

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
-vs- ) No. CR-02-72-JHP  
 )  
MICHAEL JEFFREY MORRIS, )  
 )  
Defendant. )

\* \* \* \* \*

TRANSCRIPT OF REVOCATION HEARING  
**BEFORE THE HONORABLE JAMES H. PAYNE**  
UNITED STATES DISTRICT JUDGE

JANUARY 30, 2008

\* \* \* \* \*

A P P E A R A N C E S

MR. CHARLES MARTIN MCLOUGHLIN, 110 West 7th Street,  
Suite 300, Tulsa, Oklahoma, 74119, Assistant United States  
attorney on behalf of the Plaintiff;

MS. LEE GRIFFIN EBERLE, Lee Griffin Eberle, PLLC,  
P.O. Box 367, Jay, Oklahoma, 74346, attorney on behalf of  
the defendant.

REPORTED BY: KEN SIDWELL, CSR-RPR  
United States Court Reporter  
P.O. Box 3411  
Muskogee, Oklahoma 74402

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

I N D E X

WITNESS	PAGE
<b>Michael Jeffrey Morris</b>	
(Direct Examination by Ms. Eberle)	9
(Cross-Examination by Mr. McLoughlin)	24
(Redirect Examination by Ms. Eberle)	39

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

JANUARY 30, 2008 PROCEEDINGS

*(On the record at 3:33 p.m.)*

THE COURT: Call case number 02-CR-072-001, U.S.A. versus Michael Jeffrey Morris. This matter comes on for revocation hearing. Is the government ready to proceed?

MR. McLOUGHLIN: We are, Your Honor.

THE COURT: Is the defendant present and ready to proceed?

MS. EBERLE: Yes, Your Honor.

THE COURT: Is this matter going to be for hearing? Is there going to be any evidence presented?

MS. EBERLE: Your Honor, the only evidence I have to present would be as to sentencing. We are prepared to stipulate to each and every allegation in the order on supervised release, and I have previously informed the government of that fact.

THE COURT: And you said you have evidence in regard to mitigation then?

MS. EBERLE: Yes, I would.

THE COURT: What's the nature of that evidence? Is it testimony?

MS. EBERLE: Testimony through a witness, Your Honor. Be Mr. Morris Your Honor.

THE COURT: Let me ask you to come forward with your client.

1 MS. EBERLE: Yes, sir.

2 THE COURT: Mr. Morris, so I can make the record  
3 as clear as possible and to be sure you don't have any  
4 questions, I'm going to ask you some questions. It's not  
5 that I didn't hear your counsel or understand that it's been  
6 your decision to waive your right to hearing and proceed to  
7 sentencing, reserving the right to put on mitigation. Let  
8 me ask you: Have you been provided with written notice of  
9 the alleged violations and has there been full disclosure of  
10 the evidence against you in this matter?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Do you understand that you have a  
13 right to be represented by counsel at all proceedings, and  
14 that, if you can't afford the services of an attorney, one  
15 will be appointed to represent you. I take it in this  
16 matter, because you have counsel with you, you've been able  
17 to retain counsel; is that correct?

18 MS. EBERLE: Correct.

19 THE COURT: It's also important for you to know  
20 that, if you couldn't retain counsel, you have a right to  
21 court appointed counsel. You also understand you have the  
22 right to appear in person at all proceedings against you,  
23 including this one today where we have it set for final  
24 revocation hearing. Do you understand that?

25 THE DEFENDANT: Yes, sir.

1 THE COURT: You have the right -- if the matter  
2 had gone to hearing, you have the right to question adverse  
3 witnesses and to present any evidence you may have in your  
4 own defense. Do you understand that?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: And that by waiving your right to  
7 hearing, you give up that right because there won't be any  
8 evidence presented on the issue of whether revocation should  
9 take place. There will be evidence presented on the issue  
10 of what the sentence should be following the revocation, but  
11 do you understand there won't be any evidence other than  
12 that?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Is that what you want to do?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: I've been informed by the probation  
17 office that, if it is determined by a preponderance of the  
18 evidence that there is cause to believe that you have  
19 violated the terms of your supervision, and that if the term  
20 or terms of supervision are revoked, the Court may impose  
21 punishment in accordance with United States Sentencing  
22 Guidelines or the statutory provisions prescribed in the  
23 United States Criminal Code. Do you understand that?

24 THE DEFENDANT: Yes, sir.

25 THE COURT: The policy provisions of the United

1 States Sentencing Guideline, Section 7B1.4(a) recommend an  
2 imprisonment range of 21 to 27 months. Do you understand  
3 that?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: Under the provisions of 18 United  
6 States Code, Section 3583(e)(3), a term of imprisonment of  
7 up to 36 months may be imposed as to Count 1 of the original  
8 offense, which is a Class B felony, and a term of  
9 imprisonment of up to 24 months may be imposed as to Count 2  
10 of the original offense, which is a Class C felony. Do you  
11 understand that?

12 THE DEFENDANT: Yes, sir.

13 THE COURT: That you could be imprisoned up to  
14 five years?

15 THE DEFENDANT: Yes, sir.

16 THE COURT: If it is determined that you have  
17 unlawfully possessed a controlled substance or firearm, or  
18 if you have refused to comply with drug testing, or, as a  
19 part of drug testing, you test positive for illegal  
20 controlled substances more than three times over the course  
21 of one year, revocation of supervised release is mandatory  
22 and a term of imprisonment shall be imposed pursuant to 18  
23 United States Code, Section 3583(g)(1), (2), (3), (4). I  
24 tell you that out of precaution. I don't think that is at  
25 issue in this case. Counsel, is that correct?

1 MR. McLOUGHLIN: No, Your Honor.

2 THE COURT: If the Court determines that  
3 revocation is inappropriate, a modification of the  
4 conditions of your release may be considered pursuant to 18  
5 United States Code, Section 3583(e). You should be aware  
6 this Court is a neutral and detached hearing body. The  
7 Court is now prepared and would be prepared, except for your  
8 announcement, to conduct an evidentiary hearing. And it's  
9 my understanding you waive that. Is that correct, counsel?

