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UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

APR 30 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-146-001-C

ENTERED CLERK'S OFFICE

LARRY STEVEN ORECHIA
Defendant.

DATE 4/30/98

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

The defendant, LARRY STEVEN ORECHIA, was represented by Gene Castleberry.

The defendant pleaded guilty to Count 1 of the Information on December 17, 1997. 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>
26 USC 7201	Tax Evasion	4/15/95	1

As pronounced on April 28, 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 \$ 50, for Count 1 of the Information, which shall be due immediately.

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

Signed this the 29th day of April, 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 *[Signature]*
Phil Lombardi, Clerk
Deputy

[Signature]
The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 002-42-0795
Defendant's Date of Birth: 2/15/51
Defendant's residence and mailing address: 7000 Seawall Blvd., #211, Galveston TX 77551-2098

Defendant: LARRY STEVEN ORECHIA
Case Number: 97-CR-146-001-C

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 be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of six (6) months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. While on probation, should the Internal Revenue Service determine the amount of any delinquent tax and applicable penalties owed by the defendant, such amount shall be paid in accordance with any schedule established by the Internal Revenue Service.

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: LARRY STEVEN ORECHIA
Case Number: 97-CR-146-001-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 \$ 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: LARRY STEVEN ORECHIA
Case Number: 97-CR-146-001-C

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

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

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

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

F I L E D

UNITED STATES OF AMERICA,)

Plaintiff,)

v.)

MARIA ESPINOZA,)

Defendant.)

APR 29 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Case No. 98-CR-30-H

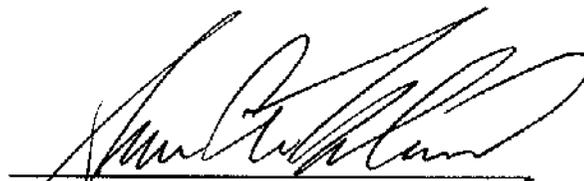
ENTERED ON DOCKET

DATE 4-30-98

ORDER

Now on this 29TH day of APRIL, 1998, this cause comes on upon the motion of the United States and without objections by the Defendant, Maria Espinoza, for good cause shown and in the interest of justice, the Indictment in Case No. 98-CR-30-H pending against Maria Espinoza is hereby dismissed without prejudice.

IT IS SO ORDERED.


SVEN ERIK HOLMES
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

UNITED STATES OF AMERICA,

Plaintiff,

v.

HARLEY REVIS, TERRANCE REVIS,
AND ROMAN YAHOLA,

Defendants.

DATE 4-29-98

No. 97-CR-163-H

FILED

APR 27 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ORDER

On this 27TH day of April, 1998, this matter comes on for the Court's consideration of Plaintiff's Motion for an Order Granting Leave to Dismiss Count 12 of the Indictment and Amending Counts 10 and 46 of the Indictment pending in this cause.

FOR GOOD CAUSE SHOWN, the Court finds and orders that the Plaintiff, the United States of America, be and it is hereby granted leave of court to dismiss Count 12 of the Indictment and it is ordered that Count 12 be and it is hereby dismissed and it is further ordered that Count 10 of the Indictment should be amended to add an additional patient name of "Farbe" and an additional date of service of 8/25/95 and that the check number tabulated in Count 46 of the Indictment should be amended to reflect check number 661219365 in lieu of check number 661219.

IT IS FURTHER ORDERED that Counts 1 through 11 and Counts 13 through 64 inclusive shall remain in full force and effect and proceed to trial as docketed.


Sven Erik Holmes
United States District Judge

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UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED
APR 28 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA)
Plaintiff)
VS)
MILTON THOMAS WALTON)
Defendant)

Case Number 96-CR-144-001-H

ENTERED ON DOCKET

DATE 4-29-98

ORDER REVOKING SUPERVISED RELEASE

Now on this 23rd day of April 1998, this cause comes on for sentencing concerning allegations that Walton violated conditions of supervised release as set out in the Petition on Supervised Release filed on April 3, 1998. Walton is present in person and represented by counsel, Stephen Greubel. The Government is represented by Assistant United States Attorney, Kevin Leach, and the United States Probation Office is represented by Terril R. Sweetwood.

A Revocation Hearing was held this date and the defendant stipulated to the allegations noted in the Petition on Supervised Release. Said allegations reflect that Walton submitted urinalysis samples which tested positive for Marijuana on November 13, December 17, 22, 28 and 31, 1997. Additionally, he submitted positive samples on January 5 and 8, 1998. Walton also submitted a positive sample on March 23, 1998 for marijuana after being placed in the sanction center. On February 22, and March 23, 1998 Walton submitted a sample which tested positive for cocaine. Additionally, the Petition on Supervised Release reflects that Walton left the judicial district in December 1997 and traveled to Texas without the permission of the Probation Officer.

The Court found that Walton was in violation of the conditions of his release and supervised release was revoked. Sentencing was held at which time the Court 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 supervised release constituted a Grade C violation in accordance with USSG § 7B1.1(a)(3)(B), and Walton's Criminal History Category of V is applicable for determining the imprisonment range. In addition, the Court found that a Grade C violation and a Criminal History Category of V establish a revocation imprisonment range of seven (7) to thirteen (13) months in accordance with USSG § 7B1.4(a). The following sentence is ordered:

It is the judgment of the Court that the defendant, Milton Thomas Walton, is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of twelve (12) months. The Court recommends, the defendant be incarcerated at a jail-type facility, and specifically, the Bureau not designate a community corrections facility as the place of confinement. Further, the Court recommends that the defendant be placed in a facility providing substance abuse counseling.

Walton is remanded to the custody of the U.S. Marshal pending transportation to the designated institution.



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
By C. Portello
Deputy

FILED

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

APR 28 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-148-04-C

ENTERED ON DOCKET

MICHAEL TODD STEGAL
Defendant.

DATE 4/28/98

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

The defendant, MICHAEL TODD STEGAL, was represented by WILLIAM E. HUGHES.

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

The defendant pleaded guilty to count 1 of the information on February 2, 1998. Accordingly, the defendant is adjudged guilty of such count, involving the following offense(s):

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
31:843(B)	USE OF A COMMUNICATION FACILITY IN FACILITATING THE COMMISSION OF A FELONY	9/25/97	1

As pronounced on 04/22/98, the defendant is sentenced as provided in pages 2 through of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 100.00, for count(s) 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 28th day of April, 1998.

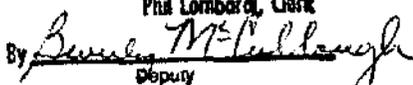

The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 445-78-3289

Defendant's Date of Birth: 6/1/78

Defendant's residence and mailing address: 4110 WEST PERRIER DRIVE, SKIATOOK, OK 74076

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 
Deputy

Defendant: MICHAEL TODD STEGAL
Case Number: 97-CR-148-04-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 26 months.

The Court makes the following recommendations to the Bureau of Prisons: (1) THAT THE DEFENDANT BE DESIGNATED TO THE SHOCK INCARCERATION PROGRAM, OTHERWISE KNOWN AS THE INTENSIVE CONFINEMENT CENTER (ICC) PROGRAM PURSUANT TO USSG § 5F1.7 AND (2) PROVIDE DRUG TREATMENT CONSISTENT WITH PROGRAM AVAILABILITY AT THE ICC PROGRAM

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal
By _____
Deputy Marshal

Defendant: MICHAEL TODD STEGAL

Case Number: 97-CR-148-04-C

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of ONE (1) years.

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

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

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: MICHAEL TODD STEGAL
Case Number: 97-CR-148-04-C

FINE

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

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

Defendant: MICHAEL TODD STEGAL
Case Number: 97-CR-148-04-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:	13	
Criminal History Category:	IV	
Imprisonment Range:	24 months to 30 months	
Supervised Release Range:	1 year	Count 1 of the Information
Fine Range:	\$3,000 to \$30,000	Count 1 of the Information
Restitution:	\$ n/a	Count 1 of the Information

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 guideline.

BJJ

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

F I L E D

APR 22 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

JOSE A. GARCIA,)

Defendant.)

No. 94-CR-27-05-B ✓
(97-CV-162-B)

ENTERED ON DOCKET

DATE ~~APR 23 1998~~

ORDER

Before the Court is the *pro se* Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (Docket #136). The Plaintiff United States of America has filed its response brief (#141) and Defendant has filed a rebuttal to that response (#144). After reviewing the entire record in this case, the Court has determined that an evidentiary hearing is not necessary and that the motion lacks merit and should be denied.

BACKGROUND

Defendant was charged in two counts of a Third Superseding Indictment filed June 8, 1994 (#44) with conspiracy to distribute cocaine and marijuana in violation of 21 U.S.C. § 846 ("Count 1") and with the substantive offense of distributing cocaine in violation of 21 U.S.C. § 841(a)(1) and 2 U.S.C. § 2 ("Count 5"). Defendant was not charged in the remaining Counts 2-4 of the Indictment. Defendant and the government entered into a plea agreement providing that the government would dismiss Count 1 in exchange for Defendant's pleading guilty to Count 5. In his petition to enter a guilty plea, the Defendant admitted that on or about December 16, 1993 he provided approximately one ounce of cocaine to Doug McGowan, a convicted drug offender operating as a government

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informant at the time.

As part of the plea agreement, the government also stipulated that Defendant had accepted responsibility for his actions and should receive a three-point downward adjustment of his criminal offense level for purposes of the sentencing guidelines. The agreement also provided:

There are no agreements whatsoever as to what sentence your client will or should receive pursuant to this plea agreement. In other words, sentencing will remain in the total discretion of the trial court judge, within the requirements of the United States Sentencing Commission guidelines in effect at the date of the plea. This letter makes no representation as to what range of punishment the guidelines provide for the offenses or what the defendant's final numerical level under the guidelines will be.

Pursuant to this agreement, on Count Five Mr. Garcia faces a maximum of twenty (20) years imprisonment, up to a One Million Dollar fine, at least three (3) years supervised release and a \$50.00 special assessment.

(emphasis in original)

On July 15, 1994, the Court conducted a plea inquiry at which Defendant testified under oath that he delivered about 1 ½ ounces of cocaine to Doug McGowan. As part of those proceedings, the Court advised Defendant of the maximum penalty which could be imposed pursuant to the plea agreement (i.e., 20 years), reiterated that the Court would ultimately determine where Defendant's sentence fell within the sentencing guidelines, and emphasized that "irrespective of what your lawyer Mr. Fischer has told you what he thinks these guidelines will be, as far as your sentence is concerned, the Court is not bound by that in any way." (Tr. of Change of Plea at 10-11.)

