

FILED

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

FEB 25 1998

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 97-CR-109-002-C

ENTERED ON DOCKET

STEVE WILLIAMS
Defendant.

DATE 2/26/98

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

The defendant, STEVE WILLIAMS, was represented by James C. Linger.

On motion of the United States the court has dismissed Counts 4, 5, 7, & 8 of the Superseding Indictment.

The defendant pleaded guilty November 13, 1997, to Counts 1 & 6 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 846 & 841(a)(1)	Conspiracy to Possess With Intent to Distribute Cocaine Base	8/7/97	1
21 USC 841(a)(1)	Possession With Intent to Distribute Cocaine Base	8/5/97	1

As pronounced on February 19, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 200, for Counts 1 & 6 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 25 day of Feb, 1998.



The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 448-76-9843
Defendant's Date of Birth: 1/21/72
Defendant's residence and mailing address: 1932 N. Oxford, Tulsa OK 74115

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 [Signature]
Deputy

Defendant: STEVE WILLIAMS
Case Number: 97-CR-109-002-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 210 months as to each of Counts 1 & 6, said counts to run concurrently, each with the other.

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

5

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

1

Defendant: STEVE WILLIAMS
Case Number: 97-CR-109-002-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years as to each of Counts 1 & 6, said terms to run concurrently, each with the other.

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

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released 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, destructive device, or other dangerous weapon.
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 person's 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: STEVE WILLIAMS
Case Number: 97-CR-109-002-C

FINE

The defendant shall pay a fine of \$ 2,000 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.

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.

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: STEVE WILLIAMS
Case Number: 97-CR-109-002-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	35	
Criminal History Category:	III	
Imprisonment Range:	210 months to 262 months	Ct. 1
	210 months to 262 months	Ct. 6
Supervised Release Range:	5 years	Ct. 1
	5 years	Ct. 6
Fine Range:	\$ 20,000 to \$ 4,000,000	Ct. 1
	\$ 20,000 to \$ 4,000,000	Ct. 6
Restitution:	\$ n/a	

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

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: The sentence is imposed at the lower end of the guideline range based upon the defendant's truthful statements to investigating authorities following discovery of the offense.

BJS

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

FEB 25 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-109-003-C

ENTERED ON DOCKET

FRED WILLIAMS
Defendant.

DATE 2/20/98

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

The defendant, FRED WILLIAMS, was represented by Richard D. Amatucci.

On motion of the United States the court has dismissed Counts 1 & 4 of the Superseding Indictment.

The defendant pleaded guilty November 13, 1997, to Count 2 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 841(a)(1) & (b)(1)(B)	Possession of Cocaine Base With Intent to Distribute	8/7/97	2

As pronounced on February 19, 1998, 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 23 day of Feb, 1998.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 448-76-9838
Defendant's Date of Birth: 4/7/67
Defendant's mailing address: 114 W. 50th Street North, Tulsa OK
Defendant's residence address: BOP Designated Facility

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: FRED WILLIAMS
Case Number: 97-CR-109-003-C

IMPRISONMENT

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

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the defendant be allowed access to drug rehabilitation and treatment; and that the defendant be designated to a facility as close to Tulsa, Oklahoma as possible.

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: FRED WILLIAMS
Case Number: 97-CR-109-003-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 48 months.

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, destructive device, or other dangerous weapon.
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: FRED WILLIAMS
Case Number: 97-CR-109-003-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	23
Criminal History Category:	II
Imprisonment Range:	60 months to 63 months
Supervised Release Range:	4 to 5 years
Fine Range:	\$ 10,000 to \$ 2,000,000
Restitution:	\$ n/a

The fine is waived 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.

RTS

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

FEB 25 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 TIMOTHY DOBBS,)
)
 Defendant.)

No. 94-CR-97-C

ENTERED ON DOCKET
DATE FEB 26 1998

ORDER

Now on this 24 day of February, 1998 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the Indictment against defendant Timothy Dobbs in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant Timothy Dobbs be dismissed, without prejudice, and the warrant shall be recalled.

IT IS SO ORDERED.


H. DALE COOK
United States District Judge

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 26 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

United States of America,)
)
)
 Plaintiff)
)
 v.)
)
 Marcus Albarran)
)
)
 Defendant)

Case No.: 94-CR-167-001-C

ENTERED ON DOCKET

DATE 2/26/98

ORDER REVOKING SUPERVISED RELEASE

Now on this 19th day of February 1998, this cause comes on for sentencing, concerning allegations that the defendant violated conditions of supervised release as set out in the Petition on Supervised Release filed December 5, 1997. The defendant is present in person and represented by counsel, Stephen J. Greubel, the Government by Kenneth P. Snoke, Assistant U.S. Attorney, and the United States Probation Office is represented by Frank M. Coffman.