10 MS. EBERLE: As to the allegations, it is.

11 THE COURT: Having heard the admissions by you  
12 through your counsel's waiver of hearing, the Court finds by  
13 preponderance of the evidence that you have violated the  
14 terms and conditions of your supervised release as follows:  
15 As to case number 02-CR-072-001, you have violated a  
16 mandatory condition of your supervised release while your  
17 term of supervision was active. That condition specified  
18 the defendant shall not commit another federal, state, or  
19 local crime. You submitted monthly reports during October  
20 and November of 2007 which contained false information or  
21 were materially incomplete, a violation of 18 U.S.C. Section  
22 1001. As to case number 02-CR-072-001, you have violated  
23 Standard Condition Number 2 of your supervised release while  
24 your term of supervision was active. That condition  
25 specified you will report to the probation officer and

1 submit a truthful and complete written report within the  
2 first five days of each month. On October the 4th, 2007,  
3 you submitted a monthly supervision report for the month of  
4 September which contained false information or omissions  
5 regarding the purchase of two vehicles and an application  
6 for credit without approval. On November the 5th, 2007, you  
7 submitted a monthly supervision report for the month of  
8 October 2007 which contained a material omission regarding  
9 your operation of a limited liability corporation and use of  
10 unreported bank accounts. Further, as to case number  
11 02-CR-072-001, you have violated Special Financial Condition  
12 Number 1 of your supervised release while your term of  
13 supervision was active. That condition specified you shall  
14 maintain a single checking account in your name. You shall  
15 deposit into this account all income, monetary gains, or  
16 other pecuniary proceeds, and make use of this account for  
17 payment of all personal expenses. All other bank accounts  
18 must be disclosed to the United States Probation Officer.  
19 You failed to advise the probation officer of an account you  
20 opened at Pentagon Federal Credit Union on October 10, 2007.  
21 As to case number 02-CR-072-001, you have violated Special  
22 Condition Number 2 of your supervised release while your  
23 term of supervision was active. That condition specified  
24 you shall not make application for any loan or enter into  
25 any credit arrangement without first consulting with the



1 United States Probation Officer. You failed to consult with  
2 the probation officer prior to applying for and receiving  
3 credit to purchase a 2007 Ford F-150 pickup truck and a 2007  
4 Volkswagen new Beetle convertible on September 14th, 2007.

5 I'm now prepared to proceed with sentencing.  
6 However, your counsel has indicated she has evidence in  
7 mitigation, so I'll allow you. If you'll take your seat.  
8 Counsel, you may present your evidence.

9 MS. EBERLE: Your Honor, at this time I ask to  
10 call Mike Morris to the stand.

11 THE COURT: You may.

12 THE CLERK: Raise your right hand.

13 *(The defendant was duly sworn by the clerk.)*

14 THE DEFENDANT: Yes, ma'am.

15 MS. EBERLE: May I proceed?

16 THE COURT: You may.

17 MICHAEL JEFFREY MORRIS,

18 being first duly sworn to testify the truth, the whole  
19 truth, and nothing but the truth, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. EBERLE:

22 Q. Mr. Morris, you just heard the Court go through a litany  
23 of violations that you've stipulated to; is that correct?

24 A. Yes, ma'am.

25 Q. And would you agree you were familiar with the rules of

1 your supervised release, including the special financial  
2 conditions; is that correct?

3 A. Yes, ma'am.

4 Q. And you've agreed today that you violated those rules?

5 A. Yes, ma'am.

6 Q. There is an allegation about purchasing a vehicle, a  
7 Ford truck. Did you do that?

8 A. Yes, ma'am.

9 Q. Okay. Who did you purchase it for?

10 A. My son.

11 Q. And how old is your son?

12 A. Just getting ready to turn 16.

13 Q. Knowing this was a rule that you needed permission for,  
14 did you ever ask Mr. Shidell for permission to purchase this  
15 vehicle for your son?

16 A. No.

17 Q. And there was a second vehicle you purchased?

18 A. Yes.

19 Q. Who was that vehicle for?

20 A. For my wife.

21 Q. Did you and your wife live together at the time you  
22 purchased it?

23 A. No.

24 Q. Could you -- do you have any explanation or reason why  
25 you would purchase two vehicles in violation of very clear

1 rules that have been set by this Court?

2 A. There's no real excuse. I just -- I was acting on  
3 emotions and I was -- embarrassingly, I guess I was just --  
4 I was trying to win my wife back and my son.

5 Q. Did that work?

6 A. Not yet, no.

7 Q. Okay. So you purchased those vehicles to gain some  
8 affection or some something from them?

9 A. Yes, ma'am.

10 Q. Are those vehicles being paid for monthly?

11 A. Yes.

12 Q. And those -- are there still debts outstanding on both  
13 of those vehicles?

14 A. Yes, ma'am.

15 Q. So they have not been returned?

16 A. No.

17 Q. There was some mention of an LLC. Did you create an  
18 LLC?

19 A. Yes, ma'am.

20 Q. Did you know that you needed permission to do so?

21 A. At the time I didn't -- I didn't check. I mean, looking  
22 back, I realize I should have, but I didn't -- I just didn't  
23 stop to think.

24 Q. Why did you create an LLC?

25 A. There was several different reasons. One of them was I

1 was hopefully eventually for my employment reasons. I work  
2 for a company that represents Sprint Nextel right now, and  
3 they had come to me previously, and I was hoping to work  
4 towards eventually becoming what they call a solutions  
5 provider. Basically you're on your own, but they have to  
6 have -- you know, you have to meet certain qualifications,  
7 and that was my main reason.

8 Q. Was there any other reason you created it?

9 A. The other reason was I was talking to my mother. The  
10 mortgage holder on her house and I was trying to negotiate.  
11 She's in bad health and hasn't been able to keep her  
12 mortgage payments up, and I was trying to negotiate with him  
13 to purchase the mortgage for a lesser amount.

14 Q. And did you need an LLC to do that?

15 A. Yeah, based on my -- another attorney's advice because I  
16 have a tax lien.

17 Q. Have you dissolved that LLC?

18 A. Yes. I sent the papers in to the state.

19 Q. Did you create that LLC in order to intentionally commit  
20 any fraud or additional crimes?

21 A. No, ma'am.

22 Q. How much credit card accounts did you open up in  
23 violation of your rules?

24 A. Probably six, seven, eight.

25 Q. Okay. Is there any generic reason that you opened those

1 accounts?