Also as part of the plea proceedings, the U.S. Attorney and Defendant's attorney estimated that "relevant conduct"¹ for sentencing purposes would most likely include three controlled cocaine

¹ Under § 1B1.3(a)(2) of the United States Sentencing Guidelines (the "Sentencing Guidelines") in effect at the time of Defendant's guilty plea and sentencing, factors to be considered in determining the guideline sentencing range included acts that were part of the same course of conduct or common scheme or plan as the offense of conviction.

buys amounting in total to close to a hundred grams but would not reach the level of 500 grams which would cause a jump in the sentencing range under the guidelines. The Court, however, told Defendant that it would decide his sentence independent of the parties' suggestions or recommendations and that the amount could be somewhat above or under a hundred grams. Defendant stated that he understood these statements. (Tr. of Change of Plea at 14-15.) Based upon Defendant's admissions and answers to the Court's questions at the plea inquiry, the Court accepted the guilty plea but reserved its finding of whether the plea agreement adequately reflected the seriousness of the actual offense behavior. (Tr. of Change of Plea at 29.) The Court then directed the Probation Office to prepare a pre-sentence report.

In preparing the pre-sentence report, Probation Officer Beth Dow interviewed Doug McGowan and Amy Stickman, another informant, who told Ms. Dow that Defendant had delivered from 1/4 pound to one pound of cocaine to them per week for approximately 32 weeks, had directed them in drug activity, and had possessed a firearm in connection with his drug business. The probation officer determined that Defendant was responsible for the sale or possession of a total of 1,032.5 grams of cocaine (equivalent to 206.5 kilograms of marijuana) and the delivery of 40 pounds (18.14 kg.) of marijuana, for a total cocaine and marijuana equivalent of 224.64 kg. of marijuana. Pursuant to the Drug Quantity Tables set forth in § 2D1.1(c) of the Sentencing Guidelines, Ms. Dow arrived at an offense level of 28,² corresponding to a guideline range of 78 -97 months imprisonment. The pre-sentence report also recommended the imposition of a Class B felony offense, raising the maximum penalty to not less than five nor more than forty years. Both Defendant and the

² Starting with a base level of 26, Ms. Dow added two points for firearm possession and three points for supervision of at least two individuals, then reduced the total by three points for acceptance of responsibility.

government filed objections to the pre-sentence report.

On October 28, November 3 and 4, 1994, the Court held sentencing hearings for the purpose of addressing the discrepancy between the cocaine quantities stipulated to by the parties as relevant conduct (approximately 96.95 grams) and the much greater amounts estimated in the presentence report (over 1,000 grams). The Court decided to examine the informants McGowan and Stickman to assess their credibility, despite both parties' objections that their testimony was not credible. These witnesses testified one week apart consistent with their statements to the probation officer. Defendant's attorney vigorously cross-examined McGowan but did not cross-examine Ms. Stickman or present witnesses to refute either of these witnesses' testimony.

On the eve of the second day of hearings, the Probation Office presented an addendum to the pre-sentence report. This addendum had been prepared by Rod Baker, Chief of Probation, after he interviewed several Tulsa police officers who had participated in investigations with McGowan. Baker's report stated that three of the four officers, including Officer Dwight Cole, indicated that they considered McGowan credible. The government responded that Officer Cole had denied to another party that he had told Mr. Baker that he considered McGowan credible. The Court then questioned Mr. Baker who stated that his report accurately reflected information provided by Officer Cole. The government later offered a stipulation that if two undercover officers from the Tulsa Police Department were called, they would testify that they had worked with McGowan on controlled drug purchases and always worked in tandem with him because they didn't trust him. On the morning of the last day of the proceedings and after the parties had rested their cases, defense counsel asked for a continuance to obtain the testimony of Officer Cole. The Court denied Defendant's request, finding that Defendant had been given ample opportunity to call witnesses prior to that point.

At the conclusion of the proceedings, the Court found that Defendant was involved in distributing 499 grams of cocaine and that there was sufficient evidence to support the enhancement under the sentencing guidelines for use of a firearm and for supervising at least two persons. The Court adopted an offense level of 26, with a corresponding guideline range of 63-78 months, and sentenced Defendant to 72 months imprisonment, followed by three years' supervised release, and imposed a fine of \$2000 (#72).

Defendant was represented by new appointed counsel on direct appeal and raised these issues:

- (1) The Court violated separation of powers principles by enhancing his sentence over the government's objections;
- (2) The Court committed various procedural errors during sentencing that require resentencing, specifically:
 - (a) The Court's reference to Defendant's refusal to testify;
 - (b) The Court's failure to inform Defendant of its consideration of the wiretap affidavit as required by Fed.R.Crim.P. 32(c);
 - (c) The testimony of the informants McGowan and Stickman was not sufficiently reliable to serve as the basis for the estimated drug quantity calculation;
 - (d) The Court's denial of Defendant's motion for a continuance to subpoena Officer Cole; and
 - (e) The government's failure to prove the factual grounds for enhancement by a preponderance of the evidence.

The Court of Appeals for the Tenth Circuit affirmed the Court's decision sentencing Defendant to 72 months imprisonment. United States v. Garcia, 78 F.3d 1457 (10th Cir. 1996). The United States Supreme Court denied Defendant's petition for writ of certiorari on June 3, 1996.

In his present motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255, Defendant raises the following grounds for relief (listed on page 3 of his brief in support of the motion):

- (1) Ineffective assistance of counsel, based on seven grounds (six are specifically numbered and one is generally stated);
- (2) Denial of equal protection;
- (3) Breach of the plea agreement;
- (4) Errors in the application of the sentencing guidelines;
- (5) Error in basing Defendant's sentence on the pre-sentence report;
- (6) Violation of Rule 32, Fed. R. Crim. Proc.

In its response to Defendant's motion pursuant to § 2255, the government raises the defense of procedural bar and also responds that the claims are without merit.

ANALYSIS

Except as to Defendant's claim of ineffective assistance of counsel, which is addressed separately below, Respondent asserts the defense of procedural bar. The Court first addresses this defense generally and then as it applies to each of Defendant's claims (2) - (6).

A. Procedural Bar in General.

It is well settled that "[s]ection 2255 motions are not available to test the legality of matters which should have been raised on direct appeal." United States v. Warner, 23 F.3d 287, 291 (10th Cir. 1994) (citation omitted). Consequently, a defendant may not assert issues which were not raised in his direct appeal unless he establishes cause for his default and prejudice resulting therefrom, or can show that a fundamental miscarriage of justice will occur if his claim is not addressed. United

States v. Cook, 45 F.3d 388, 392 (10th Cir.1995). The procedural default rules developed in the context of habeas corpus cases apply with equal force in § 2255 cases. United States v. Frady, 456 U.S. 152, 166-69 n. 15 (1982).

The "cause" standard requires a petitioner to show that some objective factor external to the defense impeded Defendant's ability to raise an issue on direct appeal. See Murray v. Carrier, 477 U.S. 478, 488 (1986). Examples of such external factors include the discovery of new evidence or a change in the law. Id. Ineffective assistance of counsel is another example of an external factor that may constitute "cause" excusing a procedural default. Cook, 45 F.3d at 392. As for prejudice, a petitioner must show "actual prejudice" resulting from the errors of which he complains." United States v. Frady, 456 U.S. 152, 168 (1982). The "fundamental miscarriage of justice" exception requires a petitioner to demonstrate that he is "actually innocent" of the crime of which he was convicted. McCleskey v. Zant, 499 U.S. 467, 494 (1991).

Defendant does not specifically respond to Plaintiff's defense of procedural bar. However, in his initial brief attached to the § 2255 motion, Defendant generally refers to the doctrine of procedural default and notes that he is raising the issue of ineffective assistance of counsel. Therefore, construing Petitioner's *pro se* motion liberally as required by Haines v. Kerner, 404 U.S. 519, 520 (1972), the Court examines whether Defendant's allegations of ineffective assistance of counsel constitute "cause" sufficient to overcome the procedural bar as to his claims (2) - (6). After careful review of the record and as discussed below, the Court determines that Defendant fails to meet this burden.

To establish ineffective assistance of counsel a defendant must show that his counsel's performance was deficient and that the deficient performance was prejudicial. Strickland v.

Washington, 466 U.S. 668, 687 (1984). Although the Strickland test was formulated in the context of evaluating a claim of ineffective assistance of trial counsel, the same test is applied in assessing the ineffectiveness of appellate counsel. United States v. Cook, 45 F.3d at 392.

Because the procedural bar is imposed due to Defendant's failure to raise his claims on direct appeal, the Court must examine the merits of the issues omitted upon appeal. Id. If the omitted issues are without merit, counsel's failure to raise them does not amount to constitutionally ineffective assistance of counsel. Id. at 393.

1. *Denial of Equal Protection.*

Defendant does not provide any factual basis for this claim, other than a statement on page 1 of his brief that "Petitioner was not afforded guaranteed protection of the rights to a fair sentence under the sixth and fourteenth amendment [sic], thereby his due process and equal protection of law were in violation [sic]." To the extent that Defendant is alleging a violation of his Sixth Amendment right to counsel, this issue is addressed below in the discussion of Defendant's claim of ineffective assistance of counsel. Defendant's specific due process claims relating to his sentence are also discussed below.

2. *Breach of the Plea Agreement.*

Defendant states that "[t]he Government breach [sic] its plea agreement when the Government agreed not to sentence Petitioner [to] more then [sic] 24 months." Defendant states that he expected to receive a sentence of about 12 to 18 months, and that this the only reason he pleaded guilty. He alleges that the Government promised that only evidence occurring between December 10, 1993 and January 26, 1994 would be used.

This specific claim was not raised by Defendant on direct appeal; thus, the Court must determine if Defendant has shown cause and prejudice sufficient to overcome the procedural bar, i.e., in this context whether Defendant's counsel was deficient in failing to raise this issue on appeal and if so, whether such error was prejudicial. As discussed below, the Court finds this issue to be without merit; thus, counsel did not err in omitting to raise it on appeal.

The record provides no support for Defendant's claim that the government breached the plea agreement. On page 5 of the plea agreement signed by Defendant, the terms of the agreement are stated to be as follows: "I will plead guilty to Count V; any other counts against me in indictment will be dismissed, including conspiracy." And on page 6 of that agreement entitled "Sentencing," following the statement that sentencing is a matter left exclusively in the province of the Court, is the Defendant's declaration:

I declare that no officer or agent of any branch of government (Federal, State, or local) has promised, suggested or predicted that I will receive a lighter sentence, or probation, or any other form of lenience if I plead "GUILTY", except as follows [instructions omitted]: Guideline sentence for single substantive count only.

The government also stipulated in connection with the plea agreement that Defendant was entitled to a three point reduction in the sentencing level because he accepted responsibility in pleading guilty.

Defendant, who testified that his education included four years of college, acknowledged at the change of plea hearing that he understood all of the foregoing, i.e., that sentencing remained totally in the Court's discretion notwithstanding any predictions of a probable sentence made by his attorney, and that no promises had been made to him other than contained in the plea agreement. (Tr. of Change of Plea at 15 and 17.)