On April 12, 1995, Albarran appeared for sentencing after pleading guilty to Theft From Interstate Shipment, a violation of 18 U.S.C. § 659. Albarran was sentenced to the custody of the Federal Bureau of Prisons for ten (10) months, to be followed by a three (3) year term of supervised release.

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

By B. M. Coffman
Deputy

On December 5, 1997, a petition was filed in the Northern District of Oklahoma alleging that Albarran violated conditions of his supervised release. A Probable Cause Hearing and Detention Hearing was held on December 19, 1997, before U.S. Magistrate Judge Sam A. Joyner. Probable cause was found that the violations occurred and the defendant was released with the special condition of home confinement/electronic monitoring. On February 19, 1998, the defendant appeared before the Honorable H. Dale Cook for a Revocation and Sentencing Hearing on the violations listed in the Petition on Supervised Release filed December 15, 1997. The defendant stipulated to the violations and the Court withheld a finding until sentencing.

As a result of the Sentencing Hearing, the Court revokes the defendant's supervised release and finds that Albarran had violated his conditions of supervised release as alleged in the Petition on Supervised Release. Pursuant to the Sentencing Reform Act of 1984, the Court finds that the instant offense and the violations noted in the Petition on Supervised Release filed December 5, 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 supervised release constitute Grade B violations in accordance with USSG § 7B1.1(a)(2), and that the defendant's original Criminal History Category of IV is applicable for determining the imprisonment range. In addition, the Court finds that Grade B violations and a Criminal History Category of IV establishes a revocation imprisonment range of twelve (12) to eighteen (18) months, in accordance with U.S.S.G. § 7B1.4(a) and 18 U.S.C. § 3583(e)(3). 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, Marcus Albarran, 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. It is recommended that the defendant be placed in a facility nearest his home. The defendant is to report to the facility of designation on March 23, 1998, at 9:00 a.m.


The Honorable H. Dale Cook
United States District Judge

FILED

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

FEB 25 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-109-001-C

ENTERED ON DOCKET

ERIC WILLIAMS
Defendant.

DATE 2/25/98

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

The defendant, ERIC WILLIAMS, was represented by Gene P. Dennison.

On motion of the United States the court has dismissed Counts 1 & 4 of the Superseding Indictment.

The defendant pleaded guilty November 13, 1997, to Count 3 of the Superseding Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

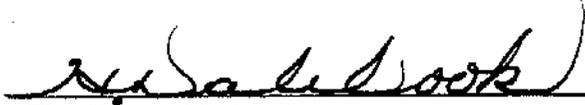
Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 USC 841(a)(1) & (b)(1)(B)	Distribution of Cocaine Base	5/2/97	3

As pronounced on February 19, 1998, 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.

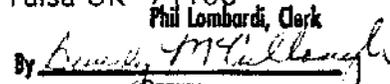
It is ordered that the defendant shall pay to the United States a special assessment of \$ 100, for Count 3 of the Superseding Indictment, which shall be due immediately.

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 25 day of Feb, 1998.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 448-76-9837
Defendant's Date of Birth: 3/4/74
Defendant's residence and mailing address: Tulsa County Jail, 500 S. Denver,

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. 74103
Phil Lombardi, Clerk
By 
Deputy

Defendant: ERIC WILLIAMS
Case Number: 97-CR-109-001-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 63 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the defendant be incarcerated at a facility specializing in Comprehensive Drug Treatment, and the Court is aware that eligibility for consideration of placement in the Intensive Confinement Center Program includes inmates serving sentences of not more than 60 months; should Bureau of Prisons criteria be revised, during Williams' term of custody, to include consideration of placement in this program for inmates serving more than 60 months, the Court recommends he be considered for immediate placement.

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: ERIC WILLIAMS
Case Number: 97-CR-109-001-C

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, destructive device, or other dangerous weapon.
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: ERIC WILLIAMS
Case Number: 97-CR-109-001-C

FINE

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

The defendant shall pay a fine of \$ 3,000 as to Count 3. 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: ERIC WILLIAMS
Case Number: 97-CR-109-001-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	25
Criminal History Category:	II
Imprisonment Range:	63 months to 78 months
Supervised Release Range:	4 to 5 years
Fine Range:	\$ 10,000 to \$ 2,000,000
Restitution:	\$ n/a

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

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

BJS

FILED

FEB 18 1998

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 FLOYD DEWAYNE FRANKLIN,)
)
 Defendant.)

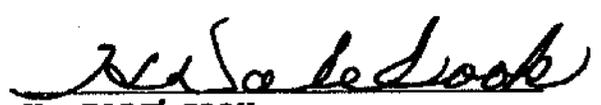
No. 97-CR-145-C ✓

ENTERED ON DOCKET
DATE FEB 24 1998

ORDER

Now on this 18th day of February, 1998 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, with prejudice, the charges against defendant Floyd Dewayne Franklin. in the above styled cause. The Court finds that said request ought to be granted and the charges against defendant Floyd Dewayne Franklin, is dismissed, with prejudice.

