is represented by Frank M. Coffman.

On October 24, 1996, Lee appeared for sentencing after pleading guilty to Conspiracy to Commit Robbery Affecting Interstate Commerce, a violation of 18 U.S.C. § 1951. Lee was sentenced to a five (5) year term of probation.

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 Rosanne Smiller  
Deputy

On September 11, 1997, a petition was filed in the Northern District of Oklahoma alleging that Lee violated conditions of his probation. On October 20, 1997, the defendant appeared before the Honorable Michael Burrage for a Revocation Hearing on the violations listed in the Petition on Probation filed September 11, 1997. The Court found that Lee had violated his conditions of probation as alleged in the Petition on Probation.

As a result of the Sentencing Hearing, the Court revokes the defendant's probation. Pursuant to the Sentencing Reform Act of 1984, the Court finds that the instant offense and the violations noted in the Petition on Probation filed September 11, 1997, 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 U.S.S.G. § 7B1.1(a)(3), and that the defendant's original Criminal History Category of I is applicable for determining the imprisonment range. In addition, the Court finds that "Grade C" violations and a Criminal History Category of I establish a revocation imprisonment range of three (3) to nine (9) months, in accordance with U.S.S.G. § 7B1.4(a) and 18 U.S.C. § 3565(a)(2). In consideration of these findings and pursuant to U.S. v. Lee, 957 F 2d 770 (10th Cir., 1992) cert. denied, 113 S. Ct. 475 (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 the judgment of the Court that the defendant, Arcadio Lee, is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of twelve (12) months and one (1) day. The defendant shall serve a two (2) year term of supervised release after his period of incarceration. The standard conditions of Supervised Release are imposed in addition to the following special conditions:

1. The defendant shall successfully participate in a program of testing and treatment (to include inpatient, if necessary) for drug and alcohol abuse, as directed by the Probation Officer.
2. The defendant shall submit to a search conducted by the 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

acknowledgment shall be provided to the U.S. Probation Officer immediately upon taking residency.

3. The defendant shall abstain from the use of alcohol and/or other intoxicants.

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

  
The Honorable Michael Burrage  
United States District Judge

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

FILED

NOV 18 1997

UNITED STATES OF AMERICA

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

v.

Case Number 96-CR-038-001-B

WILMA FAY COFFMAN  
Defendant.

ENTERED ON DOCKET  
DATE 11-18-97

**AMENDED JUDGMENT IN A CRIMINAL CASE**  
Correction of Sentence on Remand (Fed. R. Crim. P. 35(a))  
(For Offenses Committed On or After November 1, 1987)

The defendant, WILMA FAY COFFMAN, was represented by Art Fleak.

On motion of the United States the court has dismissed count(s) 2 through 9 of the Indictment.

The defendant pleaded guilty to count(s) 1 of the Indictment on June 4, 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 1341 & 2	Mail Fraud and Causing a Criminal Act	07/27/95	1

As pronounced on November 14, 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 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<sup>th</sup> day of November, 1997.

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 [Signature]  
Deputy

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

Defendant's SSN: 429-84-6020

Defendant's Date of Birth: 12/11/44

Defendant's residence and mailing address: Central Mississippi Correctional Facility, P.O. Box 88550, Pearl, MS

Defendant: WILMA FAY COFFMAN  
Case Number: 96-CR-038-001-B

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 36 months. The Court notes for the record that this sentence is not a departure from the Court determined sentence of 60 months, but provides credit for approximately 24 months served in state custody under Hancock County, Mississippi, Cause Number 7942, that will be credited toward this federal sentence, as directed by USSG § 5G1.3(b).

The Court makes the following recommendations to the Bureau of Prisons: This Court recommends that the Bureau of Prisons designate the Mississippi Department of Corrections to be the place of service of this sentence, thereby making this sentence concurrent with the defendant's imprisonment pursuant to the Judgment in Circuit Court of Hancock County, Mississippi Cause Number 7942.

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: WILMA FAY COFFMAN

Case Number: 96-CR-038-001-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 submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

The defendant shall be prohibited from engaging in any form of employment related to the telemarketing industry. Furthermore, all employment shall be approved in advance, by the U.S. Probation Office.

**STANDARD CONDITIONS OF SUPERVISION**

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

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

Defendant: WILMA FAY COFFMAN  
Case Number: 96-CR-038-001-B

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$19,649.60.

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

Doris Armstead, 400 Washington Avenue N., Institute, West Virginia 25122, \$150; Sarah Bell, 28 Edgar Street, Petersburg, West Virginia 26847, \$300; Betty Campbell, 20641 Conty Road, Coshocton, Ohio 43812, \$381.50; Sadie Champagne, 355 Rochdale Street, Auburn, Massachusetts 01501, \$200; John F. Chapman, Dalton, Georgia, \$200; Kermit Dunn, Lakeland, Florida, \$230; Helen Forsyth, San Francisco, California, \$250; Katherine Furrey, 1535 Clarkson #7, Des Moines, Iowa 50310, \$365; Helen Friedeberg, 116 Central Park Apt. 3A, New York, New York 10019, \$500; Arthur Giblin, 4 Eighth Street, Nashua, New Hampshire 03060, \$150; Jewel Gilbert, 1813 Hampshire Street, Grand Prairie, Texas 75050, \$5,000; Delores Jahn, 1320 9th Ave., Kearney, Nebraska 68847, \$100; Jo Nell Leggett, 206 W. Rancier, Killeen, Texas 76541, \$150; Annabelle Lord, 3134 Laurel Rd., Longview, Washington 98632, \$271; Ruth Lucas, 410 Newstead Ave. N. Apt. 2W, St. Louis, Missouri 63108, \$5,000; Femme Magdaleno, 25033 Court St., Loma Linda, California 92354, \$542; Ruth Neiberger, 1411 7th Street, Greeley, Colorado 80631, \$1,500; Diana Rios, 4501 Dovehill Dr., Austin, Texas 78744, \$510.10; Jerome Scieniewski, 12 Chaplin Street, Southbridge, Massachusetts 01550, \$2,800; Heiderose Smith, 5052 E. 108th, Thornton, Colorado 80233, \$900; and Raymond Wallace, 22586 Lukens Lane, Perris, California 92570, \$150.

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

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

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

Defendant: WILMA FAY COFFMAN  
Case Number: 96-CR-038-001-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:	24
Criminal History Category:	I
Imprisonment Range:	51 months to 60 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 10,000 to \$ 100,000
Restitution:	\$ 19,649.60

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**  
NOV 18 1997

UNITED STATES OF AMERICA

v.

Case Number 92-CR-047-003-B

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

REDERICK RAY CHATMAN  
Defendant.