2 A. Lot of them I never even used. It's a silly answer,  
3 but, at the time, my wife had very, very poor credit, and I  
4 have, you know, very, very good credit, and I put her on  
5 those accounts as an authorized user to try to repair her  
6 credit.

7 Q. Did she ask you to do that?

8 A. Uh-huh.

9 Q. Is that yes?

10 A. Yes, ma'am.

11 Q. You need to use words. He's taking your testimony.

12 A. That's not an excuse, though. I mean, I'm not trying to  
13 say that that was an excuse.

14 Q. The credit card accounts that were opened, are there  
15 balances on any of those accounts?

16 A. On some of them there are, ma'am.

17 Q. Okay. Were those from purchases or what?

18 A. I did some balance transfers that they had some zero  
19 percent for 12 months on one and 15 months on the other one,  
20 and so I did balance transfers on those.

21 Q. Do you have any idea approximately how much credit card  
22 debt you have today?

23 A. About 50,000.

24 Q. Are those payments current to your knowledge on all  
25 those cards?

1 A. Yes, ma'am.

2 Q. Let me go back to the vehicles. How much is  
3 approximately owed on that truck?

4 A. About 24,000.

5 Q. How much is owed on the VW?

6 A. About 24, I believe.

7 Q. So that's about 48,000 for both vehicles?

8 A. Yes, ma'am.

9 Q. Plus the 50,000, do you get 98,000?

10 A. Correct.

11 Q. Additionally, I think you -- there were some bank  
12 accounts you opened that you weren't supposed to open those  
13 either; is that correct?

14 A. Yes, ma'am.

15 Q. What kind of accounts were those?

16 A. There was two savings accounts and one checking  
17 account.

18 Q. Okay. Why did you open the two savings accounts and the  
19 checking account?

20 A. To get a discount at the Pentagon Federal, you got a  
21 discount on your insurance with Geico, and Geico is my  
22 insurance carrier, so that was my motivation.

23 Q. Did you use those two savings accounts or the checking  
24 account to pay any bills?

25 A. I never used the checking account, and the savings

1 account has just what I opened it with.

2 Q. Do you know how much that is?

3 A. About \$50 or something like that.

4 Q. You've never added to nor subtracted from it?

5 A. No. There was 50 -- at the Pentagon, there was 50 in  
6 the checking and 50 in the savings and, when I closed the  
7 checking, they moved what was left remaining in the checking  
8 over to the savings account.

9 Q. Can you give me a ballpark idea of your approximate  
10 income each month?

11 A. It fluctuates quite a bit because of the kind of  
12 clientele that I have, but probably, on an annual basis,  
13 last year I made in excess of an a hundred thousand.  
14 Because of my expanded job duties this year in a supervisory  
15 role, it probably would double, so I could pay off --

16 Q. So is that -- excuse me. Is your testimony that you're  
17 looking at making approximately 200,000 this year?

18 A. That's probably accurate.

19 Q. And there's been discussions between counsel and the  
20 U.S. Attorney's Office about the agreement for the  
21 restitution you need to pay; correct?

22 A. Correct.

23 Q. And do you recall about how much restitution you need to  
24 repay?

25 A. They are taking 10 percent out of my check now.

1 Q. Do you remember the total amount that you need to pay?

2 A. Total is a million-six on my restitution.

3 Q. Would you -- how old are you?

4 A. Forty-five.

5 Q. Do you agree then, in your lifetime, making the salary  
6 you're making now, you could pay that back?

7 A. Certainly.

8 Q. Mr. Morris, you've had numerous revocations before the  
9 Court; isn't that correct?

10 A. Yes, ma'am.

11 Q. I'm sure the Court is curious why you can't follow the  
12 rules. Do you have an explanation as to why, knowing these  
13 rules are in place, that you couldn't follow them?

14 A. There's no real excuse. Just that I just -- you know, I  
15 wasn't thinking clearly and I just was acting on my  
16 emotions. Also, I had quit taking my medication.

17 Q. Have you been diagnosed with any mental illness?

18 A. Yes, ma'am.

19 Q. Okay. What have you been diagnosed with?

20 A. Bipolar.

21 Q. Do you know approximately when you were diagnosed as  
22 bipolar?

23 A. About 10 years ago.

24 Q. Were you prescribed medication for that condition?

25 A. Yes, ma'am.



1 Q. Do you remember what you were prescribed?

2 A. First I was on lithium, and then, when I was at the  
3 Federal Medical Center, they switched it to a drug called  
4 Topamax.

5 Q. When you were at the Federal Medical Center, were you on  
6 medication the entire time you were there?

7 A. Yes, ma'am.

8 Q. How long were you there?

9 A. Three or four years.

10 Q. Did you continue to take that medication when you were  
11 released from the Bureau of Prisons?

12 A. Only for a while.

13 Q. Do you know when you stopped?

14 A. Spring.

15 Q. Spring of what year?

16 A. This year. Or last year. I'm sorry, last year.

17 Q. Spring of 2007?

18 A. Yes.

19 Q. Why did you stop taking it?

20 A. One reason was I didn't think I needed it. Second  
21 reason probably is I -- it makes me feel like -- it makes me  
22 feel like I'm lesser of a person.

23 Q. Were you able to distinguish when you took that medicine  
24 versus when you're not taking it if it affects your thinking  
25 ability or any abilities that you have?

1 A. At the time I can't. My actions seem to replicate that  
2 my mother, my wife, and those people around me say that  
3 there's a dramatic difference. My wife says that she can,  
4 you know, pretty much tell exactly when I'm not taking it  
5 and when I'm taking it based on my -- I get into those like  
6 manic phases where I'm just going a hundred miles an hour.  
7 At the time, I mean, I don't -- I mean, I don't feel it or  
8 see it, but those around me do.