IT IS SO ORDERED.


H. DALE COOK
United States District Judge

FILED

FEB 18 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA
Plaintiff

vs

LOYD A. RAMIREZ
Defendant

Case Number: 93-CR-135-001-C

ENTERED ON DOCKET

DATE 2/19/98

JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF SUPERVISED RELEASE

Now on this 11th day of February 1998, this cause comes on for sentencing after a previous finding that the defendant violated conditions of supervised release as set out in the Second Amended Petition on Supervised Release filed on September 15, 1997. The defendant is present in person and represented by counsel, Craig Bryant. The Government is represented by Assistant U.S. Attorney Neil Kirkpatrick, and the United States Probation Office is represented by Randall Drew.

The defendant was heretofore, on December 7, 1993, sentenced after a plea of guilty to Count One of a two-count Indictment charging False Statement to a Licensed Firearms Dealer, in violation of 18 U.S.C. §§ 922(a)(6) and 924(a)(1)(B). The defendant was sentenced to twenty-four (24) months custody of the U.S. Bureau of Prisons with a three year term of supervised release to follow. In addition to the supervised release, the Court ordered Ramirez to participate in drug treatment as directed by the Probation Office in this court.

Phil Lombardi, Clerk
Northern District of Oklahoma
I hereby certify that the foregoing
is a true and correct copy of the original as filed
in this court.
By Kevin J. McLaughlin
Deputy

Probation Office. The Court convened on February 11, 1998, at which time the defendant's supervised release was revoked pursuant to the defendant's stipulation to allegations pertaining to his involvement in new felonious law violations, and ongoing illegal drug use. The defendant also stipulated to the alleged violation pertaining to his failure to remain truthful with the U.S. Probation Office.

At sentencing, the Court found that the instant conviction occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guidelines is applicable. Further, the Court found that one of the violations of supervised release constitutes a Grade A violation in accordance with U.S.S.G. §7B1.1(a)(1), and that the defendant's original Criminal History Category of V is applicable for determining the imprisonment range. In addition, the Court found that a Grade A violation and a Criminal History Category of V establish a revocation imprisonment range of twenty four (24) months. In consideration of these findings, and taking notice that the policy statements in Chapter 7 are not mandatory, but must be considered by the Court, the following is ordered:

The defendant is committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of eighteen months (18) months. The Court orders this sentence to be served consecutive to any term of imprisonment imposed for convictions in case #CF-4274, out of Tulsa County District Court, Tulsa, Oklahoma.


The Honorable H. Dale Cook
United States District Judge

aw

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

UNITED STATES OF AMERICA

EOB: 2-18-98

v.

Case Number 97-CR-087-001-K

FILED
IN COURT

ANNETTA YETTER
Defendant.

FEB 18 1998

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

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

The defendant, ANNETTA YETTER, was represented by Stephen J. Knorr.

The defendant pleaded guilty November 6, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

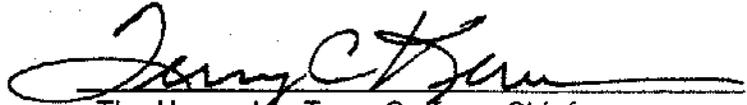
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
42 USC 408(a) (7)(B)	Use of False Social Security Number to Deceive a Financial Institution	6/5/96	1

As pronounced on February 11, 1998, 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 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 17 day of February, 1998.


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

Defendant's SSN: 555-56-4219
Defendant's Date of Birth: 9/28/42
Defendant's residence and mailing address: c/o US Marshals Service, Tulsa County Jail, 500 S. Denver, Tulsa OK

Defendant: ANNETTA YETTER
Case Number: 97-CR-087-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 24 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the Bureau of Prisons designate the Federal Medical Center in Fort Worth, Texas, as the defendant's place of incarceration.

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: ANNETTA YETTER

Case Number: 97-CR-087-001-K

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, destructive device, or other dangerous weapon.
 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. As part of the mental health treatment, the defendant shall enroll in a program that identifies and treats the personal addiction pertaining to excessive check writing and related problems.
 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. The United States Probation Office shall have the discretion to completely forbid the defendant's use of a checking account if it is deemed appropriate.
- 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 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: ANNETTA YETTER
Case Number: 97-CR-087-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$33.00.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Rogers County Bank Attn: Lavon Isaac, Acct. #19596 Assistant Cashier PO Box 189 Claremore OK 74017	\$33.00

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: ANNETTA YETTER
Case Number: 97-CR-087-001-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	8
Criminal History Category:	VI
Imprisonment Range:	18 months to 24 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 33.00

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

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

200:2-18-98

v.

Case Number 97-CR-113-001-K ✓

ALBERT GENE BUTCHER
Defendant.