ENTERED ON DOCKET  
DATE 11-18-97

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

The defendant, REDERICK RAY CHATMAN, was represented by Milton C. Grimes.

On motion of the United States the court has dismissed Count 1 of the Indictment.

The defendant pleaded guilty August 8, 1997, to Count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 1952 & 2	Interstate Travel in Aid of Unlawful Activity and Aiding and Abetting	3/89	1

As pronounced on November 14, 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, for Count 1 of the Information, which shall be due immediately.

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

Signed this the 18<sup>th</sup> day of November, 1997.

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 [Signature]  
Deputy

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

Defendant's SSN: 559-41-2107

Defendant's Date of Birth: 5/23/65

Defendant's residence and mailing address: 500 S. Denver, Tulsa OK 74103

Defendant: REDERICK RAY CHATMAN  
Case Number: 97-CR-047-003-B

**IMPRISONMENT**

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

The 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: REDERICK RAY CHATMAN  
Case Number: 97-CR-047-003-B

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (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 as soon as possible, but in no event, later than 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.
- 1) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: REDERICK RAY CHATMAN  
Case Number: 97-CR-047-003-B

**FINE**

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

The defendant shall pay a fine of \$ 1,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: REDERICK RAY CHATMAN  
Case Number: 97-CR-047-003-B

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	37
Criminal History Category:	1
Imprisonment Range:	210 months to 262 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 20,000 to \$ 200,000
Restitution:	\$ n/a

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.

DATE 11/18/97

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 97-CR-116-001-H

PAUL RICHARD JASTRZEMBSKI  
Defendant.

**FILED**

NOV 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, PAUL RICHARD JASTRZEMBSKI, was represented by Richard D. White, Jr..

The defendant pleaded guilty August 29, 1997, to Counts 1, 2, & 3 of the Indictment. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy	7/10/97	1
18 USC 1623	False Declarations Before the Court	7/10/97	2
18 USC 1622	Subornation of Perjury	7/10/97	3

As pronounced on November 14, 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 \$ 300, for Counts 1, 2, & 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 18<sup>th</sup> day of November, 1997.

for Michael A. Bunnage  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 461-86-3591  
Defendant's Date of Birth: 06/25/56  
Defendant's residence and mailing address: U.S. Penitentiary - El Reno, P.O. Box 1000, Highway 66 West, El Reno OK 73036-1000

Defendant: PAUL RICHARD JASTRZEMBSKI  
Case Number: 97-CR-116-001-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 120 months. This term consists of 60 months as to Count 1, 30 months as to Count 2, and 30 months as to Count 3, said terms to run consecutively to one another for a total sentence as to Counts 1, 2, & 3 of 120 months. Said sentences shall run consecutively to Northern District of Oklahoma Case 90-CR-074-002-C.

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

**RETURN**

I have executed this Judgment as follows:

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

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

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

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

Defendant: PAUL RICHARD JASTRZEMBSKI

Case Number: 97-CR-116-001-H

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years as to Counts 1, 2, & 3, said terms to run concurrently with each other and concurrently with the terms of supervised release imposed in Northern District of Oklahoma Case 90-CR-074-002-C.

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 jurisdiction to which he is released as soon as possible, but in no event later than 72 hours of release from custody.
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: PAUL RICHARD JASTRZEMBSKI  
Case Number: 97-CR-116-001-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 \$ 1,000, as to Count 1.. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: PAUL RICHARD JASTRZEMBSKI  
Case Number: 97-CR-116-001-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:	25	
Criminal History Category:	VI	
Imprisonment Range:	110 months to 137 months	Cts. 1, 2 & 3
Supervised Release Range:	2 to 3 years	Cts. 1, 2, & 3
Fine Range:	\$ 10,000 to \$ 100,000	Cts. 1, 2, & 3
Restitution:	\$ n/a	

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

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s): The Court has selected a sentence in the middle of the applicable guideline range to reflect the serious nature of the offense, to impose just punishment, and to defer future criminal acts.

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 14 1997

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

United States of America, )  
 )  
 Plaintiff )  
 )  
 vs. )  
 )  
 Marcoe Lajuan Lowe )  
 )  
 Defendant )

Case No.: 93-CR-035-001-C

ENTERED ON DOCKET

DATE 11/14/97

**ORDER MODIFYING CONDITIONS OF SUPERVISED RELEASE**

Now on this 14th day of November 1997, this cause comes for revocation hearing, concerning allegations that the defendant violated conditions of Supervised Release as set out in the Petition on Supervised Release filed October 15, 1997. The defendant is present in person and represented by counsel, William Hughes, the Government by Susan Morgan, Assistant U.S. Attorney, and the United States Probation Office is represented by Greg Johnson.

As a result of this hearing, the Court passes the revocation hearing for four months. The Court modifies the defendant's conditions of supervised release as follows:

1. The defendant shall reside in the Community Sanction Center (CSC), located in Tulsa, Oklahoma, for a period of four (4) months. Confinement shall begin at the Community Sanction Center being

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

Phil Lombardi, Clerk  
By Brenda McLaughlin  
Deputy

designated by the Federal Bureau of Prisons. The defendant shall abide by all rules and regulations as set forth by the CSC. The defendant shall participate in counseling and urine testing at the CSC. The defendant shall remain in the Tulsa County Jail until placement in the Community Sanction Center is obtained from the Federal Bureau of Prisons.

2. The defendant shall not have any contact, in person, by correspondence, by telephone, or any other means, with Shantale Lowe.

All other conditions of supervised release will remain in effect.

  
The Honorable H. Dale Cook  
Senior United States District Judge

**FILED**

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

NOV 14 1997

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA )  
Plaintiff )  
VS )  
GEORGE W. ELIAS, SR. )  
Defendant )

Case Number: 93-CR-086-001-E

**ENTERED ON DOCKET**

DATE 11/14/97

**ORDER REVOKING TERM OF SUPERVISED RELEASE**

Now on this 12th day of November, 1997, this cause comes on for sentencing after a finding that the defendant violated his term of supervised release conditions as set out in the Petition on Supervised Release filed on October 1, 1997. The defendant is present in person and with his attorney, Phil Frazier. The Government is represented by Assistant United States Attorney Charles McLoughlin, and the United States Probation Office is represented by Bradford Stewart.

On November 4, 1993, Elias was sentenced to a four year term of supervised release in Northern District of Oklahoma case 93-CR-086-001-E, following his guilty plea to a two-count Indictment which charged False Statement on Loan Application (Count Two), in violation of 18 U.S.C. § 1014, and Aiding and Abetting (Count One), in violation of 18 U.S.C. § 2. Elias was ordered to pay a special assessment of \$100 and to make restitution in the amount of \$18,526. The term of supervised release commenced on December 17, 1993.

