

U. S. vs.

COLBERT, DONALD LEE (31)

Case Filed	Yr.	Docket No.	Def.
Day Mo.			
11 11		75-CR-156	1
No. of Defdnts			
1			

Felony ☒ JUDGE/Assigned Trial
 Minor Offense ☐ MAGISTRATE 8509
 Other Misdemeanor ☐ 1085 District Office 4
 Disp./Sentence 5-18-76

defendant

I. CHARGES

U.S. CODE SECTION

18:495, 2

OFFENSES

Forging and uttering Treas. checks

(\$1,000 and/or 10 yrs)

COUNTS

1 - 2

MAGR. CASE NO.

BAIL • RELEASE

☐ Personal Recog.
☐ Denied ☐ Unsecured Bond
☐ AMT ☐ Conditional Release

Set (000)

\$ 10

11-11-75 date

☐ 10% Deposit☒ Surety Bond☐ Collateral☒ Bail Not Made☐ 3rd Party Custody☐ Bail Status Changed (See Docket)☒ PSA☒ Cash

ATTORNEYS

U.S. Attorney or Asst.
Ben F. Baker, Ass't.Defense ☒ CIA, ☐ Ret; ☐ Waived, ☐ Self, ☐ None ☐ Other, ☐ PD, ☐ CD

Ronald H. Mook PH: 583-7094

1634 South Boulder
Tulsa, Okla. 74119

II. KEY INTERVALS & DATES

ARREST

11-13-75
U.S. Custody
Began on Above
Charges

11-13-75

☐ Prosecution Deferred☐ High Risk
Defn. &
Date Design'dINDICTMENT ☒ 2

11-11-75

Information ☐Waived ☐

Superseding

☐ Indict/Info ☐

ARRAIGNMENT

11-19-75

1st Plea

"

Final Plea

Trial Set For
1-12-76☒ Not Guilty☐ Nolo☐ Guilty☐ Not Guilty☐ Nolo☐ Guilty

TRIAL

Voir Dire ☒

1-12-76

Trial Began ☒ J1-13-76 ☐ N

Trial Ended

1-14-76

SENTENCE

Disposition

5-18-76

☒ Convicted☐ Acquitted☐ Dismissed☐ Nollo/Discontinued*☒ On All Charges☐ On Lesser* Offense(s)☐ WOP; ☐ WP*

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME
	Return			PRELIMINARY EXAMINATION OR REMOVAL HEARING		<input type="checkbox"/> Dismissed <input type="checkbox"/> Held for District GJ <input type="checkbox"/> Held to Answer to U. S. District Court AT: Magistrate's Initials
Summons	Issued			<input type="checkbox"/> Waived <input type="checkbox"/> Not Waived <input type="checkbox"/> Intervening Indictment		
	Served					
Arrest Warrant				Tape No.	INITIAL/No.	
COMPLAINT						
OFFENSE (In Complaint)						

* Show last names and suffix numbers of other defendants on same indictment/information

-1975-
DATE

PROCEEDINGS

V. Excludable Delay

(a) (b) (c) (d)

11-11-75 Record vote of Grand Jury concurring, filed in open court. v

11-11-75 Indictment filed in open court. Bail fixed \$10,000 C/S. w/i

11-12-75 Warrant issued. v

11-14-75 CSB, Mag. advised deft. bail set by U.S. Dist. Ct. at

11-14 MO: Case set for ARRAIGNMENT 11-19-75 at 10:00 a.m. (AEB-J) v

11-17 Return on warrant for arrest, filed. Deft. arrested on 11-13

11-19-75 at Tulsa, Okla. hm

11-19-75 Case called for arraignment. Deft. present & represented.

Govt. represented. Deft. ack. receipt of indict & is

arraigned. Deft. enters plea of NOT GUILTY to Cts. 1 & 2.