FILED
~~IN COURT~~

FEB 18 1998 *CS*

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

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

The defendant, ALBERT GENE BUTCHER, was represented by Michael Abel.

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

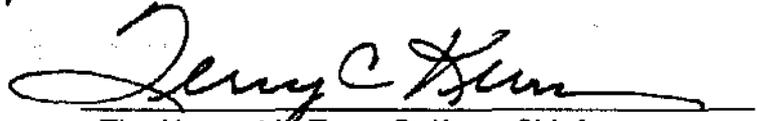
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
42 USC 300h-2 (b)(2)	Injection of Industrial Waste Water Without Authorization	2/1/97	1
18 USC 2	Aiding and Abetting		

As pronounced on February 11, 1998, 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 17 day of February, 1998.


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

Defendant's SSN: 446-48-2672
Defendant's Date of Birth: 4/26/49
Defendant's residence and mailing address: 201 W. Miami, Cleveland OK 74020

Defendant: ALBERT GENE BUTCHER
Case Number: 97-CR-T13-001-K

PROBATION

The defendant is hereby placed on probation for a term of five (5) 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, destructive device, or other dangerous weapon.
3. 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.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The defendant shall perform 100 hours of community service, as directed by the Probation Office.

STANDARD CONDITIONS OF PROBATION

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

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

Defendant: ALBERT GENE BUTCHER
Case Number: 97-CR-113-001-K

FINE

The defendant shall pay a fine of \$ 5,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of Probation.

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

Defendant: ALBERT GENE BUTCHER
Case Number: 97-CR-113-001-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	10
Criminal History Category:	I
Imprisonment Range:	6 months to 12 months
Supervised Release Range:	1 year
Fine Range:	\$ 2,000 to \$ 20,000
Restitution:	\$ n/a

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

QJS

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 97-CR-138-002-K

EOD: 2-18-98

RICHARD CHARLES WARD
Defendant.

FILED

FEB 17 1998

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, RICHARD CHARLES WARD, was represented by Bill M. Shaw.

On motion of the United States the court has dismissed Counts 2 & 3 of the Indictment.

The defendant pleaded guilty November 5, 1997, to Count 1 of the Indictment.
Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

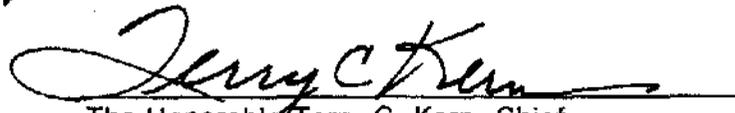
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Make Counterfeit Obligation of the United States	12/31/96	1

As pronounced on February 9, 1998, 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 13 day of February, 1998.


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

Defendant's SSN: 443-94-0881

Defendant's Date of Birth: 4/6/74

Defendant's residence and mailing address: Rt. 2, Box 332-5, Coweta OK 74429

Defendant: RICHARD CHARLES WARD
Case Number: 97-CR-138-002-K

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, destructive device, or other dangerous weapon.
3. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of four (4) months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the U.S. Probation Office.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The 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: RICHARD CHARLES WARD
Case Number: 97-CR-138-002-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$7,789.94. The Court further orders that interest on restitution is waived.

The defendant shall make restitution joint and several with Bradley Brooks, to the following persons in the following amounts:

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Service Merchandise Attn: Scott Parker 8219 E. 68th Street Tulsa OK 74133	\$7,709.94
Caravan Cattle Company Attn: David J. Burns Box 417555 Tulsa OK 74155	\$80.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation, except that no further payments shall be required after the sum of the amounts actually paid by all defendants has fully covered the compensable injury.

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: RICHARD CHARLES WARD
Case Number: 97-CR-138-002-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	9
Criminal History Category:	I
Imprisonment Range:	4 months to 10 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 7,789.94

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

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

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 97-CR-138-001-K ✓

EOB: 2-18-98

BRADLEY RAY BROOKS
Defendant.

FILED

FEB 17 1998 *CS*

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, BRADLEY RAY BROOKS, was represented by Stanley D. Monroe.

On motion of the United States the court has dismissed Counts 2 & 3 of the Indictment.

The defendant pleaded guilty November 5, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Counterfeit Obligations of the U.S. and Deal in Counterfeit Obligations of the U.S.	12/31/96	1

As pronounced on February 9, 1998, 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 12 day of February, 1998.

Terry C. Kern

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

Defendant's SSN: 446-72-8339

Defendant's Date of Birth: 6/19/74

Defendant's residence and mailing address: 13031 E. 27th Street, Tulsa OK 74134

6

Defendant: BRADLEY RAY BROOKS
Case Number: 97-CR-138-001-K

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, destructive device, or other dangerous weapon.
3. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of four (4) months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the U.S. Probation Office.
4. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The 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: BRADLEY RAY BROOKS
Case Number: 97-CR-138-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$7,789.94. The Court further orders that interest on restitution is waived.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Service Merchandise Attn: Scott Parker 8219 E. 68th Street Tulsa OK 74113	\$7,709.94
Caravan Cattle Company Attn: David J. Burns Box 417555 Tulsa OK 74155	\$80.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

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

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: BRADLEY RAY BROOKS
Case Number: 97-CR-138-001-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	9
Criminal History Category:	I
Imprisonment Range:	4 months to 10 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 7,789.94

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.