9 Q. Have you -- when's the last time you went and saw a  
10 mental health professional?

11 A. I'm currently seeing the psychologist that the probation  
12 office has sent me to now, and I'm also --

13 Q. Who is that?

14 A. Randy Lopp.

15 Q. When's the last time you saw Randy Lopp?

16 A. About two weeks ago.

17 Q. What did you do on that visit?

18 A. Just basically, you know, talking and therapy I guess  
19 you call it.

20 Q. Does Randy Lopp have the ability to prescribe  
21 medication?

22 A. No. I'm -- I went -- I'm also -- they've assigned me to  
23 a case manager. I went to Associative Center for Therapy,  
24 and they've assigned me a case manager, and once a month  
25 I'll see the psychiatrist there.

1 Q. Have you seen that psychiatrist yet?

2 A. Not as of yet, no.

3 Q. Do you have an appointment to see that psychiatrist?

4 A. They are supposed to be getting me one. I had an  
5 appointment and I was out of town on business, and so I  
6 could not make that. I tried to go to the place over there  
7 that's kind of like an emergency room for psychiatric care  
8 over on Harvard to see if they would see me right away. But  
9 they would only see me if I was staying.

10 Q. You mean like inpatient staying?

11 A. Yeah.

12 Q. Do you have another appointment with Randy Lopp  
13 scheduled?

14 A. Tomorrow.

15 Q. January 31st?

16 A. Yeah. And then he's got me down every week from there.

17 Q. Do you now have your own opinion on this medication,  
18 whether it's necessary or not?

19 A. Yeah, based on my -- the outcomes, I mean it's just a  
20 necessary thing that I'm going to have to live with and  
21 comply with and take to be successful because I don't -- you  
22 know, I don't want to -- I don't want to burden people and  
23 my family and everybody else, and I certainly don't want to  
24 be back in this legal forum again, and I just keep  
25 destructing myself without it.

1 Q. With all fairness and respect to you, is there anything,  
2 any way that you think you can ever follow these rules?

3 A. Yes, ma'am. I'm pretty much, after coming in here the  
4 first time, I -- I'm not the same person I was 10 or 15  
5 years ago. I don't want this life.

6 Q. But you're back?

7 A. Yes.

8 Q. You had a revocation that was dismissed what, November  
9 28th; correct?

10 A. Yes, ma'am.

11 Q. Same day they filed another one?

12 A. I won't be back if I'm given any chances.

13 Q. What are you going to do? Why would -- what are you  
14 going to do to show this Court that you won't be back?

15 A. I'm going to do whatever it takes to be successful. If  
16 I have to get into counseling, take my medication, whatever  
17 it is, I'm going to do that. I've got three young children  
18 and they deserve to have a father and not one that's just  
19 wrapped up in prison every few years. I've got to do what  
20 I've got to do to make that happen.

21 Q. And are you willing to do that?

22 A. Yes, ma'am.

23 Q. You are aware that a very strong likelihood of the  
24 options that this Court has today is to send you to prison,  
25 are you not?

1 A. Yes, ma'am.

2 Q. Do you personally have any requests or alternatives to  
3 going to prison full-time as a consequence to these  
4 actions?

5 A. Yeah. If there was some way that I could retain my job  
6 and have some type of, you know, appropriate action by the  
7 Court so that I could continue to support my family and pay  
8 my obligations and pay my restitution and try to be a  
9 contributing member of society, I mean I would do whatever I  
10 had to, whatever the Court would ask.

11 Q. Are you willing to be on house arrest?

12 A. Whatever. Whatever the Court would ask, I would meet.

13 Q. Anything?

14 A. Anything.

15 Q. Are you willing to go to jail every weekend for however  
16 many weekends this Court would want you to go?

17 A. I will do whatever -- whatever he requests.

18 Q. No matter what county?

19 A. Doesn't matter. I want to prove to this Court that I  
20 can be successful. I want to prove to the people that don't  
21 have any faith in me at this point. I want to prove that I  
22 can do things differently, that I'm not the person that I  
23 read in that paper.

24 Q. How are we going to know that, if you take this  
25 medication, you're compliant with it?

1 A. There's blood tests that they can actually take to make  
2 sure you're being compliant I believe.

3 Q. Willing to do that?

4 A. Yes, ma'am.

5 Q. If the Court doesn't buy it, this Court may have had  
6 enough, do you still have financial obligations that are out  
7 there today that need to be taken care of?

8 A. Yes.

9 Q. Would you want to request some time to self report if  
10 the Court would ever consider such a request?

11 A. If they would grant me such, yes.

12 Q. And how long would it take for you to tie up all of your  
13 personal affairs, close down accounts, things of that  
14 nature?

15 A. About 30 to 60 days I guess. Probably 60 days if I was  
16 going to try to sell vehicles and those type of things.

17 Q. Do you have any -- excuse me. Do you get commission at  
18 work?

19 A. Correct.

20 Q. Do you have any commissions that you know of are  
21 forthcoming within the next 30 days?

22 A. Yeah, I've got several. One of the Indian tribes is one  
23 of my data clients.

24 Q. Approximately how much money are you expecting from this  
25 account?

1 A. Based on the order that I'm working on right now, it's  
2 probably 14 to 15,000. And if the test is successful and  
3 they implement the additional services, it would be probably  
4 in the range of 50 to \$80,000 commission for me.

5 Q. When would you receive that commission?

6 A. Over the next 60 to 90 days.

7 Q. Would you be willing to use that money to pay off these  
8 creditors for the accounts you weren't supposed to open?

9 A. Yes, ma'am.

10 Q. What's your intentions for those vehicles? Were they  
11 gifts to your family?

12 A. I bought them for them. I've been making all the  
13 payments on them.

14 Q. Are you intending for them to keep those?

15 A. If I go to prison, I can't pay them.

16 Q. Okay. But if you had an alternative or a way to pay it,  
17 are you willing to pay those?

18 A. Sure. Certainly.

19 Q. Paying your bills is not a problem; is that correct?

20 A. No, ma'am.

21 Q. You do that; right?

22 A. Correct.

23 Q. You follow that rule when it's due?

24 A. Yeah, I haven't been a day late since I've been out.

25 MS. EBERLE: I have nothing further. Thank you.

1 CROSS-EXAMINATION

2 BY MR. McLOUGHLIN:

3 Q. Mr. Morris?

4 A. Yes, sir.

5 Q. What's your son's birthday?

6 A. 4-28-92.

7 Q. 4-28-92?

8 A. Correct.

9 Q. That's the 15-year-old?

10 A. Yeah. He'll be 16 in April.

11 Q. This April?

12 A. Yes, sir.

13 Q. All right. But when did you buy the truck?

14 A. September.

15 Q. September. So you bought a truck, let's see, eight,  
16 nine months before he turned 16. That's correct, isn't  
17 it?