On October 1, 1997, a Petition on Supervised Release was filed in the Northern District of Oklahoma alleging several technical violations. The revocation hearing was conducted on November 12, 1997, with a finding that the defendant violated his conditions of supervised release as presented in the Petition.

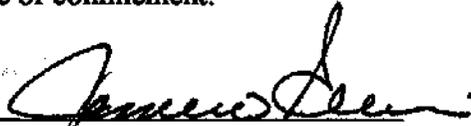
United States District Court }  
Northern District of Oklahoma } SS  
I hereby certify that the foregoing  
is a true copy of the original on file  
in this court.

Phil Lombardi, Clerk  
By Bradford Stewart  
Deputy

Pursuant to USSG §7B1.1(a)(3), conduct constituting a violation of a condition of supervision is a Grade C violation. Upon a finding of a Grade C violation the term of supervised release may be revoked, or the term may be extended and/or the conditions of supervision modified, pursuant to USSG §7B1.3(a)(2). A Grade C violation and Criminal History Category of I establish an imprisonment range of 3-9 months. In consideration of these findings and pursuant to U.S. v Lee, 957 F.2d 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 are not mandatory but must be considered by the Court, the following is ordered:

The term of supervised release is hereby revoked, and the defendant is committed to the custody of the Bureau of Prisons for a term of 3 months.

The defendant shall report to the facility designated by the Bureau of Prisons before 12:00 p.m. on January 5, 1998. It is recommended to the Bureau of Prisons that the Turley Correctional Center in Tulsa, Oklahoma, be designated as the place of confinement.

  
The Honorable James O. Ellison  
Senior United States District Judge

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

FILED

NOV 12 1997

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
)  
Plaintiff, )  
)  
vs. )  
)  
BRENT LAMAR SMALLWOOD, )  
)  
Defendant. )

Case No. 92-CR-138-E

ENTERED ON DOCKET  
DATE NOV 13 1997

ORDER

Now before the Court is the Motion Pursuant to 28 U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence (Docket #25) of the Defendant Brent Lamar Small wood.

On January 20, 1993, Smallwood was convicted by a jury of Possession of a Controlled Substance with Intent to Distribute, in violation for 21 U.S.C. §844(a), and Possession of a Firearm While in the Commission of a Drug Trafficking Crime, in violation of 18 U.S. C. §924(c). He was sentenced to 63 months on Count I, and 60 months on Count II, with the sentences to run consecutively. He did not appeal his sentence, but now argues that his conviction and sentence on the gun charge should be vacated in light of Bailey v. United States, 116 S.Ct. 501 (1995), which addressed the standard to use in determining whether someone had "used" a firearm under §924(c).

The undisputed facts are as follows. On March 10, 1992, Tulsa Police Department officers were surveilling an apartment complex due to previous knowledge that vacant apartments were being used for drug distribution activities. Officers knocked on an apartment that they had observed an individual enter and were allowed to enter. While the officers were inside the apartment, Smallwood knocked on the door and the officers let him in. Officers searched him and discovered a loaded .22

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caliber derringer and a package containing 8.5 grams of cocaine base on his person.

Smallwood was charged with "carrying" a firearm during an in relation to the drug trafficking crime of possession with intent to distribute crack cocaine and possession of a controlled substance with intent to distribute. He proceeded to trial. The instructions to the jury, on the firearm charge were as follows:

#### The Nature of the Offense Charged

Count two of the Indictment charges that on or about the 10th day of March, 1992, within the Northern District of Oklahoma, the Defendant, Brent Lamar Smallwood, carried a firearm, namely, a high standard two-shot derringer magnum .22 caliber pistol, serial number D88734 during and in relation to the commission of a drug trafficking crime, namely possessing cocaine base (crack cocaine), a schedule II controlled substance.

\*\*\*\*\*

#### The Statute Defining the Offense Charged

Section 924(c) of Title 18 of the United States Code Provides, in part, that "whoever, during and in relation to any crime of violence or drug trafficking crime . . . , uses or carries a firearm, shall, . . ." be guilty of an offense against the United States.

\*\*\*\*\*

#### The Essential Elements of the Offense Charged

In order to sustain its burden of proof for the crime of using or carrying a firearm during and in relation to a crime of violence or drug trafficking crime, as charged in count one of the indictment, the government must prove the following two essential elements beyond a reasonable doubt:

- 1) The Defendant committed the crime of possession of a firearm while in the commission of a drug trafficking crime as charged in the indictment, and
- 2) During and in relation to the commission of that crime, the Defendant knowingly used or carried a firearm.

\*\*\*\*\*

### Uses or Carries a Firearm, Defined

The phrase "uses or carries a firearm" means having a firearm or firearms, available to assist or aid in the commission of the crime charged in count one of the indictment.

In determining whether the Defendant used or carried a firearm, you may consider all of the factors received in evidence in the case including the nature of the underlying drug trafficking crime alleged, the proximity of the Defendant to the firearm in question, the usefulness of the firearm to the crime alleged, and the circumstances surrounding the presence of the firearm.

The government is not required to show that the Defendant actually displayed or fired the weapon. The government is required, however, to prove beyond a reasonable doubt that a firearm was in the Defendant's possession or under the Defendant's control at the time the drug trafficking crime was committed.

Smallwood was then convicted on both counts.

Smallwood argues that the instruction regarding the "use" prong of §924(c) is incorrect under Bailey because Bailey requires the government prove that the defendants "actively employed" the firearm during and in relation to the drug trafficking crime in order to secure a conviction. He also argues that a new trial is required even if the evidence is sufficient to support a conviction under the "carry" prong of §924(c). The government admits that the sentence "The government is not required to show that the Defendant actually displayed or fired the weapon," is incorrect under Bailey, but argues that particular sentence is irrelevant because Smallwood was not actually charged under the "use" prong of §924(c), and the instruction is, in all other respects, correct.

In the Indictment in this case, Smallwood was charged only under the "carry" prong of §924(c). Although the instructions referred to "use" of a firearm, neither the evidence nor the indictment supports these instructions. Moreover, Smallwood did not appeal based on the inclusion of instructions on "use" of a firearm. In United States v. Pineda-Ortuno, 952 F.2d 98 (5th Cir. 1992), the Court held that error in instructing on "use", when the defendant was indicted only for "carrying" a firearm, was harmless error. That court stated:

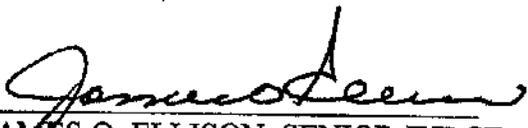
However, those words in the charge caused no harm under the record of this case because the only evidence of "use" of the firearms established carrying of the firearms. In other words, Appellants were necessarily convicted of carrying the weapons as charged in the indictment. Therefore, whether that same conduct also constituted "use" of the weapons under §924(c) is immaterial. The minor variation between the words of the indictment and the trial court's instruction to the jury was harmless error.

