

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

UNITED STATES OF AMERICA

V.

Juan Fernando Gonzales-Celis

**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)

Case Number: 98-CR-107-001-H

Jack Schisler  
Defendant's Attorney

**FILED**

FEB 24 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT**THE DEFENDANT:**

Pleaded guilty to Count 1 of the Indictment on November 6, 1998.

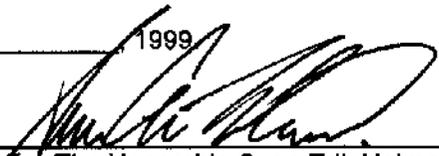
Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
21 USC 846	Conspiracy to Distribute Controlled Substances	6/16/98	1

As pronounced on February 5, 1999, 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 FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 23<sup>RD</sup> day of FEBRUARY, 1999

  
The Honorable Sven Erik Holmes  
U.S. District Court Judge

Defendant's Soc. Sec. No.: N/A

Defendant's Date of Birth: 4/12/78

Defendant's USM No.: 08308-062

Defendant's Residence and Mailing Address: c/o Tulsa County Jail, 500 S. Denver, Tulsa OK 74103

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 188 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

### SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. 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 that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
3. As a condition of supervised release, upon completion of your term of imprisonment, you are to be surrendered to a duly-authorized immigration official for deportation in accordance with the established procedures provided by Immigration and Naturalization Act, 8 USC §§ 1101-1524. It is a further condition of supervised release, if ordered deported, you shall remain outside the United States until termination of the term of supervised release. Should the defendant serve any portion of supervised release within the United States, the listed special conditions are ordered.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

ASSESSMENT	RESTITUTION	FINE
\$100.00	\$0.00	\$5,000.00

**ASSESSMENT**

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.

**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 for Count 1 of the Indictment. 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.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	36	
Criminal History Category:	I	
Imprisonment Range:	188 to 235 months	Count 1
Supervised Release Range:	5 years	Count 1
Fine Range:	\$20,000 to \$4,000,000	Count 1

Total amount of Restitution: \$ Not Applicable

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 at the lower end of the guideline range is imposed based on the defendant's cooperation with the government and the lack of prior criminal history.

BJS

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

FEB 24 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA )  
)  
)  
vs. )  
)  
)  
MARK ALLEN WINGO )

Docket No. 95-CR-118-001-BU

ENTERED ON DOCKET  
DATE FEB 24 1999

ORDER REVOKING SUPERVISED RELEASE

Now on this, the 17th day of February, 1999, this cause comes on for sentencing after the defendant admitted at a Revocation Hearing held on January 27, 1999, that he had violated the conditions of supervised release as set out in the Petition on Supervised Release filed on September 16, 1998. The defendant is present in person and represented by counsel, Warren Gotcher. The Government is represented by Assistant U.S. Attorney Jim Swartz, and the United States Probation Office is represented by Robert E. Boston.

Heretofore, on February 23, 1996, the defendant was sentenced to a term of 20 months custody, followed by a three year term of supervised release after being convicted by a jury on November 6, 1995, of Possession of Firearm After Former Conviction of a Felony, in violation of Title 18, U.S.C. § 922(g). The defendant was released from custody to the Eastern District of Oklahoma on April 25, 1997, to begin his three year term of supervised release.

On September 16, 1998, a Petition on Supervised Release was filed alleging that the defendant had violated the conditions of supervised release in that he had violated the laws of the State of Oklahoma as follows:

34

- (1) On September 12, 1997, the defendant committed the crime of "Obtaining Merchandise by Bogus Check" by writing a check on a closed account in the amount of \$8,200 to Don Carlton Honda in Tulsa County, Oklahoma, as specified in Tulsa County District Court Case #CRF 97-5726.
- (2) On November 5, 1997, the defendant committed the crime of "Obtaining Merchandise by Bogus Check" by writing a check on a closed account in the amount of \$9,500 to Bentley's Used Cars in Tulsa County, Oklahoma, as specified in Tulsa County District Court Case #CRF 97-5908.
- (3) On August 14, 1998, the defendant committed the crime of "Obtaining Property by False Pretense" by negotiating a bogus bank draft in the amount of \$31,800 to Mike Bailey to purchase a 1998 Dodge Truck in Henryetta, Oklahoma, as specified in Okmulgee County District Court Case #CRF 98-168.
- (4) On January 3, 1998, the defendant committed the crime of "Obtaining Merchandise by Bogus Check" by writing a check on a closed account in the amount of \$4,162 to Tera Tech Auto Sales in Tulsa County, Oklahoma.

Now, on this the 17<sup>th</sup> day of February, 1999, the Court orders that the term of supervised release is hereby revoked. Since the offense of conviction occurred after November 1, 1987, Chapter 7 of the U.S. Sentencing Guidelines is applicable. The violation procedures outlined in Chapter 7 of the U.S.S.G. are policy statements only, and thus are not binding on the Court. However, if the Court chooses not to follow the policy statements, circuits, including the Tenth, have ruled that the Court must state on the record that it takes notice of the Chapter 7 policy statements, but elects not to use them.