18 A. About six, seven months, yes, sir.

19 Q. Well, April is four months and September to December is  
20 four months. That's eight months, isn't it, unless my math  
21 is slipping?

22 A. Approximately. Yeah, approximately.

23 Q. So there wasn't any immediate need for your son to have  
24 that truck, was there?

25 A. No, it was just --



1 Q. No. No, there wasn't. And where is that truck now?

2 A. With my wife and my son.

3 Q. He's not driving it, though, is he?

4 A. He's got his permit, and I assume that my wife --

5 Q. Not what you assume. You don't know whether he drives  
6 it because you don't live with your wife and your children,  
7 do you?

8 A. That's correct. My wife is driving it today I know.

9 Q. So you keep tabs on your wife, don't you?

10 A. No. She didn't have the money and had me buy her gas to  
11 get back home today.

12 Q. Didn't you follow her when she was supposed to meet with  
13 the probation officer last week at Big Cabin to be served  
14 with a subpoena? Didn't you follow her there?

15 MS. EBERLE: Objection.

16 A. No, that's not true.

17 MS. EBERLE: Objection.

18 THE COURT: What's the objection?

19 MS. EBERLE: Outside the scope. There is no  
20 foundation.

21 THE COURT: Overruled.

22 Q. (BY MR. McLOUGHLIN) You followed her, didn't you, to  
23 Big Cabin?

24 A. No, I did not.

25 Q. Weren't you supposed to be in Vinita working when you

1 were in Big Cabin?

2 A. I was on my way to Vinita. I was on my way to Vinita.

3 Q. Weren't you supposed to be at work at the time they met  
4 at Big Cabin; yes or no?

5 A. I was working, sir.

6 Q. Oh, you were working following your wife to Big Cabin?

7 A. Sir, I didn't follow her. I stopped to get gas and she  
8 was in the parking lot.

9 Q. Mysteriously, the two of you happen to be there. I see.  
10 And the same way you mysteriously had lunch with her today;  
11 is that correct?

12 A. I had lunch with her, yes.

13 Q. Yeah. And you discussed how you wanted her to testify  
14 at this hearing, didn't you?

15 A. No.

16 Q. Oh, you didn't do that?

17 A. No.

18 Q. All right. Now, you say you want to get back with your  
19 wife, but the two of you haven't lived together since you  
20 were living in Edmond before you were arrested and detained  
21 for the last revocation --

22 A. That's correct.

23 Q. -- and new charge?

24 A. That's correct.

25 Q. About seven years ago, wasn't it?

1 A. Correct. Six years, yes.

2 Q. And when did you get out of prison this time?

3 A. December 22nd of '06.

4 Q. Of '06. That's about, what, 14 months ago?

5 A. Correct.

6 Q. And she's shown absolutely no interest in having you  
7 live with her and the children, has she?

8 A. She hasn't had any -- not as far as living together.  
9 We've spent an enormous amount of time together.

10 Q. That's not answering my question. My question is: Has  
11 she shown any interest in having you live in the house with  
12 she and the children?

13 A. No.

14 Q. In fact, she's told you she doesn't want you to do that,  
15 hasn't she?

16 A. She says she's not ready is her exact words.

17 Q. Not ready. Now, in fact, she doesn't let you in the  
18 house, does she, when you come by to see the children, does  
19 she?

20 A. I don't try to go in.

21 Q. I didn't ask you that. I said: Does she let you in the  
22 house?

23 A. No, I assume not.

24 Q. Well, does she let you in the house or not?

25 A. No.

1 Q. No. She has no interest in getting back together with  
2 you, does she?

3 A. That I don't know.

4 Q. All right. Now, you claim -- and I want to be sure  
5 we're right. You claim she asked you to open credit card  
6 accounts?

7 A. No, I didn't say she asked me to.

8 Q. Okay.

9 A. She asked me to put her on as an authorized user.

10 Q. All right. And you're testifying she specifically asked  
11 you to do that?

12 A. We talked about it.

13 Q. No. No. Did she specifically ask you to get additional  
14 credit cards in her name on those accounts?

15 A. No.

16 Q. No, she didn't do that, did she?

17 A. No.

18 Q. No. And tell me, you told the Judge you opened that LLC  
19 for two purposes?

20 A. Uh-huh.

21 Q. Why would you need to have Best Buy credit cards issued  
22 in the name of the LLC if the purpose was purchasing a  
23 mortgage on your mother's house? How did the Best Buy  
24 credit card help you buy your mother's mortgage? Could you  
25 tell me about that?

1 A. First, I never even knew I had a Best Buy account in  
2 that.

3 Q. Oh, I see. So when those cards arrived at the address  
4 with the LLC's name on it, that was just a mistake from Best  
5 Buy?

6 A. No, I did -- I disclosed to the probation office that I  
7 had opened --

8 Q. No, no. I'm asking you why did you obtain Best Buy  
9 credit cards in the name of the LLC? Tell the Judge why.

10 A. So that I could build credit for the company so that I  
11 could meet the qualifications for Sprint Nextel.

12 Q. How did that help you purchase your mother's mortgage?

13 A. No, no. There were two separate things not all the  
14 same. There was two different reasons.

15 Q. It sounds like you opened the LLC so you could open  
16 credit accounts. Doesn't that sound like what was going  
17 on?

18 A. No, sir.

19 Q. How many credit card accounts did you open in the LLC's  
20 name?

21 A. I didn't know about the Best Buy one. The ones I  
22 disclosed to the probation office were approximately four.

23 Q. What are they?

24 A. There was a Lowe's card, there was a Wal-Mart card,  
25 Office Depot, and Staples.

1 Q. And mysteriously Best Buy just issued you credit cards  
2 in the name of the LLC? How did that happen?

3 A. I probably applied for it, but I never even knew that  
4 they were even issued. I've never seen them.

5 Q. How many more credit card accounts did you apply for in  
6 the name of the LLC besides the ones you've named? How many  
7 more did you apply for?