The Court finds, as in Pineda-Ortuno, that the error in the instruction to include "use or carry" despite the the fact that Smallwood was indicted only for carrying a firearm, was harmless.

Moreover, the Court finds that a new trial is not necessitated by the holding of United States v. Smith, 82 F.3rd 1564 (10th Cir. 1996) and United States v. Simpson, 94 F.3d1373 (10th Cir. 1996). In those cases, the Tenth Circuit held that if a jury instruction defining one of two alternative grounds for conviction is legally erroneous, the court must reverse the conviction unless the court can determine with 'absolute certainty' that the jury based its verdict on the ground on which it was correctly instructed. That standard is met here. First, Smallwood was not charged with using a firearm in violation of §924(c). Secondly, notwithstanding the incorrect language in the instruction regarding "use of a firearm," the instruction unequivocally states that the government is required "to prove beyond a reasonable doubt that a firearm was in the Defendant's possession or under the Defendant's control at the time the drug trafficking crime was committed." This is a correct instruction on "carrying a firearm." United States v. Cardenas, 864 F. 2d 1528 (10th Cir 1989) (carrying involves two elements: actual or constructive possession of the firearm throught the exercise of dominion or control and transportation or movement of the same). Moreover, the evidence, which is essentially undisputed in this case, is sufficient for a jury to find that Smallwood "carried" a firearm.

Smallwood's Motion pursuant to 28 U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Docket #25)is denied.

IT IS SO ORDERED THIS 10<sup>th</sup> DAY OF NOVEMBER, 1997.

  
\_\_\_\_\_  
JAMES O. ELLISON, SENIOR JUDGE  
UNITED STATES DISTRICT COURT

**FILED**

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

NOV 12 1997

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-032-009-K

PENNY KAY GEURIN  
Defendant.

ENTERED ON DOCKET  
DATE 11-12-97

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

The defendant, PENNY KAY GEURIN, was represented by F. Randolph Lynn.

On motion of the United States the court has dismissed Count 1 of the Indictment.

The defendant pleaded guilty June 11, 1997, to Count 1 of the Information. Accordingly, the defendant is adjudged guilty of such Count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
8 USC 513(a)	Possessing a Counterfeit Forged Security	1/13/97	1

As pronounced on November 7, 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, for Count 1 of the Information, which shall be due immediately.

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

Signed this the 12<sup>TH</sup> day of NOVEMBER, 1997.

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

Defendant's SSN: 445-64-1334  
Defendant's Date of Birth: 12/11/68  
Defendant's mailing address: Rt. 3, Box 175-1, Vinita OK 74301  
Defendant's residence address: 109 E. 10th Street South, Claremore OK

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Defendant: PENNY KAY GEURIN  
Case Number: 97-CR-032-009-K

### PROBATION

The defendant is hereby placed on probation for a term of three (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 three (3) months, to commence within 72 hours of release from community confinement. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
6. The defendant shall serve the first three (3) months (90 days) in community confinement, as scheduled, arranged, and approved by the U. S. Probation Office. The Court notes that the primary emphasis in community placement is substance abuse treatment. Should the probation office determine that another community based program other than a Bureau of Prisons contract community corrections center is better suited in terms of treatment programming, then the Probation Office has authority to transfer defendant to said treatment facility. The defendant may be allowed to maintain employment while in community confinement or treatment.
7. 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: PENNY KAY GEURIN  
Case Number: 97-CR-032-009-K

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$670.50.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Reasor's Inc. Attn: Scott Wrigley 200 West Choctaw Tahlequah, OK 74464	#335.25
Homeland #545 Attn: Joe Humphrey 12572 East 21 Street Tulsa OK 74129	\$335.25

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.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

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

Defendant: PENNY KAY GEURIN  
Case Number: 97-CR-032-009-K

**STATEMENT OF REASONS**

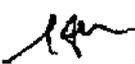
The court adopts the factual findings and guideline application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	4
Criminal History Category:	III
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 250 to \$ 5,000
Restitution:	\$ 670.50

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**  
NOV 12 1997

UNITED STATES OF AMERICA

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

v.

Case Number 97-CR-106-01-C

**ENTERED ON DOCKET**

GILBERT WESLEY HARNEY  
Defendant.

DATE 11/12/97

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

The defendant, GILBERT WESLEY HARNEY, was represented by William D. Lunn.

The defendant pleaded guilty August 22, 1997, to Count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1029(a)(2)	Use of Unauthorized Access Device	12/31/95	1

As pronounced on November 6, 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, for Count 1 of the Information, which shall be due immediately.

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

Signed this the 12 day of November, 1997.

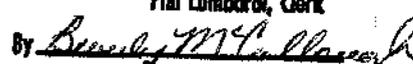
  
The Honorable H. Dale Cook  
United States District Judge

Defendant's SSN: 444-56-1570

Defendant's Date of Birth: 4/11/53

Defendant's residence and mailing address: 1169 N. 166th E. Avenue, Tulsa OK 74116

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: GILBERT WESLEY HARNEY  
Case Number: 97-CR-106-01-C

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of three (3) months.

The Court makes the following recommendations to the Bureau of Prisons: that the Defendant be incarcerated in a jail-type facility for service of sentence.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on December 24, 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: GILBERT WESLEY HARNEY

Case Number: 97-CR-106-01-C

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (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 as soon as possible, but in no event, later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of four (4) months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**STANDARD CONDITIONS OF SUPERVISION**

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

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

Defendant: GILBERT WESLEY HARNEY  
Case Number: 97-CR-106-01-C

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$5,782.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Colonial National Bank Attn: Restitution PO Box 15480 Wilmington DE 19850	\$234.00
First Omni Bank Attn: Fraud Loss Department PO Box 825 Millsborough DE 19966	\$5,548.00

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.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

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

Defendant: GILBERT WESLEY HARNEY  
Case Number: 97-CR-106-01-C

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 5,782

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

UNITED STATES OF AMERICA

v.

Case Number 96-CR-151-01-H ✓

LISA DENNY DEMEREE  
Defendant.

**FILED**  
NOV 3 1997  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

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

The defendant, LISA DENNY DEMEREE, was represented by Stanley D. Monroe.