The violations of supervised release constitute Grade B violations because they are offenses which carry a maximum penalty exceeding one year. Section 7B1.1(a)(2)

The defendant's Criminal History Category at the time he was originally sentenced was II. This Criminal History Category is now applicable for determining the imprisonment range upon revocation of supervised release. Section 7B1.4(a).

A Grade B violation and a Criminal History Category of II establish an imprisonment range of 6 to 12 months. The maximum sentence which can be imposed upon revocation of a Class C felony is two (2) years. 18 USC § 3583(e)(3).

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

The defendant, Mark Allen Wingo, is hereby committed to the custody of the U.S. Bureau of Prisons to be imprisoned for a term of six (6) months, said term to run concurrently with any term or terms of imprisonment the defendant may receive from any courts of the State of Oklahoma. The Court finds that the defendant has been in the custody of the State of Oklahoma since September 17, 1998, pending disposition on local charges stemming from the same violations as alleged in the Petition on Supervised Release and that the six month term of imprisonment in the U.S. Bureau of Prisons is to be calculated from that date. Upon release from the Bureau of Prisons, the defendant shall serve a 12 month term of supervised release. In addition to the standard conditions of supervised release, the Court orders the following special condition of supervised release:

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

The defendant is remanded to the custody of the U.S. Marshal for transportation to the designated U.S. Bureau of Prisons' institution.

Michael Burrage 2/24/99  
The Honorable Michael Burrage  
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 Kevin M. Collins  
Deputy

aw

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

Jack Garrison II

THE DEFENDANT:

Pleaded guilty to Count 1 of the Indictment on November 23, 1998.

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

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

DATE 2/23/99

Case Number: 98-CR-154-001-C

Cindy Hodges Cunningham  
Defendant's Attorney

FILED

FEB 23 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

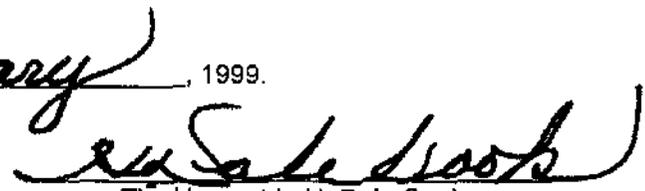
<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 2113(a)	Bank Robbery	9/30/98	1

As pronounced on February 22, 1999, 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.

Count 2 of the Indictment is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 23<sup>rd</sup> day of February, 1999.

  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 444-62-8657  
Defendant's Date of Birth: 4/27/55  
Defendant's USM No.: 08329-062  
Defendant's Residence and Mailing Address: 408-C East Apache, Jenks OK 74037

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 42 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

### 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.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. 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 that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

ASSESSMENT	RESTITUTION	FINE
\$100.00	\$10.00	\$1,000.00

**ASSESSMENT**

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.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$10. The interest for restitution is waived by the Court.

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

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
Braum's Ice Cream and Dairy	404 West Main Street	Jenks OK 74037	\$10

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. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

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

**FINE**

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

The defendant shall pay a fine of \$1,000 for Count 1 of the Indictment. 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.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	21	
Criminal History Category:	I	
Imprisonment Range:	37 to 46 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$7,500 to \$75,000	Count 1

Total amount of Restitution: \$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 does not exceed 24 months, and the Court finds no reason to depart from the sentence called for by the application of the guidelines.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

DATE 2/19/99

*aw*

UNITED STATES OF AMERICA

V.

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

Troy Lee Brooks

Case Number: 98-CR-116-001-C

Joseph Harris  
Defendant's Attorney

**FILED**

FEB 19 1999

**THE DEFENDANT:**

Pleaded guilty to Counts 1, 2 & 3 of the Indictment on November 10, 1998.

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

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

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
21 USC 841(a)(1) & 841(b)(1)(B)	Possession of a Controlled Dangerous Substance With Intent to Distribute	6/26/98	1
21 USC 841(a)(1) & 841(b)(1)(B)	Possession of a Controlled Dangerous Substance With Intent to Distribute	6/26/98	2
18 USC 922(g)(1)	Possession of a Firearm After Former Conviction of a Felony	6/26/98	3

As pronounced on February 9, 1999, 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 FURTHER ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 18<sup>th</sup> day of February, 1999.

  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 443-66-7787  
Defendant's Date of Birth: 3-25-68  
Defendant's USM No.: 06072-062  
Defendant's Residence and Mailing Address: 2730 N. Denver, Tulsa OK 74106

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 115 months, as to each count, said terms to run concurrently, each with the other.