8 A. I don't even recall, sir.

9 Q. But did you apply for more?

10 A. I don't recall. I honestly don't. I didn't even -- I  
11 have never even knew there was a Best Buy card out there.

12 Q. Where were these bank accounts that you opened?

13 A. Pentagon Federal was in Virginia. And the other credit  
14 union was in California.

15 Q. Why didn't you just go to one of the local credit unions  
16 and open accounts?

17 A. Because the online ones -- Pentagon Federal was because  
18 of the Geico thing, but the online ones tend to give you  
19 better deals even.

20 Q. I see. Maybe the local ones would know you've been  
21 convicted of numerous felonies and might not issue you an  
22 account. Could that be the problem?

23 A. I don't think so, sir.

24 Q. You don't think so. You know, when the probation office  
25 talked to Pentagon Federal Credit Union, they indicated

1 that, once they found out some more facts about you, that  
2 you didn't qualify for membership and they closed your  
3 account.

4 A. No, they left the savings and checking open.

5 Q. Is that right?

6 A. Correct.

7 Q. Well, that's interesting because, if we check today,  
8 we'll find out that's not correct.

9 A. I just -- I closed the checking account. The savings is  
10 still open, sir.

11 Q. Well, interestingly enough, did you make any  
12 misrepresentations to Pentagon Federal when you applied?

13 A. I don't recall, sir.

14 Q. Well, don't you normally have to be in a certain class  
15 of individual to obtain a Pentagon Federal account?

16 A. No. There's an association you join called the National  
17 Military that anybody can join. You join that association  
18 and it qualifies you for membership and they advertise  
19 that.

20 Q. Well, I'm asking you, did you make any statements that  
21 were false to Pentagon Federal on your application for  
22 membership?

23 A. I don't even -- I don't recall, sir.

24 Q. Not asking if you recall. Did you make any false  
25 statements?

1 A. I don't recall, sir. I really don't.

2 Q. Was your answer yes or no?

3 MS. EBERLE: Objection. He's answered it twice as  
4 best he can. It's just not what Mr. McLoughlin wants.

5 THE COURT: Overruled. See what you can do.  
6 Rephrase the question.

7 Q. (BY MR. McLOUGHLIN) All right. In your application to  
8 Pentagon Federal, did you make statements to them that you  
9 knew were not true at the time you made them in order to  
10 induce them to grant you the accounts?

11 A. I don't recall, honestly, sir.

12 Q. Well, what is it that you don't recall? You don't  
13 recall the application?

14 A. I don't recall -- no, I don't.

15 Q. You don't recall what you put on that application?

16 A. No, because it was all over the telephone.

17 Q. All over the telephone?

18 A. And no, I don't recall, honestly.

19 Q. So whatever they've recorded in their records as to your  
20 verbal responses to their questions would be accurate as to  
21 what you told them, is that what you're telling the Court  
22 today?

23 A. Correct.

24 Q. So if we go back and look at their records of your  
25 application and we find statements that are false, then you



1 made those false statements, is that what you're telling us  
2 today?

3 A. That would probably be accurate.

4 Q. Now, you told us this income of a hundred thousand  
5 dollars. When did you start working for that job that paid  
6 that well?

7 A. Last February.

8 Q. February of '07?

9 A. (Witness nodded head.)

10 Q. Right?

11 A. Correct.

12 Q. You have to answer out loud for the court reporter.

13 Now, so that means you're getting an income of approximately  
14 \$10,000 a month; is that right?

15 A. Right.

16 Q. How much restitution do you pay per month?

17 A. Ten percent now.

18 Q. No. How much restitution did you pay in March of '07?

19 A. At that time I was --

20 Q. No. How much?

21 A. \$50 a month then.

22 Q. \$50 a month. Okay. And then what did you pay in  
23 April?

24 A. I don't -- I paid 50 each month until I started paying  
25 the 500, and then when the Court changed it to 10 percent.

1 Q. Okay. \$50 a month. But you're making \$10,000 a  
2 month?

3 A. Right.

4 Q. And if you were so interested in repaying the victim,  
5 Key Bank, and you're making \$10,000 a month, why didn't you  
6 just really juice up those payments and try to pay those  
7 people back? Why did you settle for \$50 a month if you're  
8 so concerned about repaying Key Bank? Why didn't you do  
9 that?

10 A. I don't know, sir.

11 Q. You don't know. Okay. Well, you talked about, if you  
12 just had your medication, everything would work out,  
13 wouldn't it, Mike? Things would smooth out and you wouldn't  
14 do these crazy things. Isn't that the issue, that if you  
15 had the medication?

16 A. I don't think it in itself is an excuse. I think it's a  
17 contributor probably.

18 Q. It contributes to it. And then, when you left prison,  
19 they gave you a 60 day supply of medication, didn't they?

20 A. Correct. Something like that.

21 Q. Where's that medication been ever since you left  
22 prison?

23 A. At my home.

24 Q. Well, not your home. The home where your wife and your  
25 children live; isn't that correct?

1 A. Well, that was my home before they moved in.

2 Q. Right. But once they moved in, you didn't live there,  
3 did you?

4 A. No.

5 Q. And you haven't lived there since then?

6 A. No.

7 Q. And that medication has been there, hasn't it?

8 A. Yes.

9 Q. And your wife, Kim Morris, has several times asked you  
10 to come get the medication or offered to give it to you  
11 because she didn't want to pack it up and put it in a  
12 storage locker. That's the truth, isn't it?

13 A. I don't recall that conversation.

14 Q. Oh, it didn't happen?

15 A. I don't recall that conversation.

16 Q. You just don't remember. Sort of like some of the other  
17 responses. Okay. That medication, according to Kim Morris,  
18 has been sitting there at that house, and it's now in a box  
19 in a storage unit, ever since she moved in?

20 A. That's correct.

21 Q. And you made no effort to get that medication and start  
22 taking it, have you?

23 A. I didn't even know it was there until she told me.

24 Q. But she did tell you?

25 A. Told me at lunch today.

1 Q. Oh, is that the first time?

2 A. That's the first time I ever recall her saying that.

3 Q. Oh, okay. And all the year between, you didn't try to  
4 get to mental health professionals and get the prescription  
5 filled, did you?