DATE 2-13-98

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 MICHAEL MOGUIN,)
)
 Defendant.)

No. 97-CR-165 H

FILED

FEB 12 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ORDER OF DISMISSAL

Upon application of the United States Attorney, the Court finds that as to defendant, **MICHAEL MOGUIN**, on the 10th day of February, 1998, the defendant was accepted for and entered into a pretrial diversion agreement and, therefore, the Indictment filed in the above styled and numbered cause should be ordered dismissed without prejudice to the refiling thereof.

THEREFORE, IT IS ORDERED by the Court that the Indictment filed against the defedant, **MICHAEL MOGUIN**, in the above styled and numbered cause be and the same is hereby dismissed without prejudice to the refiling thereof.



SVEN ERIK HOLMES
United States District Judge

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

FILED

FEB 10 1998

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY ROSS BENSON,

Defendant.

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Case No. 92-CR-72-E ✓

96C1090E

ENTERED ON DOCKET

DATE FEB 12 1998

ORDER

Now before the Court is the Motion Pursuant to 28 U.S.C. §2255 to Vacate, Set Aside, or Correct Sentence (Docket #19) of the Defendant Anthony Ross Benson.

On September 24, 1992, Benson was convicted by a jury of Possession of a Firearm During a Drug Trafficking Crime, in violation of 18 U.S. C. §924(c). He was sentenced to 5 years imprisonment. He raised two issues on appeal: 1) Whether the evidence seized during his arrest should have been suppressed on the grounds it was obtained in violation of the Fourth Amendment, and 2) whether the evidence was sufficient to support the conviction of possessing a firearm during the commission of a drug trafficking offense. The Court of Appeals affirmed Benson's conviction. Benson 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). He asserts that insufficient evidence was presented to show "use of the firearm during the commission of a drug trafficking offense."

The undisputed facts are as follows. On June 9, 1992, Tulsa Police Department Patrol Officer James Leach determined, before taking his evening shift, that Benson had several outstanding warrants. On that same evening, Officer Leach received information from Officer Dunlap of the

Special Investigations Unit that he had received a tip that Benson would be delivering crack cocaine in the Osage Hills Apartments that evening. Officer Leach was told that Benson "frequently carried crack cocaine underneath the hood of his car and sometimes carried a gun as well." That evening, Officer Leach saw Benson driving a Monte Carlo, followed him, and pulled him over when he determined Benson was going ten miles over the speed limit. When the vehicle was searched under the hood, the officers found a loaded Glock .40 caliber semiautomatic pistol located between the battery and the car frame on the passenger side of the vehicle.

Benson was charged with "carrying" a firearm during an in relation to the drug trafficking crime. He proceeded to trial. The instructions to the jury, on the firearm charge were as follows:

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 Anthony Ross Benson 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.

Benson 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. 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 Benson 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, Benson 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, Benson 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

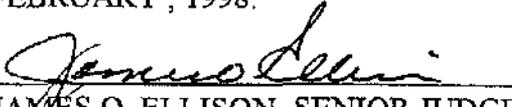
words of the indictment and the trial court's instruction to the jury was harmless error.

The Court finds, as in Pineda-Ortuno, that the error in the instruction to include "use or carry" despite the fact that Benson 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.3d 1564 (10th Cir. 1996) and United States v. Simpson, 94 F.3d 1373 (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, Benson 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 through 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 Benson "carried" a firearm.

Benson'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 9th DAY OF FEBRUARY, 1998.


JAMES O. ELLISON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE 2-11-98

UNITED STATES OF AMERICA

v.

Case Number 97-CR-111-001-H

DEBRAH SUE BERGHOFER
Defendant.

FILED
FEB 10 1998
Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

The defendant, DEBRAH SUE BERGHOFER, was represented by David Blades.

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

The defendant pleaded guilty November 3, 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 1711	Misappropriation of Postal Funds	2/4/97	1

As pronounced on February 6, 1998, 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 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 10TH day of FEBRUARY, 1998



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: 446-68-6906

Defendant's Date of Birth: 8/13/62

Defendant's residence and mailing address: 918 N. Maple, Pawhuska OK 74056

Rosanna Smiller
Deputy

Defendant: DEBRAH SUE BERGHOEFER
Case Number: 97-CR-111-001-H

PROBATION

The defendant is hereby placed on probation for a term of five (5) 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, destructive device, or other dangerous weapon.
3. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
4. 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.
5. The defendant shall successfully complete 100 hours of community service at the Tulsa Volunteer Center, as directed by the Probation Officer.