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

**RETURN**

I have executed this Judgment as follows:

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

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

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

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

**SUPERVISED RELEASE**

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

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

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

**STANDARD CONDITIONS OF SUPERVISION**

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

**ADDITIONAL CONDITIONS:**

1. 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 that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

<b>ASSESSMENT</b>	<b>RESTITUTION</b>	<b>FINE</b>
\$300.00	\$0.00	\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$300 for Counts 1, 2 & 3 of the indictment, which shall be due immediately.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

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

The Court excluded 20 kilograms of cocaine, finding that there was no basis in fact supporting the defendant's admission that he had purchased and sold that additional amount. This results in an offense level of 25, and corresponding reductions in the guideline custody and fine ranges.

**Guideline Range Determined by the Court:**

Total Offense Level:	25	
Criminal History Category:	V	
Imprisonment Range:	100 to 125 months	Counts 1 & 2
	100 to 120 months	Count 3
Supervised Release Range:	4 to 5 years	Counts 1 & 2
	2 to 3 years	Count 3
Fine Range:	\$10,000 to \$4,000,000	Counts 1, 2 & 3

Total amount of Restitution: \$ Not Applicable

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 there were no aggravating or mitigating factors.

UNITED STATES DISTRICT COURT FOR  
THE NORTHERN DISTRICT OF OKLAHOMA

**F I L E D**

FEB 17 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA )  
Plaintiff )

VS )

TERRANCE EUGENE FERGUSON )  
Defendant )

Case Number: 89-CR-151-007-B

ENTERED ON DOCKET

DATE 2-19-99

ORDER REVOKING TERM OF SUPERVISED RELEASE

Now on this 11th day of February, 1999, this cause comes on for sentencing after a finding that the defendant violated his conditions of supervised release as set out in the Petition on Supervised Release filed on January 12, 1999. The defendant is present in person and with his attorney, Jack Schisler. The Government is represented by Assistant United States Attorney Doug Horn, and the United States Probation Office is represented by Andy Shidell.

On June 7, 1990, Ferguson was sentenced to an 84 month custody term followed by a five year term of supervised release, following his guilty plea to Count One of an Indictment charging him with Conspiracy to Distribute 50 Grams or More of Cocaine Base, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(iii). Ferguson was ordered to pay a special assessment of \$50.

The term of supervised release commenced on April 12, 1996. On January 12, 1999, a Petition on Supervised Release was filed alleging that Ferguson violated

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

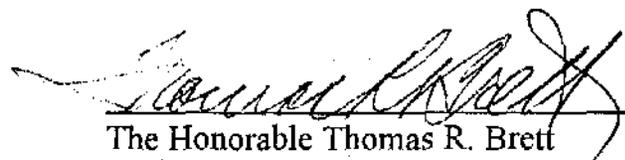
142

of supervised release related to the commission of a new law violation by the possession of controlled drugs; and that he left the Northern District of Oklahoma without permission of the Court or the probation officer. On February 11, 1999, the Court found Ferguson violated conditions of supervised release as alleged in the Petition on Supervised Release, concluding Ferguson had committed a Grade A violation.

The Court finds that the instant conviction occurred after November 1987, and that Chapter 7 of the Sentencing Guidelines is applicable. Further, the Court finds that the most serious violation constitutes a Grade A violation and the defendant's original Criminal History Category of I is applicable for determination of the Chapter 7 sentencing range. A Grade A violation and a Criminal History Category of I establishes an imprisonment sentence of from 24 to 30 months in accordance with USSG § 7B1.4(a)(2). In consideration of these findings and pursuant to U.S. v Lee, 957 F.2d 770 (10th Cir. 1992), in which the Circuit determined that the policy statements in Chapter 7 are not mandatory but must be considered by the Court, the following is ordered:

It is the judgment of the Court that the term of supervised release is hereby revoked, and the defendant is committed to the custody of the Bureau of Prisons to be imprisoned for a term of sixty (60) months.

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

  
The Honorable Thomas R. Brett  
United States District Judge

ew

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

DATE 2-17-99

UNITED STATES OF AMERICA

V.

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

Terry Joe Lee Campos

Case Number: 98-CR-075-001-C

Terry Weber  
Defendant's Attorney

**FILED**

FEB 17 1999

THE DEFENDANT:

Was found guilty on Count 1 of the Indictment on November 10, 1998 after a plea of not guilty. **Phil Lombardi, Clerk**  
U.S. DISTRICT COURT

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

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 2252(a)(1)	Transporting Child Pornography in Interstate Commerce	4/17/97	1

As pronounced on February 9, 1999, 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 FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 17<sup>th</sup> day of February, 1999.