Deft. given 10 days to file motions & Govt. 5 days to

respond. Case set for trial on 1-12-76, 9:30 A.M. (Deft.) b

remanded to USM. (AEB-J) b

12-1-75 MO: Case set jury trial 1-12-76, 9:30 A.M. (AEB-J) b nts mld

12-23 Petition for WHCAT in re 1-12-76, fld. v -in re Jerry G.

12-23 Petition for WHCAT in re 1-12-76, Jerry Cecil Crawford, fld. v

12-24 Order, filed, granting WHCAT in re Jerry Crawford. (AEB-J) v w/i

12-24 Order, filed, granting WHCAT in re Jerry Marshall. (AEB-J) v w/i

1-13-76 Return on Subpoena to Testify, filed. Served Kim Jordan &

T. L. Cook & Parthena M. Dooley. v

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1-12-76	Case called for jury trial. Deft. present & represented. Gov't represented. Parties announce ready. Jury selected & sworn. Trial to begin 1-13-76, @9:45 a.m. (AEB-J)t				
1-14-76	Case tried to Jury 1-13-&1-14. Deft. present & represented Govt. represented. Parties announce ready. Jury selected & sworn on 1-12-76. Govt. makes opening statement Deft. makes no opening statement. Govt. presents case in chief, witnesses sworn & testify. Ct. overrules Deft's objection's to witnesses Cooks ident. of cancelled checks & Jordan's testimony. Govt. rests and Ct. overrules Deft's mot. for acquittal & Mot. that Govt witnesses testimony does not prove Guilt. No case presented by Deft. Parties rest. Closing arguments made and Ct. instructs jury. Bailiff sworn. Ct overrules Deft's. renewed Mot. for acquittal. Jury retires to deliberate at 3:05p.m. @5:10 p.m. Jury excused, to return 1-14-76, 9:00 a.m. to continue deliberation. (1-14-76, 9:00a.m.) jury assumes deliberation. 9:45a.m. jury returns w/verdict finding Deft. GUILTY as charged to Cts. 1 & 2 of indictment, verdict read & filed in open Ct. Jury discharged. Deft. advised of right to appeal. Deft. makes oral Notice of Appeal & Mot. for verdict notwithstanding verdict of Jury, Ct. overrules. Verdict spread of record by the clerk. Deft remanded to U.S.M. (AEB-J)t				
1-14-76	Verdict, filed finding Deft. GUILTY TO CTS 1&2 of indicts,t				
1-14-76	Govts. trial exhibits 1, 2 & 3 filed.				
1-14-76	Case called for Sent. Deft. present & represented. Govt. represented. Deft. and co. asked if they have anything to say before sent. is pronounced.t				
	JUDGMENT & SENTENCE - DONALD LEE COLBERT				
	Atty Gen. Cts 1 & 2 - the maximum period of ten (10) yrs as to each ct. for study as described in 18 USC, 4208(c), the results of such study to be furnished this ct. w/in 90 days, whereupon the sent. of imprisonment herein imposed may be subject to modification in accordance with 18, USC 4208(b).				
1-14	Judgment & commitment, filed & entered (AEB-J)t (AEB-J)				
1-14	Two c/c of J & C to USM.(AEB-J)t				
1-23	Notice of appeal by def. from J&S of 1/14/76, filed. rm (copy to USCA)				
1-23	WHCAT, ret. & filed: Jerry Cecil Crawford transported from Ouachita Training Center, Hodgens, Ok. to Rogers County Jail, Claremore, Ok. on 1-10-76, and returned to Ouachita Training Center on 1-17-76. g				
1-28	J&C, ret. & filed: deft. Colbert delivered to Fed. Reformatory, El Reno, Ok. on 1-26-76. g				
2-4	Notice to court reporter, filed. rm				
2-5	Deft's designation of record on appeal, filed. ph				
2-17	Appl. of def. to withdraw notice of appeal as premature, filed. rm				
2-17	Order (as part of appl.) granting leave to withdraw notice of appeal, filed.(AEB-J)rm - copies to counsel and USCA				
		(a)	(b)	(c)	(d)
	Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days	

LETTER CODES

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)

A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).