Viewing the events which transpired at sentencing against the provisions of the plea agreement, it is clear that the government *did* abide by the plea agreement in asking for dismissal of Count 1 against Defendant at the close of sentencing. (Tr. of Sent'g Hr'g at 210.) Further, the Court adopted the government's stipulation that Defendant had accepted responsibility and adjusted Defendant's offense level downward by three points. While Defendant may well have been expecting a lesser sentence than he ultimately received, the severity of his sentence was not—and legally could not have been—part of the plea agreement nor the subject of a promise by the government. Thus, this claim is without merit and Defendant's counsel did not render ineffective assistance in failing to raise it on appeal.

The only other avenue by which Defendant can have this claim reviewed is by showing that a "fundamental miscarriage of justice" will result if the procedural bar is invoked. This exception applies "where a constitutional violation has probably resulted in the conviction of one who is actually innocent." Murray v. Carrier, 477 U.S. 478, 496 (1986). Here, Defendant does not allege that he is actually innocent of the crime (i.e., distribution of cocaine) to which he pleaded guilty; he claims only that he should have received a lesser sentence.

Accordingly, because Defendant has not shown cause for his failure to raise this issue on direct appeal or prejudice resulting therefrom, or that a miscarriage of justice would result if this issue is not reached on its merits, the Court is procedurally barred from reaching this claim.

3. *Error in Application of the Sentencing Guidelines.*

Defendant contends that the evidence does not support any of the following: starting at level 28, the 3 point enhancement due to Defendant's being a leader of two or more individuals, or the 2 point enhancement for possession of a firearm during a drug transaction. Defendant states that the

Court based its sentence solely upon the information provided in the pre-sentence report and "did not accept evidence, documents or reports except the pre-sentence report and motion from the Government." Defendant points out that a state case charging him with a weapons offense was dismissed and asserts that the probation officer preparing the pre-sentence report misled the Court as to that dismissal.

To briefly summarize the applicable sentencing procedures: Defendant's sentence was determined pursuant to the provisions of the 1993 Sentencing Guidelines, which required that the Court consider Defendant's "relevant conduct" in determining the "Base Offense Level" and any adjustments. Factors considered pursuant to § 1B1.3(a)(2) included all acts and omissions that were part of the course of conduct or common scheme or plan as the offense of conviction. As an example in the commentary illustrated, where a defendant was involved in three drug sales but was convicted on a count charging only one of the sales, the total quantity of drugs sold was used to determine the offense level. § 1B1.3, Comment. (n. 3). Section 2D1.1(a)(3) provided that the "Base Offense Level" for Defendant's offense of drug trafficking was determined according to a drug quantity table. If different drugs were involved, they would be converted according to equivalency tables provided.

Addressing the various points made in Defendant's claim, the Court first notes that for purposes of the Sentencing Guidelines the Court found at least 400 grams but less than 500 grams of cocaine or its equivalent and thus started at the Base Offense Level of 24 (not 28 as alleged by Defendant here). The Court then added three points for supervision of two or more persons in a criminal activity, subtracted three points for acceptance of responsibility, and added two points for use of a firearm in connection with the drug activity, to arrive at its total of 26. Also, the Court *did* receive substantial evidence—including witness testimony—in addition to the pre-sentence report.

On direct appeal, Defendant argued that the government had failed to prove enhancement of his sentence by a preponderance of the evidence. The Tenth Circuit held that this Court "properly employed its discretion to decide a sentence by determining whether a preponderance of the evidence warranted a sentence greater than the government's recommendation." Garcia, 78 F.3d at 1467.

Thus, Defendant's claims as to the sufficiency of the evidence supporting enhancement of his sentence have been previously considered and disposed of on appeal. A defendant may not raise in a § 2255 petition issues that have already been adjudicated on direct appeal. United States v. Cox, 83 F.3d 336, 342 (10th Cir. 1996); United States v. Warner, 23 F.3d 287, 291 (10th Cir. 1994). Accordingly, Defendant is barred from now raising this issue.

Further, counsel's failure to raise an issue relating to the alleged dismissal of a state weapon's charge, even if error, did not prejudice Defendant because the record reflects ample uncontradicted testimony as to Defendant's use of a gun on numerous occasions in connection with his drug business by McGowan and Stickman, two witnesses whom the Court found credible on this point.

Therefore, as to those issues not already considered and disposed of by the Tenth Circuit, Defendant has failed to show cause and prejudice sufficient to overcome the procedural bar.

4. *Error in Basing Sentence on the Pre-Sentence Report.*

Defendant contends the Court relied upon the allegations of the pre-sentence report which were not supported by any evidence, and, thus, the Court violated Defendant's due process rights by making a determination without a hearing. Also, Defendant contends that "the Court's blind reliance upon the pre-sentence report violates this Constitutional provision [separation of powers]."

This ground for relief is clearly without merit as the Court did hold a sentencing hearing over a period of three days. Two witnesses testified at that hearing, and the parties also presented

stipulations relating to various points. The Court based its sentence upon the testimony of witnesses it found credible which supported the determinations of the pre-sentence report. Additionally, on appeal the Tenth Circuit concluded that this Court did not violate separation of powers principles by refusing to honor the government's stipulations regarding the drug quantity and credibility of the informant witnesses. Garcia, 78 F.3d at 1462. Because the separation of powers issue was considered on appeal, Defendant may not raise it under § 2255.

Accordingly, to the extent that this ground for relief was not disposed of on direct appeal, the Court finds that it is without merit and Defendant has not shown cause and prejudice sufficient to overcome the procedural bar.

5. *Violation of Rule 32, Fed. R. Crim. Proc.*

Defendant does not explain the factual basis of this claim. However, on direct appeal Defendant did argue that he was not given notice of a wiretap affidavit relied upon in determining his sentence, in violation of Rule 32(c)(3)(A). The Tenth Circuit determined that the disclosure requirements of Rule 32(c)(3)(A) were not technically violated. Garcia, 78 F.3d at 1465. However, that Court did find that counsel were not given the opportunity to comment on this information until after sentencing. Id. Notwithstanding this violation of Rule 32(c)(1), the Tenth Circuit held it to be harmless error that was not shown to have had a substantial influence on the ultimate sentencing determination. Id.

Based upon the Tenth Circuit's consideration and disposal of the Rule 32 issues on appeal, the Court concludes that Defendant is barred from now raising this claim in his § 2255 motion.

B. Ineffective Assistance of Counsel.

The Court next turns to Defendant's claim that his Sixth Amendment right to counsel was denied on several grounds, which are described and addressed below.

As previously noted, to establish ineffective assistance of counsel a defendant must show that his counsel's performance was deficient and that the deficient performance was prejudicial. Strickland v. Washington, 466 U.S. 668, 687 (1984); Osborn v. Shillinger, 997 F.2d 1324, 1328 (10th Cir. 1993). A defendant can establish the first prong by showing that counsel performed below the level expected from a reasonably competent attorney in criminal cases. Strickland, 466 U.S. at 687-88. To establish the second prong, a defendant must show that this deficient performance prejudiced the defense, to the extent that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 694. See also Lockhart v. Fretwell, 506 U.S. 364, 369-70 (1993). There is a "strong presumption that counsel's conduct falls within the range of reasonable professional assistance." Strickland, 466 U.S. at 688. In making this determination, a court must "judge . . . [a] counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." Id., at 690. Moreover, review of counsel's performance must be highly deferential. "[I]t is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." Id. at 689.

The Court will address each of Defendant's assertions of ineffective assistance of counsel.

1. *Defendant asserts that his attorney should have objected to the Court's abuse of discretion when it did not follow the government's recommendation that not more than level 24 be used and that his attorney erred "by allowing the Court to use the theory of 'a lot of young blacks were doing long sentence in the federal penitentiary [sic].' stated at: page 5 line 1 through 19 of November 7, 1994 In Camera Hearing."*

The issue of the Court's enhancement of Defendant's sentence over the government's objection was specifically raised on appeal, and the Tenth Circuit held that the Court acted within its discretion when it declined to follow the government's recommendation concerning sentencing, stating that "[t]he district court may decline to follow a sentence recommendation when it finds the stipulated facts do not accurately reflect all relevant conduct bearing upon the guideline range."

Garcia, 78 F.3d at 1462-1463.

As to Defendant's second issue, the Plaintiff correctly points out that this statement was made in the context of a post-sentencing in camera hearing, as part of an overall discussion of the sentencing guidelines as they applied to relevant conduct for drug offenders. The Court's comment was not open to objection by Defendant's counsel, and it clearly was not prejudicial to Defendant as he had already been sentenced and this statement had no bearing on the determination of that sentence. Therefore Defendant's counsel was not ineffective in failing to object to this comment.

2. *Defendant claims his attorney failed to investigate the Sentencing Guidelines and did not investigate the case at all, or he would have investigated some police reports that "show that defendant never deliver [sic] drugs with Mr. Cordova [sic], as stated on Pre-Sentence report and the Indictment." Defendant also states that he told his attorney that he had never delivered cocaine to Mr. McGowan, but his attorney advised him to accept the plea agreement for delivery of one ounce and he would not get sentenced to more than 24 months.*

The record in this case plainly contradicts Defendant's statement that his attorney failed to investigate this case or the Sentencing Guidelines. Defendant's trial attorney objected in writing (#71) and verbally to the pre-sentence report's application of the Sentencing Guidelines. Defense counsel also vigorously cross-examined Doug McGowan relating to his alleged purchases of drugs from Defendant.

Further, the Court also cannot conclude that defense counsel erred in advising Defendant to accept the plea agreement, which had the effect of dismissing Count One of the Indictment relating to conspiracy. Had Defendant not entered into the plea agreement, he faced potentially higher sentences on the two counts, as the evidence at trial may very well have established much greater amounts of drug possession/distribution. Additionally, as discussed above, Defendant was advised by the Court on several occasions that the plea agreement explicitly left open the amount of the sentence. Thus, this ground is without merit.

3. *Defendant contends his counsel was ineffective "by not advising [him] to withdraw his plea agreement that exposed [him] to a 5 to 40 year sentence. When the court stated at this point that the sentence was going to be based on level 28 which carries a minimum of 5 years."*

Even construing this allegation liberally, as required by Haines v. Kerner, 404 U.S. 519, 520 (1972), the Court is unable to perceive Defendant's point. The plea agreement provided only that the sentence could range up to a maximum imprisonment term of 20 years. While the pre-sentence report, to which defense counsel objected, recommended classifying the offense as a Class B felony, punishable by 5 to 40 years and also recommended using a sentencing level of 28, the Court did not fully adopt those recommendations. In fact, the Court discussed the possibility that if it determined there was substantially more than 500 grams of cocaine involved in the relevant conduct determination, which would subject Defendant to the Class B felony classification recommended by the probation officer, Defendant should be given an opportunity to withdraw from the plea agreement because the 5 to 40 years' custody range exceeded the 20 years' maximum in the plea agreement. (Tr. of Sent'g Hr'g at 29-31.) As it turned out, however, the Court found only 499 grams of cocaine in order to preserve the plea agreement and determined a total offense level of 26, with a

corresponding guideline range of 63 to 78 months. The Court then sentenced Defendant to 72 months. Accordingly, the Courts finds this claim to be without merit.