The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 448-68-0763  
Defendant's Date of Birth: 10-12-60  
Defendant's USM No.: 08260-062  
Defendant's Residence and Mailing Address: 11743 E. 63 Street, Broken Arrow OK 74012

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

By Phil Lombardi, Clerk  
Deputy

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of thirty-seven (37) 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

### 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.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. 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 that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency. The Court specifically contemplates that the Probation Office may make a search of the defendant's computer and premises upon reasonable suspicion that contraband may be found.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
3. The defendant shall abide by the Special Sex Offender Conditions as enumerated in Miscellaneous Order number M-128, filed with the Clerk of the Court on October 21, 1995.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$0.00

**FINE**

\$10,000.00

**ASSESSMENT**

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.

**FINE**

The defendant shall pay a fine of \$10,000 for Count 1 of the Indictment. 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.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	21	
Criminal History Category:	I	
Imprisonment Range:	37 to 46 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$7,500 to \$75,000	Count 1

Total amount of Restitution: \$ Not Applicable

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 the application of the guidelines.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

ENTERED ON DOCKET

DATE 2-17-99

*ew*

UNITED STATES OF AMERICA

V.

Billy Jean Tiffey

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)

Case Number: 98-CR-136-001-C

Jack Schisler  
Defendant's Attorney

**FILED**  
FEB 12 1999  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT

THE DEFENDANT:

Pleaded guilty to Count 1 of the Information on October 30, 1998.

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

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
21 USC 843(b)	Use of Communication Facility in Facilitating the Commission of a Felony	4/15/98	1

As pronounced on January 20, 1999, 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.

Count 1 of the indictment is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 12 day of February, 1999.

*H. Dale Cook*  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 445-76-8028  
Defendant's Date of Birth: 2/22/64  
Defendant's USM No.: 08319-062  
Defendant's Residence and Mailing Address: 1101 N. Sandusky, Tulsa OK 74105

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

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 48 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the Bureau of Prisons designate the defendant to a facility that can provide 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:

Before 9 a.m. on March 1, 1999.

**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

### SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released 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.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. 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 acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

<b>ASSESSMENT</b>	<b>RESTITUTION</b>	<b>FINE</b>
\$100.00	\$0.00	\$1,000.00

**ASSESSMENT**

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.

**FINE**

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

The defendant shall pay a fine of \$1,000 for Count 1 of the Information. 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.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

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

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	35
Criminal History Category:	I
Imprisonment Range:	48 months
Supervised Release Range:	1 year
Fine Range:	\$20,000 to \$200,000

Total amount of Restitution: \$ Not Applicable

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 the application of the guidelines.

cu

ENTERED ON DOCKET

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

DATE 2-17-99

UNITED STATES OF AMERICA

V.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Steven Martin Clayton Dodson

Case Number: 98-CR-027-001-C **FILED**

Jeff Kearney  
Defendant's Attorney

FEB 12 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

THE DEFENDANT:

Was found guilty on Counts 1-22 of the Indictment on October 22, 1998 after a plea of not guilty.

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

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Counts</u>
18 USC 1341	Mail Fraud	4/30/97	1-21
18 USC 1957	Engaging in Monetary Transactions in Property Received from Specified Unlawful Activity	6/14/95	22

As pronounced on February 9, 1999, 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.

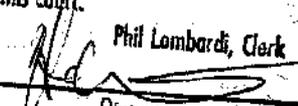
Count 23 of the Indictment is dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 12 day of February, 1999.

  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 443-72-7638  
Defendant's Date of Birth: 9/25/59  
Defendant's USM No.: 08208-062  
Defendant's Residence and Mailing Address: 2121 East 25<sup>th</sup> Place, 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.  
By  Phil Lombardi, Clerk  
Deputy

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 108 months as to Count 22, and 60 months as to each of Counts 1-21, said terms to run concurrently, each with the other, for a total of 108 months.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

Before 9 a.m. on March 8, 1999.

**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

**SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of three (3) years as to each of Counts 1-22, said terms shall run concurrently, each with the other.

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

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released 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.

**STANDARD CONDITIONS OF SUPERVISION**

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

**ADDITIONAL CONDITIONS:**

1. 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.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

ASSESSMENT	RESTITUTION	FINE
\$1,200.00	\$4,714,801.00	\$0.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$1,200 for Counts 1-22 of the indictment, which shall be due immediately.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$4,714,801. The interest for restitution is waived by the Court.

