67-CR-123

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES *vs.* TIMOTHY EDWIN KLOEHR	*For U. S.:* James E. Ritchie *For Defendant:* Wm. K. Powers (Ct. Appt.) Beacon Building Tulsa, Oklahoma 74103

STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 2 mailed 12-27-67	Clerk								
J.S. 3 mailed 1-31-68 4-30-68 5-31-68	Marshal								
Violation Dyer Act	Docket fee								
Title 18									
Sec. 2312									

DATE	PROCEEDINGS
12-27-67	Defendant present in person and represented. Defendant waived indictment, waiver signed, approved and filed in open court. Information filed in open court, copy delivered to defendant. Defendant arraigned and enters pleas of GUILTY as to Cts. 1,2,3,&4 of the information. Defendant adjudged GUILTY as charged in Cts. 1,2,3,& 4of the information, and sentence is passed to Tuesday, 1-23-68 at 10:00 A.M.(Allen E. Barrow-Judge)h
1-2-68	Return on writ of habeas corpus ad prosequendum filed. Writ received on 12-27-67, and served that date on Sheriff of Tulsa County, and took into my custody the defendant and returned him back to Tulsa county jail on same date. ds
1-23-68	Defendant present in person and represented. Judgment and Sentence- Timothy Edwin Kloehr (19) Ct. 1- Atty Gen 5 yrs. Ct. 2- Atty Gen 5 yrs. Ct. 3- Atty Gen 5 yrs.; Sentence imposed in Cts. 2&3 run concurrently with sentence in Ct. 1. Ct. 4- Probation 3 yrs, to begin at expiration of sentence in 1,2&3. (AEB-J)h

DATE	PROCEEDINGS
1-23-68	Order of J&C filed and entered.(AEB-J)h
1-23-68	Two c.c. of J&C delivered to USM. h
1-31-68	Notice of appeal, filed by defendant. (Copy mailed to U. S. Atty.) e
1-31-68	Petition and affidavit for leave to proceed in forma pauperis, filed. e
2-1-68	Order granting leave to prosecute appeal in forma pauperis, filed. g c.c. to Larry Marks, Court Reporter. g
2-27-68	Return on service of J&C filed. Executed by delivering defendant to U.S. Reformatory at El Reno, Oklahoma on 1-23-68. h
3-14-68	Reporter's transcript of proceedings had on 1-23-68, filed (3) e
3-11-68	Order extending time to April 11, 1968 in whicht to docket appeal filed.(AEB-J)h
4-8-68	Stipulation for dismissal of appeal filed. h
4-18-68	Application and motion of Timothy Edwin Kloehr to set aside sentence and judgment, filed. b
4-24-68	Case set for hearing on application and resentence on Tuesday, 4-30-68 at 10:00 A.M.(AEB-J)h
4-24-68	Petition for writ of Habeas Corpus ad Testificandum, filed. e
4-24-68	Order for writ of Habeas Corpus ad Testificandum, filed. Writ Issued. e
4-30-68	Defendant present in person and represented. Supplemental application to modify sentence filed in open court. On the motion of the Court the judgment heretofore imposed on January 23, 1968, is hereby vacated and set aside under Rule 35. Judgment and Sentence - Timothy Edwin Kloehr (Age 19) Count One - Atty. Gen. Forty Two (42) Months Count Two - Atty. Gen. Forty Two (42) Months Count Three - Atty. Gen. Forty Two (42) Months; Sentence imposed in Cts. 2 & 3 shall run concurrently with sentence in Ct. 1. Count Four - Probation Three (3) Years, to commence at expiration of sentence in Cts. 1,2&3. (AEB-J)(Steve Allen-CSR)w
4-30-68	Order modifying judgment and sentence filed and entered. (AEB-J)w
4-30-68	Two cc of order modifying J & S delivered to U. S. Marshal. w
4-30-68	Two cc of order modifying J & S delivered to U. S. Probation officer. w
5-21-68	Order modifying judgment and sentence, making sentences in Cts. 1, 2 & 3 pursuant to 18:4208(a)(2), filed and entered. (AEB-Judge) cc to institution. g
6-21-68	Return on writ of habeas corpus ad testificandum, filed. Executed by delivering Timothy Edwin Kloehr from Fed. Reformatory at El Reno, Okla. to Tulsa County Jail and back to El Reno on 5-8-68. (Fees: $39.06)w
8-24-71	Report and Order Terminating Probation filed. (AEB-J)h

67 CR 123

A.O. 100
(Rev. 1-59)

UNITED STATES COMMISSIONER

Northern DISTRICT OF Oklahoma.