4. *Defendant states that his counsel "fail[ed] to object to Ms Stickman's testimony that she had gone to Dallas, Texas to pick up drug [sic]. But in fact she stated that she never saw any drugs. At this point she was just assuming and her conclusion were [sic] unsupported."*

Defendant is apparently referring to the portion of the pre-sentence report relating to the three point adjustment for role in the offense (i.e., serving as manager or supervisor of at least two individuals involved in a criminal activity having at least five or more participants). In the report, the probation officer determined that Defendant recruited Benny Beard and Amy Stickman to travel to Dallas for the purpose of transporting illegal drugs.

Amy Stickman was not asked about this trip during her testimony at the sentencing hearing. However, she did testify that Defendant "fronted" her cocaine to sell and sometimes required her to "cut" the cocaine. (Tr. of Sent'g Hr'g at 47-52.) She also testified that there were more than five participants involved in Defendant's criminal activity and named four individuals other than herself and Doug McGowan. (Tr. of Sent'g Hr'g at 57-58.) McGowan also testified as to these activities. Thus, there was adequate evidence supporting the Court's three-point upward adjustment for role in the offense.

Insofar as Defendant is also claiming counsel should have attacked the reliability of Stickman's testimony, this issue was raised and decided against Defendant on direct appeal. There appellate counsel argued that the testimony of Stickman and McGowan did not possess "sufficient indicia of reliability to support its probable accuracy." Garcia, 78 F.3d at 1466. The Tenth Circuit found that "McGowan and Stickman testified only as to their personal knowledge of specific facts

relating to Defendant's drug transactions. [Their] testimony sufficiently corroborated each other's statements—as well as the statements they made to the probation officer—to further indicate that the testimony was reliable." *Id.* The Tenth Circuit further noted that it has previously held that "courts may employ out-of-court statements not independently corroborated when the informant was identified." *Id.* (citing United States v. Ballard, 16 F.3d 1110, 1115 n.5 (10th Cir. 1994).

Because Defendant's case was not prejudiced by his trial counsel's failure to object to this testimony, this allegation of ineffective assistance of counsel is without merit.

5. *Defendant contends that his counsel "failed to call witnesses to testify that could have impeach [sic] the government main witness or CI. this were [sic] three officers that would have testify [sic] that the CI's testimony was not true."*

Again, Defendant does not elaborate on this statement. Apparently Defendant is referring to Doug McGowan as the "CI" or chief informant, but Defendant does not name the three officers who allegedly would have contradicted McGowan's testimony. At the sentencing hearing, the government stipulated that two Tulsa police officers (Officers Glen Uhren and Jeff Cash) would testify if called to serve as witnesses that they did not trust McGowan. (Tr. of Sent. Hr'g at 151-152.) The record also reflects the Assistant U.S. Attorney's report that he spoke to Officer Dwight Cole who denied making a representation to the probation officer that McGowan was a credible witness. (Tr. of Sent. Hr'g at 189.) The Court assumes that it is these three officers—Cole, Uhren and Cash—whom Defendant claims his attorney should have called as witnesses.

Assuming *arguendo* that defense counsel erred in failing to call these witnesses who might have testified as to their opinion of McGowan's credibility, Defendant has not shown that such deficient performance prejudiced the defense, to the extent that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different."

Strickland, 466 U.S. at 694. Rod Baker, Chief of Probation, had provided a statement that three of the four Tulsa police officers he interviewed (including Officer Cole) considered McGowan credible. Further, Defendant does not articulate how these officers' testimony would refute McGowan's specific testimony on the crucial issues relating to: the amount of cocaine purchased from Defendant over a multi-month period, Defendant's possession of a firearm in connection with his drug dealings, and the number of participants in the overall criminal activity. The stipulations and other sentencing proceedings reflect only that these officers did not trust McGowan or might not judge him a credible witness. As McGowan's testimony related to his confidential dealings with Defendant, the Court is wholly unconvinced that these officers would have testified that McGowan's "testimony was not true."

In any event, however, the testimony of Amy Stickman independently corroborated McGowan's testimony as to the crucial issues, and Stickman's testimony is in itself sufficient to establish the higher drug quantities and enhancements. Defendant does not claim that any witnesses should have been called to refute Stickman's testimony or credibility. Therefore, because Defendant has not established a reasonable probability that his sentence would have been different had counsel called these three police officers to testify, his claim of ineffective assistance of counsel must fail.

6. *Defendant contends counsel was ineffective when he told the Court Defendant was living in "Fantasy Land" when it came to relevant conduct and that counsel had advised Defendant about relevant conduct. Defendant states that the relevant conduct he was told about was the 68.95 grams that he agreed to accept in the plea agreement, which was the relevant conduct between December 10, 1993 to January 26, 1994 and no more. Also, Defendant states that his attorney told him that the Court could not use more or even prove any more.*

The "Fantasy Land" statement was made on the last day of the sentencing proceedings after the parties had rested. Defendant had made the statement that he was guilty of one ounce. (Tr. of

Sent'g Hr'g at 192-194.) Upon questioning by the Court, defense counsel stated that Defendant's philosophical belief was that he should be punished for the crime he pled guilty to, rather than based on the relevant conduct theory, "although, as his counsel, I recognize that he is living in a fantasyland in that regard and that we are subject to relevant conduct." (Tr. of Sent'g Hr'g at 194.)

These allegations again do not establish ineffective assistance of counsel. Counsel's choice of words to describe Defendant's "philosophical belief" about sentencing may have been unfortunate but Defendant does not allege that such statement affected or prejudiced Defendant's case in any way.

Defendant's second allegation is that counsel incorrectly told him that the "relevant conduct" determination would be based only upon a quantity of 68.95 grams of cocaine, which represents the drug transactions documented by police records in December, 1993 and January, 1994 and which Defendant "agreed to accept in the plea agreement." Even assuming such representation was made, Defendant has not established that it was prejudicial, i.e., but for such incorrect advice, "the result of the proceeding would have been different." Strickland 466 U.S. at 694.

The Court initially notes that the plea agreement does not contain any representation or agreement as to the quantity of drugs to be considered for sentencing purposes, and the Court took pains at the time of the plea inquiry to ensure that Defendant understood that sentencing was left totally in the Court's discretion notwithstanding any predictions of a probable sentence made by his attorney. (Tr. of Change of Plea at 15 and 17.)

While the parties verbally agreed at the sentencing hearing to an amount equal to 96.95 grams for sentencing purposes, (Tr. of Sent'g Hr'g at 16), the Court was not bound by that agreement. Addressing this precise issue on direct appeal, the Tenth Circuit held that "[t]he district court may decline to follow the sentence recommendation when it finds the stipulated facts do not accurately

reflect all relevant conduct bearing upon the guideline range." Garcia, 78 F.3d at 1462 (citing United States v. Easterling, 921 F.2d 1073, 1079 (10th Cir. 1990)). Defendant totally fails to allege how his defense at the sentencing hearing was prejudiced, even if defense counsel incorrectly advised him as to the quantity of drugs to be considered for sentencing purposes. Thus, these allegations do not establish ineffective assistance of counsel.

7. *General allegations of ineffective assistance of counsel.*

Defendant claims that "[i]nstead of serving as petitioner's Advocate before trial, Counsel abandoned Petitioner and affirmatively aided the Government in their efforts to persuade the Court that there was not reasonable doubt that Petitioner was the person involved in those crimes." He also contends that "[p]etitioner's Counsel abandonment of his duty to loyalty to Petitioner by assisting the prosecution also created a conflict [sic] of interest." Further, he alleges that his attorney made no defense to the Court calling witnesses, and told Defendant that the Court could not use anything that the government was against using, and that once the sentencing hearing began "Counsel was a mere spectator in Court."

These allegations are not supported by the record. Defendant pled guilty to the crime of distributing cocaine. The Court determined that Defendant was making this plea voluntarily and knowingly before accepting the guilty plea. Thus, there was no issue of "reasonable doubt" as to Defendant's involvement in this crime. There is also no support for Defendant's assertion that his attorney "abandoned" him, assisted the prosecution, and became a mere "spectator" in court.

On the contrary, the record demonstrates that defense counsel made many objections on Defendant's behalf (e.g., to the pre-sentence report and to the Court's calling and examining witnesses on its own initiative), cross-examined McGowan and made numerous arguments for

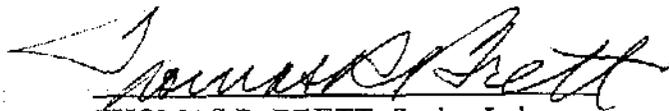
Defendant on various subjects during the course of the sentencing hearing. The Defendant fails to point to specific instances supporting his allegations that defense counsel failed to act as an advocate for Defendant. The Court concludes that Defendant has not shown that counsel performed below the level expected from a reasonably competent attorney in criminal cases. Strickland, 466 U.S. at 687-88.

CONCLUSION

Defendant's claim that his counsel provided ineffective assistance is without merit. Defendant's remaining claims are either procedurally barred or are barred because they have been previously considered and disposed of on direct appeal. Therefore, the Court concludes that Defendant's motion to vacate, set aside, or correct sentence should be denied.

ACCORDINGLY, IT IS HEREBY ORDERED that Defendant's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (#136) is denied.

SO ORDERED THIS 22nd day of April, 1998.



THOMAS R. BRETT, Senior Judge
UNITED STATES DISTRICT COURT

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

ENTERED ON DOCKET
DATE 4-23-98

UNITED STATES OF AMERICA

v.

Case Number 97-CR-032-007-K

CALLIE M. HOLT
Defendant.

FILED

APR 23 1998

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, CALLIE M. HOLT, was represented by Jim Heslet.

The defendant pleaded guilty January 7, 1998, to Count 1 of the Indictment.

Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

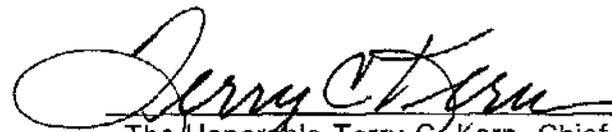
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 371	Conspiracy to Utter, Possess, and Pass Forged Securities	2/9/97	1

As pronounced on April 16, 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 22 day of April, 1998.