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

VICTIMS	LOSS	VICTIMS	LOSS
Arnhols, Harry 5720 East 24 <sup>th</sup> Street Tulsa, Oklahoma 74114	\$110,493	Creekmore, Loy and Eva P.O. Box 131 Jenks, Oklahoma 74037	\$171,369
Arnold, Enid 4517 South Peoria, Number 27 Tulsa, Oklahoma 74105	\$90,750	Dempski, Norma 4818 South Sheridan, Apartment 130 Tulsa, Oklahoma 74145	\$7,861
Brown, Sandra 421 Royal Oak Lane Sapulpa, Oklahoma 74066	\$28,934	Denton, Shiela 1097 Green Street San Francisco, California 94133	\$314,893
Bunn, J.C. and Helen 56996 Crestview Drive Yucca Valley, California 92284	\$587,583	Eddington, J.A. and Geneva 1633 South 121 <sup>st</sup> East Avenue Tulsa, Oklahoma 74128	\$9,030
Cheney, Gary and Nedra 1602 Town and Country Drive Sand Springs, Oklahoma 74063	\$100,589	Fazendine, Robert and Tina 1231 West C Street Jenks, Oklahoma 74037	\$3,531
Chepkas, Daniel and Susan 519 Country Club Muskogee, Oklahoma 74403	\$11,851	Gould, Josephine 6022 East 71 <sup>st</sup> Street Tulsa, Oklahoma 74133	\$79,540
Church, Charles and Ila 4836 South 67 <sup>th</sup> East Avenue Tulsa, Oklahoma 74145	\$280,315	Hamilton, James P. and Willie Belle 110 Irving Park Road, Suite 402 Roselle, Illinois 60172	\$415,372
Cohen, Vicki Bunn 7112 South Utica, Number 613 Tulsa, Oklahoma 74132	\$11,990	Harvey, John and Kim 1249 Glenbrook Oklahoma City, Oklahoma 73118	\$104,890
Cox, Peggy 515 West 15 <sup>th</sup> Street, Number 4 Tulsa, Oklahoma 74119-3835	\$70,873	Humphrey, Harry and Dora Stafford (Stafford is Humphrey's aunt and Humphrey has power of attorney over her financial affairs)	\$262,080

Isam, Charles 2344 South 131 <sup>st</sup> East Avenue Tulsa, Oklahoma 74134	\$21,500	Williams, Joseph (His estate represented by his son, Donald L. Williams)	\$170,288
Jean, Deborah Rt. 5, Box 940 Wagoner, Oklahoma 74467	\$30,000	<b>TOTALS</b>	<b>\$4,714,801</b>
Jean, Deborah (Parents, Jim and Deloris Jean, assigned their share of restitution to their daughter) Rt. 5, Box 940 Wagoner, Oklahoma 74467	\$190,000		
Jordan, Marion and Juanita R.R. 1, Box 182 B Delaware, Oklahoma 74027	\$340,815		
Murphy, Charles 9930 East 21 <sup>st</sup> Street Tulsa, Oklahoma 74129	\$37,100		
Preiss, Anna and Gerald 7046 South Richmond Tulsa, Oklahoma 74136	\$340,802		
Schneider, Dorothy (Died in December 1998) 14808 East Marshall Tulsa, Oklahoma 74116	\$152,379		
Schneider, James 4107 East 43 <sup>rd</sup> Street Tulsa, Oklahoma 74135	\$91,861		
Shepherd, Ethel 200 Center Plaza, Number 223 Tulsa, Oklahoma 74119	\$343,330		
Shockley, Elizabeth (Died in 1997, forward C/O J.A. Eddington, Trustee of Shockley Trust) 1633 South 121 <sup>st</sup> East Avenue Tulsa, Oklahoma 74128	\$44,354		
Shouse, David and Judy 3508 East 37 <sup>th</sup> Street Tulsa, Oklahoma 74135	\$190,000		
Stubblefield, Robert 22601 East 78 <sup>th</sup> Street Broken Arrow, Oklahoma 74014	\$37,302		
White, Joe L. 1718 West Broadway Collinsville, Oklahoma 74021	\$63,126		

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. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

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

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	26	
Criminal History Category:	1	
Imprisonment Range:	63 to 78 months	Counts 1-22
Supervised Release Range:	2 to 3 years	Counts 1-22
Fine Range:	\$12,000 to \$125,000	Counts 1-22

Total amount of Restitution: \$4,714,801.

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

The sentence departs from the guideline range for the following specific reasons: It is the judgment of the Court that an upward departure from the applicable guideline range is appropriate and just in this case. In departing upward, according to USSG §5K2.0, the Court finds this case outside the heartland of the typical fraud case contemplated by USSG §2F1.1 and its various provisions. The Sentencing Commission clearly believed upward departures from USSG §2F1.1 may be necessary sometimes. Specifically, USSG §2F1.1, comment. (n. 10) states, "in cases which the loss determined under USSG §2F1.1(b)(1) does not fully capture the harmfulness and seriousness of the conduct, an upward departure may be warranted. That Application Note, (n.10 (c) and (f)), provides for the possibility of upward departures where, "the offense caused reasonably foreseeable, physical or psychological harm or severe emotional trauma" and "where the offense involved the knowing endangerment of the solvency of one or more victims."