RECORD OF PROCEEDINGS IN CRIMINAL CASES

BEFORE BENJAMIN B. BALLENGER (Name of commissioner) FEDERAL BUILDING, TULSA, OKLAHOMA. (Address)

COMMISSIONER'S DOCKET No. 1 CASE No. 302
THE UNITED STATES
vs.
TIMOTHY EDWIN KLOEHR (19)

Complaint filed on 11-6-67, 19..., by John L. Patterson
Official title Spec. Agt. F. B.I., charging violation of United States Code, Title 18, Section 2312, on 11-1-67 19..., at Tulsa, Okla. in the ... division of the Northern district of Oklahoma. as follows: did transport in interstate commerce from Joplin, Mo., to Tulsa, Okla., a motor vehicle to wit: a 1966 Pontiac GTO, VIN. 242176K133277, which he knew to be stolen.

(Here insert brief summary of facts constituting offense charged)

WARRANTS OR SUMMONS ISSUED:

Date 11-6-67 Warrant/Summons for Timothy Edwin Kloehr (Name of defendant)
to (name and title of officer) To Any U. S. Marshal or Any Authorized U.S. Officer:
Substance of return Arrested by: O'Neil Cobb, U.S.D.M.

FILED
16,866
NOV 22 1967
NOBLE C. HOOD
Clerk, U. S. District Court

Date ... Warrant/Summons for ... (Name of defendant)
to (name and title of officer) ...
Substance of return ...

PROCEEDINGS ON FIRST PRESENTATION OF ACCUSED TO COMMISSIONER: Ballenger

Date Nov. 6, 1967 Arrested by O'Neil Cobb, U.S.D.M. { on warrant of Benjamin B. Ballenger U.S. Commissioner (Name of issuing officer) / without warrant.

Appearances { for United States ... (Name) ... (Address) / for accused ... (Name) ... (Address)

Proceedings taken Above defendant presented, advised of charge filed against him, his constitutional rights as to counsel and preliminary hearing. Def't. Waived counsel for the purpose of this hearing and signed Waiver. Preliminary hearing requested and set for 11-13-67 @ 9:00 A.M. Def't. advised bond set at $2500.00 and upon his failure to post bond he was remanded to the custody of the U. S. Marshal.

(Here insert with dates, when appropriate, a seriatim account of essential steps taken at hearing such as "complaint prepared," if arrest is without warrant: "defendant informed of complaint and right to retain counsel and preliminary hearing": "preliminary examination waived," if that is the fact; any adjournments taken, etc.)

Outcome

Bail fixed 11-6-67, 19... Amount, $2,500.00 Bonded ..., 19..., by cash deposited by (name) ... Address ...
transmitted to clerk of district court ..., 19... [or] by surety (name) ... Address ...
(name) ... Address ..., who justified by affidavit dated ..., 19..., [or] committed to Custody of U.S.Marshal on Nov. 6, 1967

SUBPOENAS FOR WITNESSES ISSUED:

....., 19....., for (name of witness).....
at request of (name of party).....
Substance of return.....

....., 19....., for (name of witness).....
at request of (name of party).....
Substance of return.....

....., 19....., for (name of witness).....
at request of (name of party).....
Substance of return.....

PRELIMINARY EXAMINATION:
(Not to be used if case was disposed of at first presentation)

Date Nov. 13, 1967 Appearances for

United States (Name) .....
(Address) .....

Accused (Name) Harmon B. Allen, Atty
(Address) Tulsa, Oklahoma.

WITNESSES FOR UNITED STATES: (List names and addresses)

....., ...
....., ...
....., ...
....., ...

WITNESSES FOR ACCUSED: (List names and addresses)

....., ...
....., ...
....., ...
....., ...

Witness payroll containing.....names certified to United States Marshal for payment....., 19.....
Proceedings taken

Defendant present and represented by counsel, Harmon B. Allen.
Preliminary hearing Waived. Def't. to appear before the Court and
enter plea.

S/ Benjamin B. Ballenger
U. S. Commissioner

Outcome.....
Bail fixed....., 19..... Amount, $..... Bonded....., 19....., by cash
deposited by (name)..... Address.....
transmitted to clerk of district court....., 19.....
[or] by surety (names)..... Address.....
and..... Address.....
who justified by affidavit....., 19..... Committed to.....
on....., 19.....

Certified to be a correct transcript.
Made this 14th day of November, 19 67
Transmitted to Clerk of United States District Court for the Northern
district of Oklahoma., Nov. 14th, 19 67

Benjamin B Ballenger
United States Commissioner.