STANDARD CONDITIONS OF PROBATION

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

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

Defendant: DEBRAH SUE BERGHOEFER
Case Number: 97-CR-111-001-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 \$ 4,000, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

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

Defendant: DEBRAH SUE BERGHOEFER
Case Number: 97-CR-111-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$3,029.00.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
United States Postal Service Office of Postal Inspector PO Box 162929 Fort Worth TX 76161-2929	3,029.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

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

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: DEBRAH SUE BERGHOEFER
Case Number: 97-CR-111-001-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:	8
Criminal History Category:	1
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 3,029.00

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

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED

FEB 10 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA)
Plaintiff)
VS)
BRADLEY ALLEN ANDERSON)
Defendant)

Case Number 93-CR-084-001-E

ECD 2/10/98

ORDER REVOKING PROBATION

Now on this 13th day of January 1998, this cause comes on for revocation and sentencing concerning allegations that Anderson violated conditions of probation as set out in the Petition on Probation filed on June 13, 1995. Anderson is present in person and represented by counsel, Jack Short. The Government is represented by Assistant United States Attorney, F.L. Dunn, III, and the United States Probation Office is represented by David Plunkett.

On January 13, 1998, a Revocation Hearing was held regarding the allegation noted in the Petition on Probation, filed on June 13, 1995, said allegation being that on February 10, 1995, in Tulsa County District Court Case No. CF-94-4089, Anderson was sentenced to seven (7) years in custody of the Oklahoma Department of Corrections (ODOC) for Indecent Exposure. Additionally, on February 15, 1995, in Tulsa County District Court Case No. CF-94-3976, Anderson was sentenced to seven (7) years in ODOC custody for two counts of Grand Larceny AFCF, and five (5) years ODOC custody for Petit Larceny AFCF. All counts were ordered to run concurrently.

During the Revocation Hearing, Anderson stipulated to the violation as alleged in the petition. The Court found that Anderson was in violation of the conditions of his release and probation was revoked. The Government and the defendant waived additional time for a Sentencing Hearing.

United States District Court The
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 Barbara M. McLaughlin
Deputy

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. Further, the Court found that the violation of probation constituted a Grade A violation in accordance with USSG § 7B1.1(a)(1), and Anderson's Criminal History Category of II is applicable for determining the imprisonment range. In addition, the Court found that a Grade A violation and a criminal history category of II establish a revocation imprisonment range of fifteen (15) to twenty-one (21) 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, Bradley Allen Anderson, 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 Court recommends that, classification provisions permitting, that Anderson be confined in a facility capable of providing a comprehensive mental health assessment and treatment, if necessary.

It is ordered that Anderson pay a fine in the amount of \$1,000. This amount will be paid immediately. Any amount not paid immediately shall be paid while Anderson is in custody through the Bureau of Prisons' Inmate Financial Responsibility Program with any remaining amount to be paid during the period of supervised release.

Upon release from imprisonment, Anderson shall be placed on supervised release for a term of three (3) years. Within 72 hours of release from custody of the Bureau Of Prisons, Anderson shall report in person to the probation office in the district to which he is released. While on supervised release, Anderson 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. Anderson shall not own or possess a firearm or destructive device.
2. Anderson 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. Anderson 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.
4. Anderson 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.

Anderson shall report to the facility of designation as determined by the Bureau of Prisons on February 13, 1998, at 12:00 p.m.


The Honorable James O. Ellison
Senior United States District Judge

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UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

FEB 10 1998

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 96-CR-057-01-B

JAMES ROBERT ROSE
Defendant.

ENTERED ON DOCKET
DATE FEB 10 1998

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

The defendant, JAMES ROBERT ROSE, was represented by Jack Schisler.

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

The defendant pleaded guilty October 1, 1997, to Count 1 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)
21 USC 841(a)(1) (b)(1)(A)(vii)	Manufacturing 1,000 or More Marijuana Plants by Cultivation	1/8/96	1
18 USC 2	Aiding and Abetting	1/8/96	1

As pronounced on February 6, 1998, 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 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 10th day of February, 1998.

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

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

Defendant's SSN: 440-54-1494
Defendant's Date of Birth: 6/14/51
Defendant's residence and mailing address: 823 N. Columbia Avenue, Tulsa OK 74112

Defendant: JAMES ROBERT ROSE
Case Number: 96-CR-057-01-B

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 40 months.