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

Defendant's SSN: 287-72-8318
 Defendant's Date of Birth: 07/23/72
 Defendant's mailing address: PO Box 349, Foyil OK 74031
 Defendant's residence address: Oklahoma Department of Corrections

Defendant: CALLIE M. HOLT
Case Number: 97-CR-032-007-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 15 months as to Count 1, said term to run concurrently with Rogers County District Court Case Number CF96-356 and Okmulgee County District Court Case Numbers HCF97-5009 and CF97-61.

The Court makes the following recommendations to the Bureau of Prisons: that the Bureau of Prisons designate the Oklahoma Department of Corrections as the place of service for sentence.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: CALLIE M. HOLT
Case Number: 97-CR-032-007-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 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 perform 100 hours of community service, as directed by the Probation Office.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: CALLIE M. HOLT
Case Number: 97-CR-032-007-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	6
Criminal History Category:	VI
Imprisonment Range:	12 months to 18 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 500 to \$ 5,000
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.

BJJ

cw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET

4-23-98

UNITED STATES OF AMERICA

v.

Case Number 97-CR-130-001-K

PATRICIA BALL
Defendant.

FILED

APR 22 1998 *CW*

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, PATRICIA BALL, was represented by Stephen J. Greubel.

The defendant pleaded guilty January 15, 1998, 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 4	Misprision of a Felony	5/14/97	1

As pronounced on April 17, 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 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 22 day of April, 1998.

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

Defendant's SSN: 408-17-6762

Defendant's Date of Birth: 4/27/59

Defendant's residence and mailing address: 2250 Marsh Lane, Apt. 1102, Carrollton TX 75006

Defendant: PATRICIA BALL
Case Number: 97-CR-130-001-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 successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
4. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
5. The defendant shall 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 serve the first six months of probation on home confinement. The term of home confinement shall include electronic monitoring at the discretion of the supervising 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: PATRICIA BALL
Case Number: 97-CR-130-001-K

FINE

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

The defendant shall pay a fine of \$ 500, 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: PATRICIA BALL
Case Number: 97-CR-130-001-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	6
Criminal History Category:	II
Imprisonment Range:	1 months to 7 months
Supervised Release Range:	1 year
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ n/a

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

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

ENTERED ON DOCKET
DATE 4-23-98

v.

Case Number 97-CR-114-001-K

WILLIAM SOURS
Defendant.

FILED
APR 22 1998

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, WILLIAM SOURS, was represented by F. Randolph Lynn.

The defendant pleaded guilty December 18, 1997, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

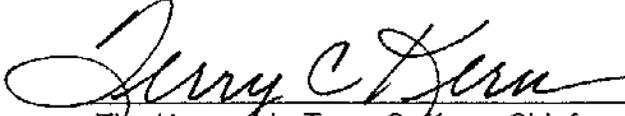
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 2118(a) & (c)	Armed Robbery Involving Controlled Substances and Interstate Travel	7/11/97	1

As pronounced on April 17, 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 22 day of April, 1998.


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

Defendant's SSN: 486-60-3000
Defendant's Date of Birth: 4/8/53
Defendant's mailing address: c/o US Marshals, 333 W. 4th Street, 4th Floor, Tulsa OK 74103
Defendant's residence address: Missouri Department of Corrections

Defendant: WILLIAM SOURS
Case Number: 97-CR-114-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 96 months, as to Count 1, said term to run consecutively to any other previously imposed sentence.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: WILLIAM SOURS
Case Number: 97-CR-114-001-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 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: WILLIAM SOURS
Case Number: 97-CR-114-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$1,470.72.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Getman Pharmacy Attn: Denny Lansford 1725 E. 19th Street Tulsa OK 74104	\$1,470.72

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: WILLIAM SOURS
Case Number: 97-CR-114-001-K

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report, except the Court concurs with the defendant's objection to the presentence reports and finds that the defendant has clearly demonstrated his acceptance of responsibility for his involvement in this offense. In addition, his acceptance was done in a timely manner that prevented the government from having to prepare for trial. The total offense level in the presentence report should be reduced three levels pursuant to the provisions of USSG 3E1.1(a) & (b)(2).

Guideline Range Determined by the Court:

Total Offense Level:	24
Criminal History Category:	IV
Imprisonment Range:	77 months to 96 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 10,000 to \$ 100,000
Restitution:	\$ 1,470.72

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

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

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE 4-22-98

UNITED STATES OF AMERICA

v.

Case Number 97-CR-157-001-K

TAMMY JEAN FRITTS
Defendant.

FILED

APR 27 1998

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

Phil Lombardi, Clerk
U.S. DISTRICT COURT

The defendant, TAMMY JEAN FRITTS, was represented by Robert Payden.

The defendant pleaded guilty January 8, 1998, to Count 1 of the Information.
Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

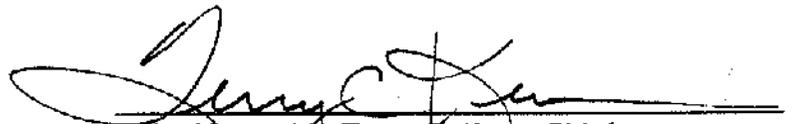
<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
18 USC 513(a)	Uttering Forged Securities	2/5/97	1

As pronounced on April 13, 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 20 day of April, 1998.


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

Defendant's SSN: 442-66-7666

Defendant's Date of Birth: 9/29/58

Defendant's residence and mailing address: 19724 E. Pine, #127, Catoosa OK 74015

Defendant: TAMMY JEAN FRITTS
Case Number: 97-CR-157-001-K

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of five (5) months.

The Court makes the following recommendations to the Bureau of Prisons: that the defendant serve the term of imprisonment in the Turley Community Corrections Center in Tulsa, Oklahoma.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 2:00 p.m. on June 1, 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: TAMMY JEAN FRITTS
Case Number: 97-CR-157-001-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 be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of five (5) months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the U.S. Probation Office.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
The defendant shall perform 200 hours of community service, as directed by the Probation Office.
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: TAMMY JEAN FRITTS
Case Number: 97-CR-157-001-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$57,359.39. The interest on restitution payments 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>
Alta View Animal Hospital Gary McCall 7717 East 21 Street Tulsa OK 74129	\$57,359.39

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: TAMMY JEAN FRITTS
Case Number: 97-CR-157-001-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	11
Criminal History Category:	I
Imprisonment Range:	8 months to 14 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 3,000 to \$ 30,000
Restitution:	\$ 57,359.39

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA
AMMENDED APRIL 21, 1998

FILED

APR 21 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA)
Plaintiff)
VS)
ERIC KNIGHT)
Defendant)

Case Numbers: 91-CR-150-001-B
92-CR-085-001-C

ENTERED ON DOCKET

DATE APR 22 1998

Amended

ORDER REVOKING SUPERVISED RELEASE

Now on this 12th day of March, 1998, this cause comes on for sentencing concerning allegations that Knight violated conditions of supervised release as set out in the Petition on Supervised Release filed on December 31, 1997. The defendant is present in person and represented by counsel, Rob Nigh. The Government is represented by Assistant U.S. Attorney Susan Morgan, and the United States Probation Office is represented by Doug Burris.

As to 91-CR-150-001-B, the defendant was heretofore convicted on his plea of guilty to Counts One and Two of an Indictment, charging Possession with Intent to Distribute Cocaine Base, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C), and

FB/14

Distribution of Cocaine Base, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(C).

On July 1, 1992, he was sentenced to twenty-seven (27) months custody, and a three (3) year term of supervised release. The offender began his term of supervised release on January 22, 1996, after being released from custody. Knight was also ordered to pay a \$50 Special Monetary Assessment, and to comply with urinalysis as directed by the probation officer.

As to 92-CR-085-001-C, the defendant was heretofore convicted on his plea of guilty to a one-count Indictment, charging Distribution of Cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(B). He was sentenced to forty-eight months (48) custody, and a three (3) year term of supervised release. The offender began his term of supervised release on January 22, 1996, after being released from custody. Knight was also ordered to pay a \$50 Special Monetary Assessment, and to comply with urinalysis as directed by the probation officer.

On February 13, 1998, a Revocation Hearing was held regarding the allegations noted in the Petition on Supervised Release, filed on December 31, 1997, said allegation being that on December 31, 1997, the defendant committed new law violations: Possession with Intent to Distribute Cocaine Base and Possession of Marihuana. Knight stipulated to the violations at the Revocation Hearing, and sentencing was set for March 6, 1998.

As to 91-CR-150-001-B, on March 6, 1998, as a result of the Sentencing Hearing, the Court found that the violations occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable. Further, the Court found that the most serious violation of supervised release, Possession with Intent to Cocaine Base, constituted a Grade A violation in accordance with USSG § 7B1.1(a)(1), and that the defendant's original Criminal History Category of III was applicable for determining the imprisonment range. In addition, the Court found that a Grade A violation and a Criminal History Category of III establish a revocation imprisonment range of eighteen (18) to twenty-four (24) months.

As to 92-CR-085-001-C, on March 12, 1998, as a result of the Sentencing Hearing, the Court found that the violations occurred after November 1, 1987, and that Chapter 7 of the U. S. Sentencing Guidelines is applicable. Further, the Court found that the most serious violation of supervised release, Possession with Intent to Distribute Cocaine Base, constituted a Grade A violation in accordance with USSG § 7B1.1(a)(1), and that the defendant's original Criminal History Category of IV was applicable for determining the imprisonment range. In addition, the Court found that a Grade A violation and a Criminal History Category of IV establish a revocation imprisonment range of twenty-four (24) to thirty (30) months. However, the statutory maximum in this case is twenty-four (24) months. Therefore, the guideline imprisonment term in this case is twenty-four (24) months.

In consideration of these findings and pursuant to U.S. vs. Lee, 957 F2d 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 were not mandatory, but must be considered by the Court, the following was ordered:

As to 91-CR-150-001-B, the defendant is committed to the custody of the U. S. Bureau of Prisons to be imprisoned for a term of twenty-four (24) months. As to 92-CR-085-001-C, the defendant is committed to the custody of the U. S. Bureau of Prisons to be imprisoned for a term of twenty-four (24) months, said term to run concurrent with the term imposed in 91-CR-150-001-B.

The Court recommends to the Bureau of Prisons that Knight be placed in a comprehensive substance abuse treatment program while incarcerated.

The defendant will be allowed to self-surrender to the facility designated by the Bureau of Prisons on April 9, 1998, at 11:00 a.m.



The Honorable Thomas R. Brett
United States District Judge

4-22-98

aw

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

APR 20 1998

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 94-CR-176-001-BU

PETER JOSEPH McMAHON
Defendant.

ENTERED ON DOCKET

DATE 4-21-98

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
Conviction on Count 3 Vacated

The defendant, PETER JOSEPH McMAHON, was represented by Stephen Greubel.