The defendant was found guilty June 4, 1997, on Counts 1, 2, 3, & 13 of the Third Superseding Indictment after a plea of not guilty. On motion of the United States the court dismissed Count 2 of the Third Superseding Indictment on October 1, 1997. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 848 (a) (c) & (d)	Continuing Criminal Enterprise	9/11/96	1
21 USC 841 (a) (1)(b)(1)(A), 18 USC 2	Possession With Intent to Distribute Methamphetamine, and Aiding and Abetting	9/11/96	3
21 USC 848 & 853	Criminal Forfeiture		13

As pronounced on October 1, 1997, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 200, for Counts 1 & 3 of the Third Superseding Indictment, which shall be due immediately.

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

Signed this the 31<sup>st</sup> day of October, 1997.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 096-42-7977  
Defendant's Date of Birth: 11/9/61  
Defendant's residence and mailing address: HCR Box 7133, Jasper AR 72641

Defendant: LISA DENNY DEMEREE  
Case Number: 96-CR-151-01-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of the defendant's life as to Counts 1 & 3; said terms of imprisonment shall 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: LISA DENNY DEMEREE  
Case Number: 96-CR-151-01-H

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to each count, 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 as soon as possible, but in no event, later than 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.
3. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### 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: LISA DENNY DEMEREE  
Case Number: 96-CR-151-01-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 \$ 50,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: LISA DENNY DEMEREE  
Case Number: 96-CR-151-01-H

**RESTITUTION AND FORFEITURE**

**FORFEITURE**

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

As per Count 13 of the Third Superseding Indictment.

Defendant: LISA DENNY DEMEREE  
Case Number: 96-CR-151-01-H

**STATEMENT OF REASONS**

The court adopts the factual findings and guideline application in the presentence report, except the Court corrects paragraph 46, finding that Demeree and codefendant Jerry Green are involved in a relationship that can be defined as a common law marriage.

**Guideline Range Determined by the Court:**

Total Offense Level:	43	
Criminal History Category:	I	
Imprisonment Range:	life	Cts. 1 & 3
Supervised Release Range:	5 years	Cts. 1 & 3
Fine Range:	\$ 25,000 to \$ 6,000,000	Cts. 1 & 3
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.

ENTERED IN BOOKLET  
DATE 11/10/97

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-1-CR-151-002-H

**FILED**  
NOV 3 1997  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

TERRY WAYNE GLENN  
Defendant.

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

The defendant, TERRY WAYNE GLENN, was represented by Charles W. Hack.

On motion of the United States the court has dismissed Counts 9 & 11 of the Third Superseding Indictment.

The defendant pleaded guilty June 27, 1997, to Counts 2, 3, 4, 5, 6, 7, 8, 10, 12, & 13 of the Third Superseding Indictment. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846	Conspiracy to Distribute a Controlled Substance	1/24/97	2
21 USC 841(a)(a) & 18 USC 2	Possession With Intent to Distribute a Controlled Substance and Aiding and Abetting	9/11/96	3
21 USC 841(a)(1) & 18 USC 2	Possession With Intent to Distribute a Controlled Substance, and Aiding and Abetting	9/11/96	4
21 USC 856 & 18 USC 2	Maintaining a Place for Distribution of a Controlled Substance, and Aiding and Abetting	9/11/96	5
21 USC 856 & 18 USC 2	Maintaining a Place for Distribution of a Controlled Substance, and Aiding and Abetting	9/11/96	6
21 USC 856 & 18 USC 2	Maintaining a Place for Distribution of a Controlled Substance, and Aiding and Abetting	9/11/96	7
18 USC 922(g)	Possession of a Firearm and/or Ammunition After Former Conviction of a Felony	9/11/96	8
18 USC 922(g)	Possession of a Firearm and/or Ammunition After Former Conviction of a Felony	9/11/96	10
18 USC 371	Conspiracy	12/5/96	12
21 USC 848 & 853	Criminal Forfeiture	1/24/97	13

As pronounced on October 3, 1997, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 900, for Counts 2, 3, 4, 5, 6, 7, 8, 10, & 12 of the Third Superseding Indictment, which shall be due immediately.

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

Signed this the 31<sup>st</sup> day of OCTOBER, 1997.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 465-11-6667  
Defendant's Date of Birth: 5/18/56  
Defendant's residence and mailing address: c/o Marshals Service

Defendant: TERRY WAYNE GLENN

Case Number: 97-CR-151-002-H

96

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of the defendant's life. This term consists of life imprisonment as to Counts 2 & 3; 60 months as to Counts 4 & 12; 240 months as to Counts 5, 6, & 7; and 120 months as to Counts 8 & 10. All counts to run concurrently, each with the other, for a term of life.

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: TERRY WAYNE GLENN  
Case Number: 91 CR-151-002-H

96

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years. This term consists of five years as to Counts 2 & 3; and three (3) years as to Counts 4, 5, 6, 7, 8, 10, & 12. All 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 as soon as possible, but in no event, later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: TERRY WAYNE GLENN  
Case Number: 97-CR-151-002-H

96

**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 \$ 25,000, as to Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: TERRY WAYNE GLENN

Case Number: 97-CR-151-002-H

96

**RESTITUTION AND FORFEITURE**

**FORFEITURE**

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

As described in count 13 of the Third Superseding Indictment.

Defendant: TERRY WAYNE GLENN  
Case Number: 97-CR-151-002-H

96

**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:	42	
Criminal History Category:	III	
Imprisonment Range:	360 months to life	Cts. 2 & 3
	60 months	Cts. 4 & 12
	240 months	Cts. 5, 6, & 7
	120 months	Cts. 8 & 10
Supervised Release Range:	5 years	Cts. 2 & 3
	2 to 3 years	Cts. 4, 5, 6, 7, 8, 10, & 12
Fine Range:	\$ 25,000 to \$ 10,500,000	Cts. 2, 3, 4, 5, 6, 7, 8, 10, & 12
Restitution:	\$ n/a	

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: The sentence has been imposed based on the danger that the defendant poses to the community, and that the guidelines have not fully taken into account the amount of drugs that were distributed throughout the life of the conspiracy.

ENTERED ON DOCKET

11/10/97

FILED

NOV 3 1997

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-151-004-H

TINA LUCILLE GLENN  
Defendant.

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

The defendant, TINA LUCILLE GLENN, was represented by F. Randolph Lynn and R. Thomas Seymour.

On motion of the United States the court has dismissed Counts 1, 2, 3, 4, 5, & 6 of the Superseding Indictment.

The defendant pleaded guilty February 7, 1997, to Count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 4	Misprision of a Felony	12/31/96	1

As pronounced on August 26, 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 \$ 100, for Count 1 of the Information, which shall be due immediately.

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

Signed this the 31<sup>st</sup> day of OCTOBER, 1997.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 448-78-9578

Defendant's Date of Birth: June 18, 1966

Defendant's residence and mailing address: 905 S. 5th, Independence KS 67301

251

Defendant: Tina Lucille Glenn  
Case Number: 96-CR-151-004-H

### PROBATION

The defendant is hereby placed on probation for a term of three (3) years.