In this case, there is a combination of the two factors previously mentioned, Application Notes 10 (c) and (f), that leads the Court to conclude that Steven Martin Clayton Dodson's offense was outside the heartland of cases. Trial evidence, the Victim Impact Statements presented to the U.S. Probation Office, and testimony of some victims at the sentencing hearing, show Dodson's conduct was particularly egregious. It is clear his victims were psychologically, emotionally, and financially devastated because of his offense conduct. Many victims detailed the psychological harm and severe emotional trauma they have suffered from worrying about the future without the benefit of the lost funds. Dodson had personal knowledge of his victims' financial conditions. Their psychological harm and severe emotional trauma were reasonably foreseeable to him.

Several victims lost all savings to the point their solvency was and is endangered. The Court needs only to find one victim that meets this requirement but in this case several victims reported losing most if not all of their savings. Some either depend heavily or completely on social security for their support. Several victims reported in their testimony or written statement that they have significantly altered their lifestyle because of their lost savings.

It would be difficult to imagine any other circumstances that would be a better example of what the Sentencing Commission had in mind when it wrote Application Note 10 (c) and (f) that what the facts of this case present. The defendant's conduct significantly differs from the usual fraudulent conduct involved in criminal cases in this district. Rarely have so many elderly people, so dependent on their savings, been the victim of one defendant in which they lost most, if not all, of their savings. Although this offense was detected and stopped, its impact on the victims will last for the rest of their lives.

A lengthy term of imprisonment is necessary and justified to address the sentencing objectives of punishment, deterrence, and protection of the public. The Court finds a four-level departure based on an analogy to USSG §2F1.1(b)(6) is appropriate. That guideline provides for such an increase when an offense substantially jeopardizes the safety and soundness of a financial institution or when the offense affected a financial institution and the defendant derived more than \$1,000,000 in gross receipts from the offense. These offenses substantially jeopardized the solvency of approximately fourteen individuals because of the loss of most, if not all of their life savings.

Based on a four-level upward departure, the Court finds an offense level of 30 provides a guideline range of 97 to 121. Within that range, the Court is able to find a term of imprisonment that meets the sentencing objectives of punishment and deterrence for this offense.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

Juan Fernando Gonzales-Celis

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

Case Number: 98-CR-107-001-H

Kurt Glassco  
Defendant's Attorney

FILED

FEB 12 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

THE DEFENDANT:

Pleaded guilty to Count 1 of the Indictment on November 6, 1998.

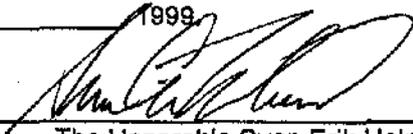
Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
21 USC 846	Conspiracy to Distribute Controlled Substances	6/16/98	1

As pronounced on February 5, 1999, 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 FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Signed this the 12<sup>th</sup> day of FEBRUARY 1999

  
The Honorable Sven Erik Holmes  
U.S. District Court Judge

Defendant's Soc. Sec. No.: N/A  
Defendant's Date of Birth: 4/12/78  
Defendant's USM No.: 08308-062  
Defendant's Residence and Mailing Address: c/o Tulsa County Jail, 500 S. Denver, Tulsa OK 74103

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 188 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

### SUPERVISED RELEASE

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

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

1. The defendant shall report in person to the Probation Office in the district to which the defendant is released as soon as possible, but in no event later than 72 hours of release from the custody of the Bureau of Prisons.
2. If this judgment imposes a fine, special assessment, costs, or restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine, assessments, costs, and restitution that remain unpaid at the commencement of the term of supervised release.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. 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 that the premises may be subject to searches pursuant to this condition. Additionally, the defendant shall obtain written verification from other residents that said residents acknowledge the existence of this condition and that their failure to cooperate could result in revocation. This acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.
3. As a condition of supervised release, upon completion of your term of imprisonment, you are to be surrendered to a duly-authorized immigration official for deportation in accordance with the established procedures provided by Immigration and Naturalization Act, 8 USC §§ 1101-1524. It is a further condition of supervised release, if ordered deported, you shall remain outside the United States until termination of the term of supervised release. Should the defendant serve any portion of supervised release within the United States, the listed special conditions are ordered.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$100.00

**RESTITUTION**

\$0.00

**FINE**

\$5,000.00

**ASSESSMENT**

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.

**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 for Count 1 of the indictment. 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.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	36	
Criminal History Category:	I	
Imprisonment Range:	188 to 235 months	Count 1
Supervised Release Range:	5 years	Count 1
Fine Range:	\$20,000 to \$4,000,000	Count 1

Total amount of Restitution: \$ Not Applicable

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 at the lower end of the guideline range is imposed based on the defendant's cooperation with the government and the lack of prior criminal history.

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

**FILED**

FEB 9 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD CLARK GARDNER,

Defendant.