The defendant was found guilty March 23, 1995, on Counts 1,2, and 3 of the Superseding Indictment on March 23, 1995 after a plea of not guilty. On July 26, 1996, the 10th Circuit vacated the conviction in Count 3 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)
18 USC 922(g)(1) and 924(e)(1)	Possession of a Firearm After Former Felony Conviction	09/09/94	1
18 USC 922(g)(1) and 924(e)(1)	Possession of Firearm Ammunition After Former Felony Conviction	10/06/94	2

As pronounced on April 15, 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 Counts 1 & 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.

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

Signed this the 20th day of April, 1998.

By Michael Bunge
Deputy
The Honorable Michael Bunge
United States District Judge

Defendant's SSN: 443-46-5092
Defendant's Date of Birth: 01/09/48
Defendant's mailing address: 5145 S. Utica, #12, Tulsa OK 74105
Defendant's residence address: C/O Tulsa County Jail, 500 So. Denver, Tulsa, Oklahoma 74103

Defendant: PETER JOSEPH McMAHON
Case Number: 94-CR-176-001-BU

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 235 months as to each of Counts 1 and 2, said terms to run concurrently, each with the other.

The Court makes the following recommendations to the Bureau of Prisons: that the defendant be designated to a Bureau of Prisons Facility that will provide Intensive Substance Abuse 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: PETER JOSEPH McMAHON
Case Number: 94-CR-176-001-BU

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 years as to each of Courts 1 and 2, said terms to run concurrently, each with the other.

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

1. The defendant shall report in person to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.
3. The defendant shall not own or possess a firearm or destructive device.
4. The defendant shall successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall submit to a search conducted by a United States Probation Officer of his person, residence, vehicle, office and/or business at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation. The defendant shall not reside at any location without having first advised other residents that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgement shall be provided to the U. S. Probation Office immediately upon taking residency.
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: PETER JOSEPH McMAHON
Case Number: 94-CR-176-001-BU

STATEMENT OF REASONS

The court adopts the factual findings and guideline application in the presentence report except the Court finds the total offense level should be 33 rather than 34.

Guideline Range Determined by the Court:

Total Offense Level:	33	
Criminal History Category:	VI	
Imprisonment Range:	235 to 293 months	Cts. 1 & 2
Supervised Release Range:	3 to 5 years	Cts. 1 & 2
Fine Range:	\$ 17,500 to \$ 175,000	Cts. 1 & 2
Restitution:	\$ N/A	

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

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: because of the defendant's age and the length of sentence.

3

ENTERED ON DOCKET
DATE 4-20-98

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 97-CR-004-01-H

JACKIE LYNN MARTIN
Defendant.

FILED
APR 20 1998
Phil Lombardi, Clerk
U.S. DISTRICT COURT

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
Modification of Sentence Pursuant to Fed. R. Crim. P.35(c)

The defendant, JACKIE LYNN MARTIN, was represented by William E. Hughes.

The defendant was found guilty on March 14, 1997, on Counts 1 through 8 of the Indictment after a plea of not guilty. On April 10, 1998, on remand from the 10th Circuit, the Court granted the defendant's Motion to Correct Sentence pursuant to Fed. R. Crim. P. Rule 35(c). Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
USC 1951	Interference With Commerce By Threats of Violence	12/19/96	1, 4, & 7
18 USC 924 (c)	Use of Firearm During Federal Crime of Violation	12/19/96	2 & 5
18 USC 922(g)	Possession of Firearm By Convicted Felon	12/19/96	3 & 6
18 USC 2113(a) & (d)	Armed Bank Robbery	12/19/96	8

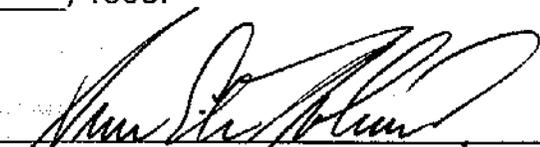
As pronounced on April 10, 1998, the defendant is sentenced as provided in pages 2 through 5 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$ 800, for count(s) 1 through 8 of the Indictment, which shall be due immediately.

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

Signed this the 17th day of APRIL, 1998.

Defendant's SSN: 445-46-7762
Defendant's Date of Birth: 5/6/47
Defendant's mailing address: c/o U.S. Marshal
Defendant's residence address: 7130 Hawthorne Ridge, Woodridge IL


The Honorable Sven Erik Holmes
United States District Judge

He

Defendant: JACKIE LYNN MARTIN
Case Number: 97-CR-004-01-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 600 months; 240 months as to each of Counts 1, 4, & 7; and 300 months as to each of Counts 3, 6, & 8. The sentences on Counts 1, 3, 4, 6, 7, & 8 shall run concurrently, each with the other. As to Count 2, a mandatory five-year term of imprisonment is imposed. The sentence on Count 2 shall run consecutively to the sentences imposed in Counts 1, 3, 4, 6, 7, & 8. As to Count 5, a mandatory twenty-year term of imprisonment is imposed. The sentence on Count 5 shall run consecutively to the sentences imposed in Counts 1, 2, 3, 4, 6, 7, & 8, for a total sentence of 600 months.

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: JACKIE LYNN MARTIN
Case Number: 97-CR-004-01-H

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of five (5) years. This term consists of three (3) years as to Counts 1, 2, 4, 5, & 7; and five (5) years as to Counts 3, 6, & 8, all counts to run concurrently, each with the other.

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

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

STANDARD CONDITIONS OF SUPERVISION

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

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
 - 2) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month.
 - 3) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.
 - 4) The defendant shall support his or her dependents and meet other family responsibilities.
 - 5) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
 - 6) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment.
 - 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.
 - 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
 - 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer.
 - 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer.
 - 11) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
 - 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 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: JACKIE LYNN MARTIN
Case Number: 97-CR-004-01-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$1,071.10.

This amount is the total of the restitution imposed on individual counts, as follows: \$750 on Count 1, and \$321.10 on Count 7.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Dry Clean Supercenter Attn: Rod Cleavelin 7216 East 41 Street Tulsa OK	\$750.00 as to Count 1
Total Petroleum Attn: Tim Sullivan 01 South Union Tulsa OK	\$109.00 as to Count 7
Thelma Lantz 13940 Elm Avenue Glenpool OK 75033	\$212.10 as to Count 7

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

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

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

Defendant: JACKIE LYNN MARTIN
Case Number: 97-CR-004-01-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:	34	
Criminal History Category:	VI	
Imprisonment Range:	262 months to 327 months	Cts. 1, 3, 4, 6-8
	60 months	Ct. 2
	240 months	Ct. 5
Supervised Release Range:	2 to 3 years	Cts. 1, 2, 4, 5, & 7
	3 to 5 years	Ct. 3, 6, & 8
Fine Range:	\$ 17,500 to \$ 175,000	Cts 1-8
Restitution:	\$ 1,071.10	

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

The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reasons: a sentence in the middle of the guideline range is imposed to reflect the seriousness and extensive nature of Martin's criminal record.

BJS

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

UNITED STATES OF AMERICA

v.

Case Number 97-CR-059-001-H

ROY L. CORN
Defendant.

FILED

APR 20 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

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

The defendant, ROY L. CORN, was represented by Stephen J. Knorr.

On motion of the United States the court has dismissed count(s) 1 through 61 of the Indictment.

The defendant pleaded guilty December 17, 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 1344(1)	Bank Fraud	4/3/96	1

As pronounced on April 3, 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 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 17TH day of APRIL, 1998.



The Honorable Sven Erik Holmes
United States District Judge

Defendant's SSN: 443-66-8377

Defendant's Date of Birth: 10/1/61

Defendant's residence and mailing address: 120 Clinton Park, San Francisco CA 94127

15

Defendant: ROY L. CORN
Case Number: 97-CR-059-001-H

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 20 months.

The Court makes the following recommendations to the Bureau of Prisons: that the defendant be placed in a facility where he can successfully participate in Comprehensive Substance Abuse Treatment during his term of incarceration.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons as notified by the U.S. Marshal within 45 days of sentencing.

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: ROY L. CORN
Case Number: 97-CR-059-001-H

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 successfully participate in a program of testing and treatment (to include inpatient) for drug and alcohol abuse, as directed by the Probation Officer, until such time as released from the program by the Probation Officer.
5. The defendant shall participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
6. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: ROY L. CORN
Case Number: 97-CR-059-001-H

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$228,752. The interest on the restitution amount 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>
Bank of Oklahoma Attn: Lowell Faulkenberry BOK Tower Box 2300 Tulsa OK 74192	\$228,752

Payments of restitution are to be made to the Clerk of the Court for the Northern District of Oklahoma or 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: ROY L. CORN
Case Number: 97-CR-059-001-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:	14
Criminal History Category:	1
Imprisonment Range:	15 months to 21 months
Supervised Release Range:	3 to 5 years
Fine Range:	\$ 4,000 to \$ 40,000
Restitution:	\$ 228,752

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.

16/5

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

APR 15 1998

UNITED STATES OF AMERICA

v.

Case Number 97-CR-172-001-C

Phil Lombardi, Clerk
U.S. DISTRICT COURT

JACK PHILLIPS
Defendant.

EOD 4/16/98

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

The defendant, JACK PHILLIPS, was represented by Kathy Fry.

The defendant pleaded guilty January 13, 1998, to Counts 1 & 2 of the Information. Accordingly, the defendant is adjudged guilty of such counts, involving the following offenses:

Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
16 USC 703 & 707(a)	Sale of Migratory Bird Parts (A Misdemeanor)	6/27/97	1 & 2

As pronounced on April 14, 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 \$ 10, for Counts 1 & 2 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 15 day of APRIL, 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 [Signature]
Deputy

[Signature]
The Honorable Sam A. Joyner
United States Magistrate Judge

Defendant's SSN: 448-50-4403

Defendant's Date of Birth: 9/27/51

Defendant's residence and mailing address: 313 E. Rogers, Skiatook OK 74070

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Defendant: JACK PHILLIPS
Case Number: 97-CR-172-001-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 40 hours of community service, as directed by the Probation Office.
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.

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: JACK PHILLIPS
Case Number: 97-CR-172-001-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 \$ 450, 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. The defendant shall pay the amount of \$450 within 2 months; \$225 within the first 30 days of Probation, and the other \$225 within 60 days 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: JACK PHILLIPS
Case Number: 97-CR-172-001-C

STATEMENT OF REASONS

The court adopts the factual findings in the presentence report.

Guideline Range Determined by the Court:

Total Offense Level:	n/a
Criminal History Category:	n/a
Imprisonment Range:	n/a
Supervised Release Range:	n/a
Fine Range:	n/a
Restitution:	n/a

The sentence is a non-guideline sentence.

BJJ

FILED

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

APR - 9 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-150-002-C

ENTERED ON DOCKET

ALBERTO GONZALEZ
Defendant.

DATE 4/9/98

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

The defendant, ALBERTO GONZALEZ, was represented by Keith Ward.