The Court makes the following recommendations to the Bureau of Prisons: the Court recommends that the Defendant be incarcerated at a facility specializing in Comprehensive Drug Treatment.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: JAMES ROBERT ROSE
Case Number: 96-CR-057-01-B

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, destructive device, or other dangerous weapon.
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.
- 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: JAMES ROBERT ROSE
Case Number: 96-CR-057-01-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: JAMES ROBERT ROSE
Case Number: 96-CR-057-01-B

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, which includes finding the defendant meets the criteria set forth in § 5C1.2. Accordingly, the Court finds, pursuant to 18 USC § 3553(f), the statutorily mandated minimum sentence of 120 months does not apply in this case. As determined by the application of § 5C1.2, the guideline sentencing range in this case is, therefore, 37 to 46 months.

Guideline Range Determined by the Court:

Total Offense Level:	21
Criminal History Category:	I
Imprisonment Range:	37 months to 46 months
Supervised Release Range:	5 years
Fine Range:	\$ 7,500 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 is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

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

FILED

FEB -4 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

Case No. 91-CR-18-E
96-C-660-E

ENTERED ON DOCKET

ORDER

DATE FEB 05 1998

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

In Accord with the Order and Judgment of the Court of Appeals dated November 26, 1997, Hobbs' §2255 motion is dismissed as a successive §2255 motion for which permission to filed has been denied by the Court of Appeals.

IT IS SO ORDERED THIS 3rd DAY OF FEBRUARY, 1998.


JAMES O. ELLISON, SENIOR JUDGE
UNITED STATES DISTRICT COURT

150/3

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET

DATE 2-5-98

UNITED STATES OF AMERICA

v.

Case Number 97-CR-140-001-C

FILED

FEB 05 1998 *m*

JANICE CHAMBERS
Defendant.

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

The defendant, JANICE CHAMBERS, was represented by Stephen J. Knorr.

The defendant pleaded guilty orally November 3, 1997, to Count 1 of the Information. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2113(b)	Bank Embezzlement (A Misdemeanor)	3/11/97	1

As pronounced on February 2, 1998, 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 \$ 25, 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 5 day of February, 1998.

Sam A. Joyner
The Honorable Sam A. Joyner
United States Magistrate Judge

Defendant's SSN: 440-62-1955
Defendant's Date of Birth: 1/13/55
Defendant's residence and mailing address: 10001 S. 153 W. Avenue, Sapulpa OK 74066

7

Defendant: JANICE CHAMBERS
Case Number: 97-CR-140-001-C

PROBATION

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

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, destructive device, or other dangerous weapon.
3. The defendant shall perform 50 hours of community service, as directed by the Probation Officer.
4. 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 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: JANICE CHAMBERS
Case Number: 97-CR-140-001-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	8
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	1 year
Fine Range:	\$ 1,000 to \$ 10,000
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): restitution was paid prior to sentencing.

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.

BJS

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FILED

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

FEB 04 1998 *mm*

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-123-001-BU

TAMARA LYNN PIATT
Defendant.

ENTERED ON DOCKET

DATE 2-4-98

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

The defendant, TAMARA LYNN PIATT, was represented by Stephen J. Knorr.

On motion of the United States the court has dismissed Counts 1, 2, and 5-10 of the Indictment.

The defendant pleaded guilty October 30, 1997, to Counts 3 & 4 of the Indictment. *mm*

Accordingly, the defendant is adjudged guilty of such Counts, involving the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
18 USC 1029(a)(2)	Use of Unauthorized Access Device	12/11/96	3
42 USC 408(a)(7)(B)	Use of False Social Security Number	2/96	4

As pronounced on January 29, 1998, 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 as to Count 3 of the Indictment, and \$50 for Count 4 of the Indictment, which shall be due immediately.

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

Signed this the 3rd day of February, 1998.

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 J. Miller
Deputy

Michael Burrage

The Honorable Michael Burrage
United States District Judge

Defendant's SSN: 441-80-5363

Defendant's Date of Birth: 10/7/67

Defendant's residence and mailing address: 45 North Avenue, Cameron WV 26033

Defendant: TAMARA LYNN PIATT
Case Number: 97-CR-123-001-BU

PROBATION

The defendant is hereby placed on probation for a term of five (5) years, as to each count. Said term to run concurrently, each with the other.

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm, destructive device, or other dangerous weapon.
3. The defendant shall be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of four (4) months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the U.S. Probation Office.

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: TAMARA LYNN PIATT
Case Number: 97-CR-123-001-BU

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$18,892.53.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
First Union Card Products Division 1525 West W.T. Harris Blvd. Charlotte NC 28262-8512 Attn: Gene Moran	\$3,619.85
First Card, FCC National Bank 300 King Street Wilmington DE 19801 Attn: Sharon Nolan	\$4,845.94
NOVUS Services, Inc. Box 29024 Phoenix AZ 85038-9024 Attn: Security Investigations	\$3,165.88
Mercantile Bank of Illinois 12443 Olive Blvd. St. Louis MO 63141 Attn: Pathe Price	\$3,703.60
Nations Bank(Boatmen's) Box 2493 Security Dept. Norfolk VA 23501 Attn: Bridget Holloway	\$3,557.26

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: TAMARA LYNN PIATT
Case Number: 97-CR-123-001-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:	9	
Criminal History Category:	I	
Imprisonment Range:	4 months to 10 months	Cts 3 & 4
Supervised Release Range:	2 to 3 years	Cts 3 & 4
Fine Range:	\$ 1,000 to \$ 10,000	Cts 3 & 4
Restitution:	\$ 18,892.53	

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

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

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FILED

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

FEB 04 1998 *rm*

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-095-001-BU

RANDALL TODD MONTGOMERY
Defendant.