B. NARA Exami-
nation (28
U.S.C. 2902).

C. State or Federal
trials on other
charges.

D. Interlocutory
Appeals.

E. Hearings on
pretrial motions.

F. Transfers from
other districts
(per F.R.Cr.P.
Rules 20, 21
& 40).

G. Defendant Mo-
tion is actually
under advise-
ment. Period of
up to 30 days
is excludable
per
3161(h)(1)(G).

H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Deporta-
tion,
Extradition.

I. Prosecution de-
ferred by
mutual agree-
ment.

M. Unavailability
of defendant
or essential
witness.

N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.

O. Period of
NARA Com-
mitment or
Treatment.

P. Superseding
indictment
and/or new
charges.

R. Defendant
awaiting trial
of Co-defen-
dant when no
severance has
been granted.

T. Continuances
Granted per
3161(h)(8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants' in-
terests).

U. Time between
guilty plea and
plea with-
drawal.

V. Time while
moving prison
from state insti-
tutions per
transfer/
detrainer pro-
cedure.

W. Grand Jury In-
dictment ex-
tended per
3161 (b).

Y. Any delay ex-
cluded by court
order for reason
not included
above.

D. C. 109A

CRIMINAL DOCKET

DATE	PROCEEDINGS
2-20	Application to w/draw Plaintiff's exhibits 1,2 & 3, filed. b 0 to J
2-20	ORDER, filed, granting appli. to w/draw pltf's exhibits. (AEB-J)lm <i>copy to Sally</i>
4-6	MO: Case set for definitive sentence on 5-11-76, at 10:00 A.M. (AEB-J)b notice mld
5-7	MO: Case stricken from docket of 5-11-76, to be re-set. (AEB-J)b nts by phone
5-14	MO: Case set for definitive sentence on 5-18-76, at 10:00 A.M. (AEB-J)b nts mld
5-18	Case called for definitive sentencing. Deft. present & represented. Govt. represented by K. Snoke for B. Baker. Deft. & co. asked if they have anything to say before sentence is pronounced: Judgment & Sentence - Donald Lee Colbert Ct. 1 - Atty. Gen. - Five (5) years. Further adjudged Ct. be furnished 90 day progress report. Ct. 2 - Impos. of sent. is suspended & deft. is placed on probation for period of Five (5) years, to commence at expiration of incarceration. (AEB-J)b
5-18	Judgment & Commitment, filed & entered. (AEB-J)b
5-18	Two c/c of J&C to U.S.M. b
5-18	Two c/c of J&C to Probation. b
5-28	Notice of appeal by def. from final judg. of 5/18/76, filed. rm (copy to USCA)
6-3	Motion of deft. Donald Lee Colbert for release pending appeal w/brief included, filed. ph <i>oto</i>
6-3	Notice to court reporter, filed. ph
6-4	Designation of record on appeal, filed. ph
6-4	Order, filed, denying motion for release pending appeal. (AEB-J)g cp mld.
6-22	J&C, ret. & filed: deft. Colbert delivered to Fed. Reformatory at El Reno. Ok. on 6-15-76. g
6-25	Reporter's transcript of proceedings had on 1/12, 1/13 and 1/14/76, filed. (G. Dorrough - CR) rm
6-25	Reporter's transcript of sentencing had on 1/14/76, filed. (G. Dorrough - CR) rm
7-1	Original record on appeal (3 vols) transmitted to USCA. rm
4-11-77	Mandate and Opinion of 10th Circuit, filed and spread of record, affirming J&C of 5/18/76 and directing def. to surrender within 10 days. rm (Def. incarcerated at Fed. Reformatory in El Reno, Okla.)
6-6	Original appeal record (3 vols) received from USCA. arm

DATE

PROCEEDINGS