The defendant pleaded guilty January 5, 1998, to Count 1 of the Indictment. Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

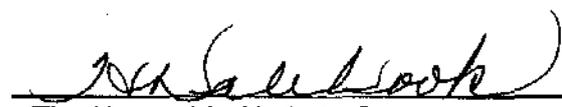
Title & Section	Nature of Offense	Date Offense Concluded	Count Number(s)
21 841(a)(1)& (b)(1)(A)	Possession With Intent to Distribute Methamphetamine	10/7/97	1

As pronounced on April 1, 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 9th day of April, 1998.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: None
Defendant's Date of Birth: 3/26/67
Defendant's residence and mailing address: c/o US Marshal, 333 W. 4th Street, 4th Floor, Tulsa OK 74103

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

Phil Lombardi, Clerk
By 
Deputy

Defendant: ALBERTO GONZALEZ
Case Number: 97-CR-150-002-C

IMPRISONMENT

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

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

RETURN

I have executed this Judgment as follows:

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

United States Marshal

By _____
Deputy Marshal

Defendant: ALBERTO GONZALEZ
Case Number: 97-CR-150-002-C

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released 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.
- Upon completion of term of imprisonment, the defendant is to be surrendered to a duly authorized immigration official for deportation in accordance with the established procedures provided by the Immigration and Naturalization Act, 8 USC §§ 1101-1524. It is a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States until termination of the term of supervised release.

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: ALBERTO GONZALEZ
Case Number: 97-CR-150-002-C

FINE

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

The defendant shall pay a fine of \$ 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: ALBERTO GONZALEZ
Case Number: 97-CR-150-002-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:	31
Criminal History Category:	I
Imprisonment Range:	120 months to 135 months
Supervised Release Range:	5 years
Fine Range:	\$ 17,500 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.

BS

FILED

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

APR - 9 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-164-002-C

ENTERED ON DOCKET

DATE 4/9/98

ROGER BYERS
Defendant.

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

The defendant, ROGER BYERS, was represented by Stephen J. Knorr.

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

The defendant pleaded guilty January 9, 1998, to Count 2 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>
8 USC 2314 & 2	Interstate Transportation of Stolen Goods and Causing a Criminal Act	10/1/96	2

As pronounced on April 1, 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 2 of the Indictment, which shall be due immediately.

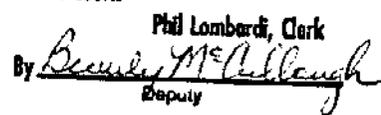
It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Signed this the 9th day of April, 1998.


The Honorable H. Dale Cook
United States District Judge

Defendant's SSN: 446-64-7471
Defendant's Date of Birth: 2/1/57
Defendant's residence and mailing address: 11418 E. 38th Street, Tulsa OK 74116

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

Phil Lombardi, Clerk
By 
Deputy

Defendant: ROGER BYERS
Case Number: 97-CR-164-002-C

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 4 months.

The Court makes the following recommendations to the Bureau of Prisons: that the Bureau of Prisons designate the Turley Correctional Center, in Turley, Oklahoma, as the place of confinement for this sentence.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons before 9:00 a.m. on May 18, 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: ROGER BYERS
Case Number: 97-CR-164-002-C

SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released 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 be placed on home detention to include electronic monitoring at the discretion of the U. S. Probation Office for a period of 4 months, to commence within 72 hours of release from imprisonment. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. 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.
- 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.
- 4) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: ROGER BYERS
Case Number: 97-CR-164-002-C

FINE

The defendant shall pay a fine of \$ 1,500, as to Count 2. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid while in custody through the Bureau of Prisons' Inmate Financial Responsibility Program. Upon release from custody, any unpaid balance shall be paid during the term of supervised release.

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

Defendant: ROGER BYERS
Case Number: 97-CR-164-002-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:	11
Criminal History Category:	1
Imprisonment Range:	8 months to 14 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 2,000 to \$ 20,000
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.

BJJ

UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

FILED
APR - 9 1998

UNITED STATES OF AMERICA
Plaintiff

vs

STEPHEN M. BUFORD
Defendant

Phil Lombardi, Clerk
U.S. DISTRICT COURT

Case Number: 94-CR-092-001-E

ENTERED ON DOCKET

DATE 4/9/98

AMENDED JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF SUPERVISED RELEASE

Correction for Clerical Mistake (Fed. R. Crim. P. 36)

Now on this 26th day of March 1998, this cause comes on for sentencing upon the defendant's stipulation that he violated conditions of supervised release as set out in the Petition on Supervised Release filed on March 10, 1998. The defendant is present in person and represented by counsel, Randal Morley. The Government is represented by Assistant U.S. Attorney Charles McLoughlin, and the United States Probation Office is represented by Randall Drew.

The defendant was heretofore, on April 28, 1995, sentenced after a plea of guilty to Counts One through five of a five-count Information charging Conspiracy to Commit Wire Fraud, and Wire Fraud and Causing a Criminal Act, in violation of 18 U.S.C. §§ 371, and 1343 and 2, respectively. In counts one, two, and three Buford was sentenced to four months custody of the U.S. Bureau of Prisons to be followed by a three year term of supervised release. The defendant stipulated to allegations pertaining to his failure to abide by the special financial conditions, by failing to submit a truthful and complete written report, by failing to pay restitution as ordered, and by failing to

United States District Court
Northern District of Oklahoma
is a true copy of the original on file
in this court.

Phil Lombardi, Clerk

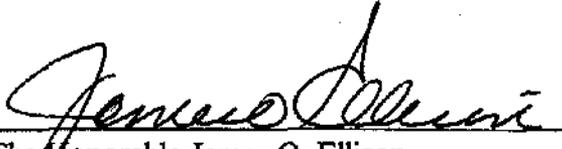
By Randy McLoughlin
Deputy

truthful with the probation officer. At Buford's request, a sentencing hearing transpired on the same date as revocation.

The Court found that the instant conviction occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guidelines are applicable as to counts one, two, and three. Further, the Court found that the violations of supervised release constitute Grade C violations in accordance with U.S.S.G. §7B1.1(a)(1), and that the defendant's original Criminal History Category of II is applicable for determining the imprisonment range. In addition, the Court found that a Grade C violation and a Criminal History Category of II establish a revocation imprisonment range of four to ten 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 thirteen months (13) months as to count one of the Information. The Court recommends to the U.S. Bureau of Prisons that the sentence be served in a "jail type" facility and requests that the Federal Correctional Institution in El Reno, Oklahoma, be designated. All restitution previously ordered remains in effect.

The defendant is hereby ordered to surrender to the designated institution no later than 12:00 noon on the 27th day of April, 1998.


The Honorable James O. Ellison
Senior United States District

FILED

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

APR 08 1998 *form*

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

UNITED STATES OF AMERICA

v.

Case Number 97-CR-080-001-M

WILLIAM M. MORGENROTH, JR.
Defendant.

ENTERED ON DOCKET

DATE 4-8-98

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

The defendant, WILLIAM M. MORGENROTH, JR., was represented by Jack Schisler.

The defendant pleaded guilty January 6, 1998, 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 228	Failure to Pay Legal Child Support Obligation	3/10/97	1

As pronounced on April 6, 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 \$ 10, 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 8th day of APRIL, 1998.

Frank H. McCarthy

The Honorable Frank H. McCarthy
United States Magistrate Judge

United States District Court)
Northern District of Oklahoma) SS

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

Phil Lombardi, Clerk

By *J. Mayer*
Deputy

Defendant's SSN: 277-44-1475

Defendant's Date of Birth: 11/6/59

Defendant's residence and mailing address: 332 S. 119 E. Avenue, Tulsa OK 74128

Defendant: WILLIAM M. MORGENROTH, JR.
Case Number: 97-CR-080-001-M

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 participate in a program of mental health treatment (to include inpatient), as directed by the Probation Officer, until such time as the defendant is released from the program by the Probation Officer.
5. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
6. The defendant shall remain current with payments set up by South Carolina in the original order of child support.
7. The defendant shall provide health care to the minor child, if necessary, until he reaches majority.

STANDARD CONDITIONS OF PROBATION

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

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

Defendant: WILLIAM M. MORGENROTH, JR.
Case Number: 97-CR-080-001-M

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$17,801.90. The interest on restitution payments 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>
Tulsa Child Support Enforcement Division Box 3643 Tulsa OK 74101-3463	\$17,801.90

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: WILLIAM M. MORGENROTH, JR.
Case Number: 97-CR-080-001-M

STATEMENT OF REASONS

The court adopts the factual findings in the presentence report non-guideline case.

Guideline Range Determined by the Court:

Total Offense Level:	n/a
Criminal History Category:	n/a
Imprisonment Range:	n/a
Supervised Release Range:	n/a
Fine Range:	n/a
Restitution:	\$ 17,801.90

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

The sentence is a non-USSG case.

BJS

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET
DATE APR 08 1998

UNITED STATES OF AMERICA

v.

Case Number 95-CR-060-H ✓

MICHELLE FARMER
Defendant.

FILED

APR 7 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

JUDGMENT OF ACQUITTAL

The defendant, Michelle Farmer, was represented by Art Fleak.

Pursuant to the Tenth Circuit Court of Appeals opinion reversing the defendant's conviction under 18 USC § 1623(a), as to Count Four of the Indictment, this cause was remanded to the district court for the entry of a judgement of acquittal. ACCORDINGLY, IT IS ORDERED that the Defendant is acquitted and discharged, and any bond is exonerated.

Signed this the 7TH day of APRIL ~~March~~, 1998.



The Honorable Sven Erik Holmes
United States District Judge

FILED

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

APR - 7 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA

v.

Case Number 97-CR-139-01-K ✓

CHRISTINE ANNETTE CRANE
Defendant.

EEO 4/7/98

AMENDED JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)
Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

The defendant, CHRISTINE ANNETTE CRANE, was represented by Stephen J. Knorr.

The defendant pleaded guilty December 1, 1997, to Count One 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 656	Misapplication of Bank Funds Class A Misdemeanor	8/1/97	1

As pronounced on March 4, 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 \$ 25.00, for Count One 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 7 day of April, 1998.



The Honorable Sam A. Joyner
United States Magistrate Judge

Defendant's SSN: 441-68-1673

Defendant's Date of Birth: 10-28-60

Defendant's residence and mailing address: Box 562, Inola, OK 74036

Defendant: CHRISTINE ANNETTE CRANE
Case Number: 97-CR-139-01-K

PROBATION

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

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

1. If this judgment imposes a fine, special assessment, costs or restitution obligation, it shall be a condition of probation that the defendant pay any such fine, assessment, costs and restitution.
2. The defendant shall not own or possess a firearm, 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 defendant shall perform fifty (50) hours of community service, as directed by the Probation Office.
5. The defendant shall remain in the custody of the Bureau of Prisons for a period of forty-eight (48) hours to commence on March 13, 1998, as directed by the U.S. Marshals Service.
6. The defendant shall make restitution payments of \$112.00 per month during the term of probation.
7. 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.
- 4) The defendant shall submit to urinalysis testing as directed by the U. S. Probation Office.