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall 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.
5. The defendant shall perform 200 hours of community service, as directed by the Probation Office, by August 31, 1998.

### 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: Tina Lucille Glenn  
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:	16
Criminal History Category:	I
Imprisonment Range:	21 months to 27 months
Supervised Release Range:	1 year
Fine Range:	\$5,000 to \$ 50,000
Restitution:	\$ n/a

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

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

DATE 11/10/97

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-151-05-H

JERRY LEE GREEN  
Defendant.

**FILED**  
NOV 10 1997  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

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

The defendant, JERRY LEE GREEN, was represented by Charles Whitman.

The defendant was found not guilty, on Count 14 of the Third Superseding Indictment and is discharged as to such count. IT IS ORDERED that the Defendant is acquitted and discharged, and any bond is exonerated.

The defendant was found guilty June 4, 1997, on Counts 1, 2, 12, & 13 of the Third Superseding Indictment after a plea of not guilty. On motion of the United States the court dismissed Count 2 of the Third Superseding Indictment on October 2, 1997. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 848(a) (c) & (d)	Continuing Criminal Enterprise	9/19/96	1
18 USC 371	Conspiracy to Flee and Avoid Arrest	12/5/96	12
21 USC 848 & 853	Criminal Forfeiture	9/19/96	13

As pronounced on September 29, 1997, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 200, for Counts 1 & 12 of the Third Superseding Indictment, which shall be due immediately.

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

Signed this the 10<sup>th</sup> day of NOVEMBER, 1997.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 508-42-6436  
Defendant's Date of Birth: 2/22/42  
Defendant's residence and mailing address: U.S. Marshals Service

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Defendant: JERRY LEE GREEN  
Case Number: 96-CR-151-05-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of the defendant's life. This term consists of life imprisonment in Count 1; and 60 months imprisonment as to Count 12, 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: JERRY LEE GREEN  
Case Number: 96-CR-151-05-H

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to Count 1, and three (3) years as to Count 12, 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 as soon as possible, but in no event, later than 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: JERRY LEE GREEN  
Case Number: 96-CR-151-05-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 \$ 3,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: JERRY LEE GREEN  
Case Number: 96-CR-151-05-H

**RESTITUTION AND FORFEITURE**

**FORFEITURE**

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

As per property listed in Count 13 of the Third Superseding Indictment

Defendant: JERRY LEE GREEN  
Case Number: 96-CR-151-05-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:	43	
Criminal History Category:	VI	
Imprisonment Range:	LIFE	Ct. 1
	60 months	Ct. 12
Supervised Release Range:	3 to 5 years	Ct. 1
	2 to 3 years	Ct. 12
Fine Range:	\$ 25,000 to \$ 2,250,000	Cts. 1 & 12
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.

*hwh*

ENTERED ON DOCKET

Date: 11/10/97

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 96-CR-143-002-H

DANIEL C. NIX  
Defendant.

**FILED**  
NOV 10 1997  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

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

The defendant, DANIEL C. NIX, was represented by Scott Keith.

On motion of the United States the court has dismissed Counts 1 & 3 of the Indictment.

The defendant pleaded guilty December 12, 1996, to Count 2 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1341	Mail Fraud	10/10/94	2

As pronounced on November 7, 1997, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 50, for Count 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 10<sup>TH</sup> day of NOVEMBER, 1997.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 430-13-7356  
Defendant's Date of Birth: 9/10/57  
Defendant's residence and mailing address: 332 S. 119th E. Ave, Tulsa OK 74128

Defendant: DANIEL C. NIX  
Case Number: 96-CR-143-002-H.

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 15 months.

The Court makes the following recommendations to the Bureau of Prisons: that the Defendant be designated a facility in the Dallas/Ft. Worth Texas area.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on January 5, 1998.

**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: DANIEL C. NIX  
Case Number: 96-CR-143-002-H

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of two (2) 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 as soon as possible, but in no event, later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: DANIEL C. NIX  
Case Number: 96-CR-143-002-H

**FINE**

The defendant shall pay a fine of \$ 4,000, as to Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody during 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: DANIEL C. NIX  
Case Number: 96-CR-143-002-H

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$4,004.01.

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

<b><u>Name of Payee</u></b>	<b><u>Amount of Restitution</u></b>
Ward Gas Services, Inc. PO Box 1187 Enid OK 73702	\$1,469.46
Select Insurance Company Attn: Policy # 7657112 PO Box 660797 Dallas TX 75266-0797	\$2,534.55

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. Said restitution shall be paid jointly and severally with codefendant Phillip Kerns.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

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

Defendant: DANIEL C. NIX  
Case Number: 96-CR-143-002-H

**STATEMENT OF REASONS**

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

**Guideline Range Determined by the Court:**

Total Offense Level:	14
Criminal History Category:	I
Imprisonment Range:	15 months to 21 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 4,000 to \$ 40,000
Restitution:	\$ 4,004.01

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**  
NOV 7 1997  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-063-001-H

TERRY WAYNE GLENN  
Defendant.

ENTERED ON DOCKET  
DATE 11-7-97

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

The defendant, TERRY WAYNE GLENN, was represented by Charles W. Hack.

On motion of the United States the court has dismissed Counts 1 & 2 of the Indictment.

The defendant pleaded guilty June 27, 1997, to Count 3 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841	Possession With Intent to Distribute a Controlled Substance	5/8/97	3

As pronounced on October 3, 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, for Count 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 31<sup>ST</sup> day of OCTOBER, 1997.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 465-11-6667  
Defendant's Date of Birth: 5/18/56  
Defendant's residence and mailing address: c/o U.S. Marshals Service

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

By Rosanne J. Miller  
Deputy

Defendant: TERRY WAYNE GLENN  
Case Number: 97-CR-063-001-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 240 months, to run concurrently to the terms of imprisonment imposed in Case 96-CR-151-H.

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: TERRY WAYNE GLENN  
Case Number: 97-CR-063-001-11

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years, to run concurrently with the term of supervised release imposed on Case 96-CR-151-002-H.

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 as soon as possible, but in no event, later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: TERRY WAYNE GLENN  
Case Number: 97-CR-063-001-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:	42
Criminal History Category:	III
Imprisonment Range:	240 months
Supervised Release Range:	3 years
Fine Range:	\$ 25,000 to \$ 10,500,000
Restitution:	\$ n/a

The fine is waived or is below the guideline range because of the imposition of a fine as to Count 1 of Case 96-CR-151-003-H.

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: This sentence has been imposed based on the danger that the defendant poses to the community, and that the guidelines have not fully taken into account the amount of drugs that were distributed throughout the life of the conspiracy.