Case No. 97-CR-34-H ✓

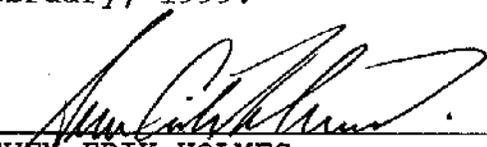
ENTERED ON DOCKET

DATE FEB 10 1999

ORDER DISMISSING CASE WITH PREJUDICE

The Court, having considered the unopposed motion to dismiss with prejudice filed by Richard Gardner, and for good cause shown, duly noting the settlement of Mr. Gardner's Hyde Amendment claim for attorney fees, by which the Government has paid Mr. Gardner \$75,000, hereby dismisses this case with prejudice.

Done this 9<sup>TH</sup> day of February, 1999.

  
SVEN ERIK HOLMES  
United States District Judge

91

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

UNITED STATES OF AMERICA

**JUDGMENT IN A CRIMINAL CASE**

(For Offenses Committed On or After November 1, 1987)

V.

Case Number: 98-CR-106-001-H ✓

Ted Zuhlsdorf

Kurt Glassco  
Defendant's Attorney

**FILED**

FEB 9 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

**THE DEFENDANT:**

Pleaded guilty to Count 1 of the Indictment on October 30, 1998.

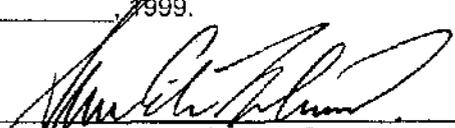
Accordingly, the defendant is adjudged guilty of such count, involving the following offense:

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
21 USC 841(a)(1)	Possession of a Controlled Substance With Intent to Distribute	6/7/98	1

As pronounced on February 5, 1999, 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 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 9<sup>TH</sup> day of FEBRUARY, 1999.

  
The Honorable Sven Erik Holmes  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 473-86-9015  
Defendant's Date of Birth: 10/10/71  
Defendant's USM No.: 08294-062  
Defendant's Residence and Mailing Address: 509 1/2 South Front Street, Mankato MN 56001

**IMPRISONMENT**

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

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be designated to a facility as close as possible to Mankato, MN.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

Before noon on March 8, 1999.

**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

### 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.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. 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 acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

ASSESSMENT	RESTITUTION	FINE
\$100.00	\$2,208.38	\$7,500.00

**ASSESSMENT**

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.

**RESTITUTION**

The defendant shall make restitution in the total amount of \$2,208.38.

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

<u>Name of Payee</u>	<u>Payee Address</u>	<u>City, State, Zip</u>	<u>Amount</u>
New Ulm Flight Service	Rt. 1 Box 137	New Ulm, MN 56023	\$2,208.38

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. The defendant shall notify the Court and the Attorney General of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay restitution.

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

**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 \$7,500 for Count 1 of the Indictment. 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.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	21	
Criminal History Category:	I	
Imprisonment Range:	37 to 46 months	Count 1
Supervised Release Range:	3 to years	Count 1
Fine Range:	\$7,500 to \$1,000,000	Count 1

Total amount of Restitution: \$2,208.38.

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 the application of the guidelines.

BJs

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

UNITED STATES OF AMERICA

V.

Derrick T. Ward

**THE DEFENDANT:**

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

Case Number: 97-CR-125-002-C

Richard D. White, Jr.  
Defendant's Attorney  
ENTERED ON DOCKET

**F I L E D**

FEB 2 1999

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

DATE 2/2/99

Pleaded guilty to Count 1 of the Indictment on December 18, 1997.

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

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 286	Conspiracy to Falsify Claims to a Government Agency	4/17/95	1

As pronounced on January 26, 1999, 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 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 2nd day of February, 1999.

  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 440-72-9061  
Defendant's Date of Birth: 4/1/69  
Defendant's USM No.: 07116-062  
Defendant's Residence and Mailing Address: c/o Tulsa County Jail, 500 S. Denver, Tulsa OK 74103

**IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 30 months.

The Court makes the following recommendations to the Bureau of Prisons:

That the defendant be designated to a facility that provides Comprehensive Substance Abuse Treatment during his period of incarceration.

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

**RETURN**

I have executed this Judgment as follows:

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

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

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

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

### 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.

### STANDARD CONDITIONS OF SUPERVISION

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

### ADDITIONAL CONDITIONS:

1. 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 acknowledgment shall be provided to the U. S. Probation Office immediately upon taking residency.
2. The defendant shall abide by the "Special Financial Conditions" enumerated in Miscellaneous Order Number M-128, filed with the Clerk of the Court on March 18, 1992.

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties: payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$50.00

**RESTITUTION**

\$0.00

**FINE**

\$750.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$50 for Count 1 of the Indictment, which shall be due immediately.

**FINE**

The defendant shall pay a fine of \$750 for Count 1 of the indictment. 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.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	13	
Criminal History Category:	VI	
Imprisonment Range:	33 to 41 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$3,000 to \$30,000	Count 1

Total amount of Restitution: \$ Not Applicable

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

The sentence departs from the guideline range:

Upon motion of the government, as a result of defendant's substantial assistance.