6 A. No, sir.

7 Q. In fact, you have basically terrorized your wife,  
8 haven't you, ever since you've been released from prison?

9 A. No, sir.

10 Q. Why is she unemployed, Mr. Morris?

11 A. That, I don't have any idea.

12 Q. You don't know. Didn't you make persistent telephone  
13 calls to her place of employment to the point, knowing the  
14 policy was no personal calls, to the point they finally  
15 fired her because they couldn't put up with your problems --

16 MS. EBERLE: Object.

17 Q. -- that you were causing?

18 MS. EBERLE: Objection, Your Honor. Way outside  
19 the scope of my direct. Additionally, Mr. McLoughlin seems  
20 to be testifying instead of asking questions.

21 THE COURT: Objection overruled.

22 Q. (BY MR. McLOUGHLIN) Did she lose her job because you  
23 constantly called and created problem at her workplace?

24 A. I didn't call that often, sir.

25 Q. I didn't ask you that. I asked you, didn't she lose her

1 job because of your persistent efforts to contact her,  
2 bother her to the point where the employer finally  
3 discharged her to be rid of you? Isn't that what  
4 happened?

5 A. That's what she tells me.

6 Q. That's what she'll tell the Court, too, isn't it? Isn't  
7 it?

8 A. Yes. But I don't know that that's the real truth,  
9 underlying truth.

10 Q. When you told the Court reconciliation, take care of my  
11 children, get back with my wife, but you do things where  
12 your wife is now unemployed. That doesn't build to  
13 reconciliation, does it, Mr. Morris?

14 A. I don't -- sir, I've tried to do everything I could to  
15 reconcile and she's led me along the way to believe that,  
16 you know, that's a possibility. She's the one that  
17 dismissed the petition for divorce.

18 Q. Well, when she filed for the divorce, didn't you sue her  
19 repeatedly to the point where she ran out of money because  
20 her private attorney had to answer your lawsuits instead of  
21 dealing with the divorce?

22 A. Not true.

23 Q. That's not true?

24 A. No. Her attorney never represented her in the lawsuit.

25 Q. Mr. Morris, we've been at this -- your first arrest,

1 conviction was 1988, wasn't it --

2 A. Yes.

3 Q. -- in this district?

4 A. Yes, sir.

5 Q. So we've been at this for 20 years, haven't we?

6 A. Yes, sir.

7 Q. And you've been revoked I think seven times, if I  
8 recall?

9 A. Yes, sir.

10 Q. Because you couldn't follow the rules and conditions of  
11 the Court; right?

12 A. Yes, sir.

13 Q. And these very same rules and conditions about opening  
14 credit card accounts and bank accounts and entering into  
15 business relationships, aren't they?

16 A. Yes, sir.

17 Q. And we just sort of picked you a little green this time  
18 with this new business you set up. We didn't let you get to  
19 the point where you could get a false loan from the bank?

20 A. That was never any intent.

21 Q. Oh, I see. But that's the pattern, isn't it, in the  
22 past?

23 A. In the past.

24 Q. You would set up these companies and not tell the  
25 probation office about it, commit bank fraud, and then we

1 come by and pick up the pieces, wouldn't we, and send you  
2 off to prison?

3 A. In the past, yes. That was not my intent this time.

4 Q. So you understood why these rules were here, to keep you  
5 from yourself, weren't they?

6 A. Absolutely.

7 Q. But you went ahead and broke them, didn't you?

8 A. Yes, sir.

9 Q. Knowing full well why they were there, for your own  
10 good?

11 A. Yes, sir.

12 Q. And you really don't have any excuse for it, do you?

13 A. No, sir.

14 MR. McLOUGHLIN: No further questions, Your Honor.

15 THE COURT: Counsel.

16 REDIRECT EXAMINATION

17 BY MS. EBERLE:

18 Q. How much money did you give your wife today at lunch for  
19 gas?

20 A. I filled her tank up and bought her lunch. She wanted  
21 to have lunch. She's the one that asked.

22 Q. What else did she ask you for today before she left  
23 lunch?

24 A. She asked me if I'd give her a credit card.

25 Q. Why?

1 A. So that she needed to use it because I -- she was  
2 charging thousands of dollars every month on my credit cards  
3 that I had some of the ones that I had put her as an  
4 authorized user on that she had actually got when they came  
5 in the mail. And I closed -- I canceled those cards and had  
6 them re-issued, and so --

7 Q. Did you give --

8 A. -- she asked me for money.

9 Q. Did you give it to her?

10 A. No, I did not.

11 MS. EBERLE: Thank you.

12 THE COURT: Further question?

13 MR. McLOUGHLIN: No. No redirect -- or cross.

14 THE COURT: Sir, you may step down. Any further  
15 witness?

16 MS. EBERLE: No, Your Honor.

17 THE COURT: Does the government have a witness?

18 MR. McLOUGHLIN: No, Your Honor. We rest.

19 THE COURT: I'll ask the defendant to come forward  
20 with counsel.

21 Counsel, anything further you would like to say or  
22 have your client say before I impose sentence?

23 MS. EBERLE: I'd ask my client if he has anything  
24 else to say to the Court before the Judge imposes sentence.  
25 Do you have anything you would like to say?