UNITED STATES DISTRICT COURT  
Northern District of Oklahoma

**FILED**

NOV 6 1997 *rm*

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-043-001-H

JOHN EDWARD WOOLLEY  
Defendant.

ENTERED ON DOCKET

DATE 11-7-97

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

The defendant, JOHN EDWARD WOOLLEY, was represented by Craig Bryant.

The defendant pleaded guilty May 15, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2314 & 2(b)	Interstate Transportation of Stolen Goods and Causing a Criminal Act	3/7/97	1

As pronounced on October 31, 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, for Count 1 of the Indictment, which shall be due immediately.

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

Signed this the 6<sup>TH</sup> day of November, 1997.

  
The Honorable Sven Erik Holmes  
United States District Judge

Defendant's SSN: 443-70-4961  
Defendant's Date of Birth: 7/11/70  
Defendant's residence and mailing address: Rt. 3 Box 294, Hulbert OK 74441

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 Kesama J. Miller  
Deputy

Defendant: JOHN EDWARD WOOLLEY  
Case Number: 97-CR-043-001-H

### PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm or destructive device.
3. The defendant shall 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.
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 six (6) months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

### STANDARD CONDITIONS OF PROBATION

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

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

Defendant: JOHN EDWARD WOOLLEY  
Case Number: 97-CR-043-001-H

**RESTITUTION AND FORFEITURE**

**RESTITUTION**

The defendant shall make restitution in the total amount of \$11,037.

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

<u>Name of Payee</u>			<u>Amount of Restitution</u>
Mazzio's Corporation 4441 S. 72nd E. Ave. Tulsa, OK 74145 attn. Scott West	\$15.01	Sears #1021 1901 S. Yale Tulsa, OK 74112 attn. Dennis Cook	\$431.65
Albertson's Inc. #2229 7990 E 51st Tulsa, OK 74145 attn. Andrea Swearingen	\$51.09	Dayton Hudson Corp 6701 Parkway Circle Brooklyn Center, MN 55440	\$594.37
Alta Mere Window Tinting 4717 S. Memorial Tulsa, OK 74145 attn. Mike Henson	\$175.54	O'Reilley Auto Parts 7694 E. 46th St. Tulsa, OK 74145 attn. David W. Byers	\$211.45
ABS Communications 2433 N. Aspen Broken Arrow, OK 74012 attn. Rodney Burchett	\$66.15	Quick Trip #31 5116 S. Sheridan Rd. Tulsa, OK 74145	\$10.00
Southwestern Bell 1333 W. Main Norman, OK 73069	\$152.73	Rent Quick 1695 S. Yale Tulsa, OK 74112	\$105.79

Defendant: JOHN EDWARD WOOLLEY  
Case Number: 97-CR-043-001-H

**RESTITUTION AND FORFEITURE CONT**

Dollar General Corp. 427 Beech St. Scotsville, KY 42164-9989	\$17.82	Oklahoma Sunroof 2116 W. Albany Broken Arrow, OK 74012 attn. John C. Bachman	\$268.92
Larry's TV Service 6540 E 21st Tulsa, OK 74129 attn. Manager	\$114.59	OK Tax Commission 440 S. Houston Tulsa, OK 74127	\$15.00
Circle K Corp. 8110 E 71st Tulsa, OK 74133	\$54.78	All-American Insurance 6145 E 21st Tulsa, OK 74114	\$15.00
Pep Boys 6800 S. Memorial Tulsa, OK 74133	\$113.29	Eldorado Motors 1645 South Memorial Dr. Tulsa, OK Attn: Dianne Anderson	\$6,780.56
Green Country Trailer 8433 East 11th Street Tulsa, OK 74112	\$1,843.16		

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.

If a victim has received compensation from insurance or any other source with respect to a loss, any restitution ordered shall be paid to the person who is a victim before any restitution is paid to any such provider of compensation.

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

Defendant: JOHN EDWARD WOOLLEY  
Case Number: 97-CR-043-001-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:	II
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 11,037

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 11-7-97

UNITED STATES OF AMERICA

v.

Case Number 96-CR-151-007-H

STEVEN WAYNE HALTER  
Defendant.

**FILED**

NOV 6 1997

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

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

The defendant, STEVEN WAYNE HALTER, was represented by Jim Fransein.

The defendant pleaded guilty August 6, 1997, to Count 2 of the Third Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

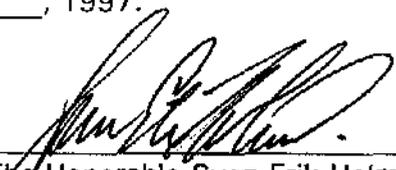
<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846, 841(a)(1), 841(b)(1)(A)	Conspiracy to Posses With Intent to Distribute Methamphetamine and Amphetamine	9/11/96	2

As pronounced on November 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, for Count 2 of the Third Superseding Indictment, which shall be due immediately.

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

Signed this the 6<sup>TH</sup> day of NOVEMBER, 1997.

  
The Honorable Sven Erik Holmes  
United States District Judge

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

Defendant's SSN: 493-68-4120  
Defendant's Date of Birth: 2/4/57  
Defendant's mailing address: c/o U.S. Marshals Service  
Defendant's residence address: 301 N. Tall Chief Street, Skiatook OK 74070-3827

By Rosanne J. Miller  
Deputy

Defendant: STEVEN WAYNE HALTER  
Case Number: 96-CR-151-007-H

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 135 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that Halter receive intensive substance abuse counseling and psychological counseling.

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

**RETURN**

I have executed this Judgment as follows:

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

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

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

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

Defendant: STEVEN WAYNE HALTER  
Case Number: 96-CR-151-007-H

### SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (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 as soon as possible, but in no event, later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
6. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.

### 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: STEVEN WAYNE HALTER  
Case Number: 96-CR-151-007-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 \$ 5,000, as to Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: STEVEN WAYNE HALTER  
Case Number: 96-CR-151-007-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:	35
Criminal History Category:	III
Imprisonment Range:	210 months to 262 months
Supervised Release Range:	5 years
Fine Range:	\$ 20,000 to \$ 4,000,000
Restitution:	\$ n/a

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

The sentence departs from the guideline range upon motion of the government, as a result of defendant's substantial assistance.

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**FILED**

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

NOV 6 1997 *ml*

UNITED STATES OF AMERICA

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

v.

Case Number 97-CR-37-001-BU ✓

JUDY ANN ANDERSON  
Defendant.

ENTERED ON DOCKET

DATE 11-6-97

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

The defendant, JUDY ANN ANDERSON, was represented by Stanley D. Monroe.

On motion of the United States the court has dismissed Count 1 of the Superseding Indictment.