ENTERED ON DOCKET

DATE 2-4-98

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

The defendant, RANDALL TODD MONTGOMERY, was represented by Stephen J. Knorr.

On motion of the United States the court has dismissed Counts 2 & 3 of the Indictment.

The defendant pleaded guilty October 30, 1997, to Count 1 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 1029(a)(2)	Fraud & Related Activity in Connection With Access Devices	2/13/97	1

As pronounced on January 29, 1998, 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 1 of the Indictment, which shall be due immediately.

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

Signed this the 3rd day of February, 1998.

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

Michael Burrage
The Honorable Michael Burrage
United States District Judge

By Beranne J. Miller
Deputy

Defendant's SSN: 524-71-2916
Defendant's Date of Birth: 2/26/67
Defendant's residence and mailing address: 1080 S. Maples Way, Aurora CO 80017

Defendant: RANDALL TODD MONTGOMERY
Case Number: 97-CR-095-001-BU

PROBATION

The defendant is hereby placed on probation for a term of five (5) 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, destructive device, or other dangerous weapon.
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 abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
5. The defendant shall successfully participate in a program of anger control counseling, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.

STANDARD CONDITIONS OF PROBATION

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

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

Defendant: RANDALL TODD MONTGOMERY
Case Number: 97-CR-095-001-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 1. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of probation.

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

Defendant: RANDALL TODD MONTGOMERY
Case Number: 97-CR-095-001-BU

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$6,976.60.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
U.S. Cellular 6701 E. 41st Street Tulsa OK 74145	\$5,877.60
Friedman's Jewelry 4107 S. Yale Tulsa OK 74135	\$1,099.00

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma for transfer to the payee(s).

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

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: RANDALL TODD MONTGOMERY
Case Number: 97-CR-095-001-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:	8
Criminal History Category:	1
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 1,000 to \$ 10,000
Restitution:	\$ 6,976.60

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

JAN 30 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-090-003-K

GREGORY A. SCHLENKER
Defendant.

ENTERED ON DOCKET
DATE 2-2-98

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

The defendant, GREGORY A. SCHLENKER, was represented by Larry D. Wagener.

The defendant pleaded guilty October 16, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

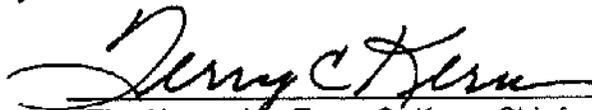
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
21 USC 846 & 21 USC 841(a)(1)	Conspiracy to Manufacture & Distribute Methamphetamine	6/8/97	1

As pronounced on January 14, 1998, 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 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 29 day of January, 1998.



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

Defendant's SSN: 448-92-0829

Defendant's Date of Birth: 4/18/74

Defendant's residence and mailing address: 3120 Echo Road, Sapulpa OK 74066

Defendant: GREGORY A. SCHLENKER
Case Number: 97-CR-090-003-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 37 months.

The Court makes the following recommendations to the Bureau of Prisons: The Court recommends that the defendant be placed in the Intensive Substance Abuse Treatment Program while in the custody of the Bureau of Prisons. The Court further recommends to the Bureau of Prisons that the defendant be placed into a shock incarceration program upon becoming eligible for such program.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 12:00 p.m. on February 16, 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: GREGORY A. SCHLENKER
Case Number: 97-CR-090-003-K

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of four (4) 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, destructive device, or other dangerous weapon.
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: GREGORY A. SCHLENKER
Case Number: 97-CR-090-003-K

FINE

The defendant shall pay a fine of \$ 500, 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: GREGORY A. SCHLENKER
Case Number: 97-CR-090-003-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except the Court makes a finding that the 2 level enhancement contained in USSG § 2D1.1(b)(1) does not apply in this case because the defendant was under the control of a codefendant when the firearms were present. The Court finds that the USSG § 5C.12 applies in this case, and further finds that the defendant played a minor role in the offense, resulting in a 2 level reduction in offense level pursuant to USSG § 3B1.2(b).

Guideline Range Determined by the Court:

Total Offense Level:	21
Criminal History Category:	I
Imprisonment Range:	37 months to 46 months
Supervised Release Range:	4 to 5 years
Fine Range:	\$ 7,500 to \$ 2,000,000
Restitution:	\$ n/a

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

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

BJS