Defendant: CHRISTINE ANNETTE CRANE
Case Number: 97-CR-139-01-K

RESTITUTION AND FORFEITURE

RESTITUTION

The defendant shall make restitution in the total amount of \$2,658.57.

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

<u>Name of Payee</u>	<u>Amount of Restitution</u>
Bank of Inola 11 West Commercial Inola, OK 74036 Attn: Larry Dalvine	\$ 2,658.57

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

Restitution shall be paid in full immediately. Any amount not paid immediately shall be paid at the rate of \$112.00 per month during the term 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: CHRISTINE ANNETTE CRANE
Case Number: 97-CR-139-01-K

STATEMENT OF REASONS

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

Guideline Range Determined by the Court:

Total Offense Level:	7
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	1 year
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ 2,658.57

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

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

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JAMES TYRONE PENNINGTON,)
)
 Defendant.)

ENTERED ON DOCKET

DATE APR 07 1998

No. 98-CR-13-H ✓

FILED

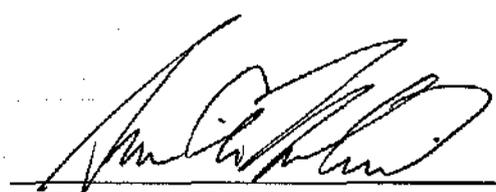
APR 6 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

ORDER

Now on this 3RD day of April, 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 James Tyrone Pennington in the above styled cause. The Court finds that said request ought to be granted and the Indictment against defendant James Tyrone Pennington is dismissed, without prejudice.

IT IS SO ORDERED.


SVEN E. HOLMES
United States District Judge

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

ENTERED ON DOCKET

DATE 4-6-98

UNITED STATES OF AMERICA

v.

Case Number 97-CR-156-001-

FILED

APR 06 1998

ELITA S. AMANUEL
Defendant.

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, ELITA S. AMANUEL, was represented by Stephen J. Knorr.

The defendant pleaded guilty December 19, 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 656	Misapplication of Bank Funds (A Class A Misdemeanor)	4/28/97	1

As pronounced on April 2, 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 \$ 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 6th day of APRIL, 1998.

Frank H. McCarthy

The Honorable Frank McCarthy
United States Magistrate Judge

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

Phil Lombardi, Clerk

By *J. Mayer*
Deputy

Defendant's SSN: 440-78-7092

Defendant's Date of Birth: 10/10/74

Defendant's residence and mailing address: 6408 S. 107 E. Avenue #4, Tulsa OK 74133

Defendant: ELITA S. AMANUEL
Case Number: 97-CR-156-001-BU

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 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 defendant shall perform 60 hours of community service, as directed by the Probation Office.
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: ELITA S. AMANUEL
Case Number: 97-CR-156-001-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 \$ 500, as to Count 1. This fine shall be paid in full immediately. Any amount not paid immediately must be paid within the one (1) year Probation period.

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: ELITA S. AMANUEL
Case Number: 97-CR-156-001-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:	7
Criminal History Category:	I
Imprisonment Range:	0 months to 6 months
Supervised Release Range:	1 year
Fine Range:	\$ 500 to \$ 5,000
Restitution:	\$ n/a

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

BJS

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

FILED

APR -6 1998

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DERRICK KIRTMAN and)
 SULLIVAN CHANEY,)
)
 Defendants.)

Phil Lombardi, Clerk
U.S. DISTRICT COURT

No. 97-CR-53-C

ENTERED ON DOCKET

DATE 4/6/98

ORDER

Now on this 3rd day of April, 1998 this cause comes on to be heard in the matter of the plaintiff's Motion for Leave to Dismiss, without prejudice, the original Indictment against defendants Derrick Kirtman and Sullivan Chaney in the above styled cause. The Court finds that said request ought to be granted and the original Indictment against defendant Derrick Kirtman and Sullivan Chaney is dismissed, without prejudice.

IT IS SO ORDERED.

H. Dale Cook
H. DALE COOK
United States District Judge

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

Phil Lombardi, Clerk
By Bonnie M. Callaway
Deputy

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF OKLAHOMA

FILED

APR - 2 1998

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES OF AMERICA)
Plaintiff)
)
vs)
)
STEPHEN M. BUFORD)
Defendant)

Case Number: 94-CR-092-001-E

ENTERED ON DOCKET

DATE 4/2/98

JUDGMENT AND COMMITMENT ORDER
ON REVOCATION OF SUPERVISED RELEASE

Now on this 26th day of March 1998, this cause comes on for sentencing upon the defendant's stipulation that he violated conditions of supervised release as set out in the Petition on Supervised Release filed on March 10, 1998. The defendant is present in person and represented by counsel, Randal Morley. The Government is represented by Assistant U.S. Attorney Charles McLoughlin, and the United States Probation Office is represented by Randall Drew.

The defendant was heretofore, on April 28, 1995, sentenced after a plea of guilty to Counts One through five of a thirty-eight count Information charging Conspiracy to Commit Wire Fraud, and Wire Fraud and Causing a Criminal Act, in violation of 18 U.S.C. §§ 371, and 1343 and 2, respectively. In counts one, two, and three Buford was sentenced to four months custody of the U.S. Bureau of Prisons to be followed by a three year term of supervised release. The defendant stipulated to allegations pertaining to

his failure to abide by the special financial conditions, by failing to submit a truthful and complete written report, by failing to pay restitution as ordered, and by failing to remain truthful with the probation officer. At Buford's request, a sentencing hearing transpired on the same date as revocation.

The Court found that the instant conviction occurred after November 1, 1987, and that Chapter 7 of the U.S. Sentencing Guidelines are applicable as to counts one, two, and three. Further, the Court found that the violations of supervised release constitute Grade C violations in accordance with U.S.S.G. §7B1.1(a)(1), and that the defendant's original Criminal History Category of II is applicable for determining the imprisonment range. In addition, the Court found that a Grade C violation and a Criminal History Category of II establish a revocation imprisonment range of four to ten 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 thirteen months (13) months as to count one of the Information. The Court recommends to the U.S. Bureau of Prisons that the sentence be served in a "jail type" facility and requests that the Federal Correctional Institution in El Reno, Oklahoma, be designated. All restitution previously ordered remains in effect. The defendant is hereby ordered to surrender to the designated institution no later than 12:00 noon on the 27th day of April, 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 Deborah M. Callahan
Deputy

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

FILED

APR -1 1998

Shi Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OKLAHOMA

THE UNITED STATES OF)
AMERICA,)
)
) PLAINTIFF,)
)
)
)
) VS.)
)
)
)
) STEPHANIE ANNETTE CRAVEN,)
)
)
)
) DEFENDANT.)

94 CR-139 E

ENTERED ON DOCKET

DATE ~~APR 02 1998~~

ORDER

Comes now, Defendant-Probationer, Stephanie Annette Craven's Application to Terminate her U. S. Probation ordered by this Court on June 2, 1995, and upon review of her application finds that same shall be sustained.

IT IS THEREFORE ORDERED ADJUDGED and DECREED by the court that Defendant-Probationer shall be released from her court ordered supervised probation effective this date.

Thomas R. Pratt
U.S. District Judge

J. O. Ellison
JAMES O. ELLISON

45

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

MAR 31 1998

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 96-CR-081-001-BU

GEORGE W. ROBERTS
Defendant.

ENTERED ON DOCKET

DATE 4-1-98

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

The defendant, GEORGE W. ROBERTS, appeared pro se, having waived counsel.

The defendant pleaded guilty June 13, 1996, to Counts 1, 2, & 3 of the Information. 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 371	Conspiracy	9/14/95	1
18 USC 1955 & 2	Illegal Gambling and Aiding & Abetting	9/14/95	2
18 USC 1511	Obstruction of Justice	9/14/95	3

As pronounced on March 26, 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 \$ 150, for Counts 1 through 3 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 30th day of March, 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: 487-30-9459

Defendant's Date of Birth: 9/19/31

Defendant's residence and mailing address: 612 W. McCord, Neosho MO 64850

Defendant: GEORGE W. ROBERTS
Case Number: 96-CR-081-001-BU

PROBATION

The defendant is hereby placed on probation for a term of five (5) years, as to each of Counts 1 through 3, said terms 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 six (6) months, to commence within 72 hours of sentencing date. During this time, the defendant shall remain at place of residence except for employment and other activities approved in advance by the probation office. The defendant shall maintain a telephone at place of residence without any special services, modems, answering machines, or cordless telephones for the above period. The defendant shall wear an electronic device and shall observe the rules specified by the Probation Office. The entire cost of this program shall be paid by the defendant.
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: GEORGE W. ROBERTS
Case Number: 96-CR-081-001-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 \$ 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: GEORGE W. ROBERTS
Case Number: 96-CR-081-001-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:	15
Criminal History Category:	I
Imprisonment Range:	18 months to 24 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 4,000 to \$ 40,000
Restitution:	\$ n/a

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

BJJ

UNITED STATES DISTRICT COURT
Northern District of Oklahoma

FILED

MAR 31 1998 *rm*

UNITED STATES OF AMERICA

Phil Lombardi, Clerk
U.S. DISTRICT COURT

v.

Case Number 97-CR-099-001-BU ✓

FRANK GERALD SKAGGS
Defendant.

ENTERED ON DOCKET

DATE 4-1-98

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

The defendant, FRANK GERALD SKAGGS, was represented by Todd Hembree.

The defendant pleaded guilty October 20, 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 922(g)(1)	Possession of a Firearm After Former Conviction of a Felony	3/22/97	1

As pronounced on March 26, 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 30th day of March, 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 Rosanne J. Miller
Deputy

Defendant's SSN: 447-84-1840

Defendant's Date of Birth: 7/19/71

Defendant's residence and mailing address: Rt. 1, Box 182, Vian OK 74962

Defendant: FRANK GERALD SKAGGS
Case Number: 97-CR-099-001-BU

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 34 months.

The Court makes the following recommendations to the Bureau of Prisons: 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: FRANK GERALD SKAGGS
Case Number: 97-CR-099-001-BU

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 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. The defendant shall perform 200 hours of community service, as directed by the Probation Office.

STANDARD CONDITIONS OF SUPERVISION

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

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

Defendant: FRANK GERALD SKAGGS
Case Number: 97-CR-099-001-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:	18
Criminal History Category:	II
Imprisonment Range:	30 months to 37 months
Supervised Release Range:	2 to 3 years
Fine Range:	\$ 6,000 to \$ 60,000
Restitution:	\$ n/a

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

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

BJs