The defendant pleaded guilty July 16, 1997, to Count 2 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
8 USC 1702	Obstruction of Correspondence	3/15/97	2

As pronounced on October 30, 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, for Count 2 of the Superseding Indictment, which shall be due immediately.

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

Signed this the 6<sup>th</sup> day of November, 1997.

*Michael Burrage*  
The Honorable Michael Burrage  
United States District Judge

Defendant's SSN: 570-13-2237  
Defendant's Date of Birth: 2/24/60  
Defendant's residence and mailing address: Rt. 2 Box 182, Locust Grove OK 74352

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 *Rosanne Simell*  
Deputy

Defendant: JUDY ANN ANDERSON  
Case Number: 97-CR-37-001-BU

### PROBATION

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

### STANDARD CONDITIONS OF PROBATION

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

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

Defendant: JUDY ANN ANDERSON  
Case Number: 97-CR-37-001-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 \$ 1,000, as to Count 2. 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: JUDY ANN ANDERSON  
Case Number: 97-CR-37-001-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:	4
Criminal History Category:	1
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 250 to \$ 5,000
Restitution:	\$ n/a

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

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UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

NOV 3 1997

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA )  
Plaintiff )  
VS )  
LARRY VAUGHN COWAN )  
Defendant )

Case Number 93-CR-034-004-E

ENTERED ON DOCKET

ORDER REVOKING SUPERVISED RELEASE DATE ~~NOV 04 1997~~

Now on this 28th day of October 1997, this cause comes on for revocation and sentencing concerning allegations that Cowan violated conditions of supervised release as set out in the Petition on Supervised Release filed on October 1, 1997. Cowan is present in person and represented by counsel, Jack Short. The Government is represented by Assistant United States Attorney, James Swartz, and the United States Probation Office is represented by David Plunkett.

On October 28, 1997, a Revocation Hearing was held regarding the allegations noted in the Petition on Supervised Release, filed on October 1, 1997, said allegations being that urine specimens collected on August 28, 1997, September 3, 1997, and September 10, 1997, tested positive for marijuana. Further, Cowan failed to report for urinalysis on September 7, September 8, and September 9, 1997.

During the Revocation Hearing, Cowan stipulated to the violations as alleged in the petition. The Court found that Cowan was in violation of the conditions of his release and supervised release was revoked. The Government and the defendant waived additional time for a sentencing hearing. The Court proceeded with sentencing and found that the conviction occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable.

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

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that the violation of supervised release constituted a Grade C violation in accordance with USSG § 7B1.1(a)(3), and Cowan's Criminal History Category of III is applicable for determining the imprisonment range. In addition, the Court found that a Grade C violation and a Criminal History Category of III establish a revocation imprisonment range of five (5) to eleven (11) months in accordance with USSG § 7B1.4(a) and 18 U.S.C. § 3583(e). In consideration of these findings and pursuant to U.S. vs. Lee, 757 F.2d 770 (10th Cir. 1992), in which the circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following sentence is ordered:

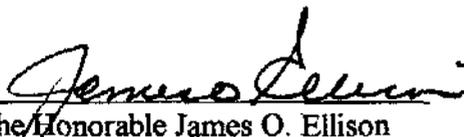
It is the judgment of the Court that the defendant, Larry Vaughn Cowan, is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of five (5) months. The Court recommends that, classification provisions permitting, Cowan be confined in a facility capable of providing both substance abuse and medical treatment. The Court further recommends that Cowan receive medical treatment as soon as possible.

Upon release from imprisonment, Cowan shall be placed on supervised release for a term of 3 years. Within 72 hours of release from custody of the Bureau of Prisons, Cowan shall report in person to the probation office in the district to which he is released. While on supervised release, Cowan shall not commit another federal, state, or local crime, shall comply with the standard conditions that have been adopted by this Court, and shall comply with the following additional conditions:

1. Cowan shall not own or possess a firearm or destructive device.
2. Cowan shall participate in a program of testing and treatment for drug abuse, as directed by the probation officer, until such time as he is released from the program by the probation officer.

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

Cowan shall report to the facility of designation as determined by the Bureau of Prisons on November 28, 1997, at 1:00 p.m.

  
The Honorable James O. Ellison  
Senior United States District Judge

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

**F I L E D**

OCT 31 1997

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 JACKIE LEE SCOTT, )  
 )  
 Defendant. )

No. 96-CR-94-C

ENTERED ON DOCKET

DATE NOV 03 1997

**ORDER**

Currently pending before the Court is the motion filed by defendant, Jackie Lee Scott, seeking to vacate, set aside, or correct his sentence, pursuant to 28 U.S.C. § 2255.

On June 28, 1996, Scott was named in a one-Count Information. On August 20, 1996, Scott plead guilty to having received, sold, exchanged and delivered stolen U.S. Saving Bonds, in violation of 18 U.S.C. § 510(b). On January 7, 1997, Scott was sentenced to 27 months imprisonment and two years supervised release. Further, he was ordered to pay a \$500 fine and a \$100 special assessment.

On October 20, 1997, Scott submitted his present § 2255 motion. Scott moves this Court to vacate, set aside, or correct the sentence imposed on the grounds that the presentence report incorrectly indicated that he was on probation under a sentence imposed by the state courts in Muskogee County Court Docket # CFR 83-631 and CFR 83-632. He contends that this alleged inaccuracy resulted in a two point enhancement being added in the computation of his Criminal History.

The Court need not inquire into the merits of Scott's motion as his grounds for attacking the

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sentence were not properly preserved. Whether Scott was on probation is a question of fact, and a "[f]ailure to object to a fact in a presentence report . . . acts as an admission of fact." U.S. v. Deninno, 29 F.3d 572, 580 (10th Cir. 1994). The record clearly indicates that Scott did not object to the calculation of his Criminal History. (Addendum to the Presentence Report of Jackie Lee Scott, p. 1.) Further, the Court's inquiry revealed that Scott was on probation at the time of sentencing and that he will remain on probation until September 19, 2010. Indeed, he was only discharged from supervised probation. Therefore, Scott is precluded from attacking his sentence on the grounds that the presentence report contained factual inaccuracies regarding his probationary status.

Further, this Court is directed to make a "summary dismissal" of a § 2255 motion "[i]f it plainly appears from the face of the motion . . . and the prior proceedings in the case that the movant is not entitled to relief in the district court . . ." Rule 4 of the Rules Governing Section 2255 Proceedings. Because Scott failed to object to the information used in calculating his Criminal History, his sentence is deemed correct and this Court will not disturb it. Hence, Scott's present motion is dismissed.

Accordingly, Scott's motion pursuant to § 2255 is hereby DENIED.

IT IS SO ORDERED this 1st day of November, 1997.



H. Dale Cook  
Senior U.S. District Judge