*WMA*

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA

V.

Girva Leola Ward

THE DEFENDANT:

Pleaded guilty to Count 1 of the Indictment on December 18, 1997.

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

<u>Title and Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count</u>
18 USC 286	Conspiracy to Falsify Claims to a Government Agency	April 17, 1995	1

As pronounced on January 26, 1999, 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.

Counts 2 & 3 of the Indictment are dismissed on the motion of the United States.

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 2<sup>nd</sup> day of Feb., 1999.

  
The Honorable H. Dale Cook  
U.S. District Court Judge

Defendant's Soc. Sec. No.: 446-52-9129  
Defendant's Date of Birth: 6/23/52  
Defendant's USM No.: 08098-062  
Defendant's Residence and Mailing Address: 20 W. 50<sup>th</sup> Court North, Tulsa OK 74126

JUDGMENT IN A CRIMINAL CASE  
(For Offenses Committed On or After November 1, 1997)  
**FILED**  
Case Number: 97-CR-125-001-C  
FEB 2 1999  
Stephen Greubel  
Defendant's Attorney  
Phil Lombardi, Clerk  
U.S. DISTRICT COURT  
ENTERED ON DOCKET

DATE 2/2/99

**PROBATION**

The Defendant is hereby placed on probation for a term of three (3) and one-half 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 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.

**STANDARD CONDITIONS OF PROBATION**

1. You will not leave the judicial district without permission of the Court or probation officer.
2. You will report to the probation officer and submit a truthful and complete written report within the first five days of each month.
3. You will answer truthfully all inquiries by the probation officer, and follow the instructions of the probation officer.
4. You will successfully participate in cognitive/life skills training or similar programming as directed by the probation officer.
5. You will support your dependents and meet other family responsibilities, to include complying with any court order or order of administrative process requiring the payment of child support.
6. You will work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons.
7. You will notify the probation officer ten days prior to any change of residence or employment.
8. You will not frequent places where controlled substances are illegally sold, or administered; you shall refrain from excessive use of alcohol and will not purchase, possess, use, or distribute any controlled substance or paraphernalia related to such substances, except as prescribed by a physician.
9. You will submit to urinalysis or other forms of testing to determine illicit drug use as directed by the probation officer; if directed by the probation officer, you will successfully participate in a program of testing and treatment (to include inpatient) for substance abuse until released from the program by the probation officer.
10. You will not associate with any persons engaged in criminal activity, and will not associate with any person convicted of a crime unless granted permission to do so by the probation officer.
11. You will permit a probation officer to visit at any time at your home, employment or elsewhere and will permit confiscation of any contraband observed in plain view by the probation officer.
12. You will provide access to all personal and business financial information as requested by the probation officer; and you shall, if directed by the probation officer, not apply for or acquire any credit unless permitted in advance by the probation officer.
13. You will notify the probation officer within seventy-two hours of being arrested, questioned, or upon having any contact with a law enforcement officer.
14. You will not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
15. As directed by the probation officer, you will notify third parties of risks that may be occasioned by your criminal record or personal history or characteristics, and permit the probation officer to make such notifications and to confirm your compliance with such notification requirements.
16. You will not possess a firearm, destructive device, or other dangerous weapon.

**ADDITIONAL CONDITIONS:**

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

**CRIMINAL MONETARY PENALTIES**

The defendant shall pay the following total criminal monetary penalties; payments shall be applied in the following order: (1) assessment; (2) restitution; (3) fine principal; (4) cost of prosecution; (5) interest; (6) penalties.

**ASSESSMENT**

\$50.00

**RESTITUTION**

\$0.00

**FINE**

\$500.00

**ASSESSMENT**

It is ordered that the defendant shall pay to the United States a special assessment of \$50 for Count 1 of the indictment, which shall be due immediately.

**FINE**

The defendant shall pay a fine of \$500 for Count 1 of the indictment. This fine shall be paid in full immediately. Any amount not paid immediately shall be paid during the period of Probation.

Unless the interest is waived, the defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

If the fine and/or restitution is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. § 3614. The defendant shall notify the Court of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay the fine.

All criminal monetary penalty payments are to be made to the United States District Court Clerk, 333 West 4<sup>th</sup> Street, Rm. 411, Tulsa, Oklahoma 74103, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

**STATEMENT OF REASONS**

The Court adopts the factual findings and guidelines application in the presentence report.

**Guideline Range Determined by the Court:**

Total Offense Level:	10	
Criminal History Category:	I	
Imprisonment Range:	6 to 12 months	Count 1
Supervised Release Range:	2 to 3 years	Count 1
Fine Range:	\$3,000 to \$30,000	Count 1

Total amount of Restitution: \$ Not Applicable

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

The sentence departs from the guideline range:

Upon motion of the government, as a result of defendant's substantial assistance.

BJS