1 THE DEFENDANT: Yes, sir. I would just say I know  
2 that I haven't give you any reason to give me another  
3 chance. The things that on the paper and my history and my  
4 past don't give you a whole lot to go on. But I can stand  
5 here and tell you that I've told you the truth. I wasn't  
6 using anything for illegitimate reasons, you know. And all  
7 I -- all I've done since I've been home is try to take care  
8 of my wife and my kids. You know, when I was living up  
9 there while we were not in the same house, we ate dinner  
10 together every night, we spent dramatic amounts of times  
11 together, went places together since I've been back in  
12 Tulsa. She comes down almost every weekend and at least  
13 spends one day. She's told me over and over and over again  
14 that, you know, if I can get life straightened out and kind  
15 of not be a roller coaster, that, you know, she would like  
16 to put the family back together. You know, all I've done is  
17 try that. You know, I've tried to live, you know, with  
18 honesty and integrity because I want to for my kids. You  
19 know, while I was away, I started seminary courses. My  
20 ultimate goal is to actually go into the ministry. And I  
21 could have called several pastors that would -- you know,  
22 would vouch for that because that's where my heart is. My  
23 heart is to basically -- I don't know if the Court recalls,  
24 but I've spoke at schools and tried to talk to the young  
25 people about making better decisions, but I -- then I make

1 bad decisions again. But I would just ask you to look past  
2 the past because I'm not the same person as I was in '88 or  
3 even in 2002. I've tried to really take inventory and  
4 change my life. I can tell you, if you -- if the Court  
5 would take that slim road and give me time to correct these  
6 things, I can assure you. The first time I came into this  
7 courtroom and you talked to me, I mean it scared me to  
8 death. And I will do whatever you ask me to do, no matter  
9 what that is, and I will take care of my obligations. And I  
10 give you promise that, if you give me a chance, I will  
11 comply with every single rule and I will prove every doubter  
12 wrong because, I promise you, I want to be a model for my  
13 children, I want to be there for them in any capacity that I  
14 can. I want to take care of -- my wife doesn't have job  
15 now, so, you know, she can't even pay her rent that's due  
16 tomorrow if I don't. And I've taken care of them, you know,  
17 since then. And I've taken care of -- I've helped my mother  
18 with utilities. I -- you know, I've tried to -- I guess, to  
19 a certain extent, I've tried to help everybody but myself.  
20 And I just would ask the Court to let me have that  
21 opportunity to prove myself this one final time before it  
22 just throws me away. I don't want you to give up on me,  
23 sir.

24 THE COURT: Comment from the government.

25 MR. McLOUGHLIN: Your Honor, the presentence or

1 sentencing memorandum says it all, but Mr. Morris and I have  
2 grown old together as I've prosecuted him time after time.  
3 And before that, it was Mr. Stow from 1988 to 1993. He knew  
4 what the rules were. He's been revoked seven times. He's  
5 been sent to prison so many times I've forgotten how many  
6 times he went to prison. Judge Brett tried initially to  
7 send him for short periods of time. I think the first two  
8 revocations were six months. Those didn't work. There's  
9 been an escalating scale of revocations and periods of  
10 imprisonment, and the new crime that occurred when he stole  
11 over a million dollars from Key Bank while he was under  
12 supervised release. In fact, that new crime began when he  
13 was either at the halfway house or the transportation  
14 center. He actually put it in motion while he was still in  
15 BOP custody. It's a very interesting thing how he did that  
16 using the telephone. But you look at all this and you look  
17 at his history and you look at what he's done again when he  
18 got out, he knew what was supposed to happen, he knew the  
19 rules, and he knew why those rules were there. Those rules  
20 were to keep him from recreating the past. And he didn't  
21 follow them. And he didn't follow them deliberately  
22 because, you know what, the rules don't exist for  
23 Mr. Morris. That's the lesson I have learned from all these  
24 years. He doesn't care what the Court says to him because  
25 he's going to disobey because he knows best. And he's going

1 to do whatever he pleases irregardless of what his  
2 direction. This Court tried to save him from himself and he  
3 just threw it out the window. He doesn't have any excuse  
4 for his behavior whatsoever. Based on that, he's totally  
5 unamenable to supervised release. Your probation officers  
6 are wasting their time chasing this man after one shenanigan  
7 after another, and that's been his whole life the 13, 14  
8 years I've had to deal with him. He's a very intelligent  
9 person and he uses those skills to create havoc for your  
10 probation office. They have to spend inordinate amount of  
11 time tracking down all little machinations. And apparently  
12 they're all over the country. Key Bank was up in Seattle.  
13 Now he's got -- where were the two accounts? One in  
14 Virginia and one on the west coast. This is a nightmare to  
15 supervise this man because he's always into things that he  
16 shouldn't be into. Based on that, there's no reason to  
17 leave him out. You know, the Court should go ahead and  
18 revoke both counts, put him in prison for five years, let us  
19 sort out to see if there's another criminal case here  
20 because you never know with Mr. Morris, and let the  
21 probation office work and spend their time with people who  
22 they might be able to make a difference with. Because  
23 Mr. Morris has shown they are wasting their time.

24 As to the issue of letting him self report,  
25 why do we want to put the probation office to another 45 to

1 60 days of trying to chase him down and keep him in order?  
2 Let's put him in custody so we at least limit his ability to  
3 create new shenanigans and let your officers focus on the  
4 people that we might be able to turn around, because we  
5 haven't been able to do that with him.

6 THE COURT: Michael Jeffrey Morris, in accordance  
7 with 18 United States Code, Section 3553(a), it's the  
8 judgment of this Court that the terms of supervised release  
9 previously imposed in Case Number 02-CR-072-001 are revoked,  
10 and you are hereby committed to the custody of the Bureau of  
11 Prisons to be imprisoned for a term of sixty months. Such  
12 term consists of a 36 month term of imprisonment in Count 1,  
13 and a 24 month term of imprisonment in Count 2. Said terms  
14 to run consecutively. The Court reimposes the remaining  
15 restitution owed in the amount of \$1,678,846.29 to the  
16 payees as ordered in the judgment entered February the 7th,  
17 2003. Restitution is due in full immediately, but payable  
18 on a schedule the greater of \$25 quarterly or 50 percent  
19 pursuant to the Federal Bureau of Prisons Inmate Financial  
20 Responsibility Program while in prison. Notwithstanding the  
21 establishment of a payment schedule, nothing shall prohibit  
22 the United States from executing or levying upon property of  
23 the defendant discovered before or after the date of this  
24 judgment. The Court orders no cost of incarceration be  
25 imposed and waives any interest accrual on the restitution

1 imposed.

2           The Court has imposed this sentence for the  
3 following reasons: The Court has considered the violation  
4 policy statement in Chapter 7 of the United States  
5 Sentencing Guideline manual now in effect and views those  
6 policies as advisory in nature for the purpose of these  
7 proceedings. The Court has also considered the factors set  
8 out in 18 U.S.C. Section 3553(a) to include the nature and  
9 circumstances of the violation conduct and the history and  
10 characteristics of the offender. Michael Jeffrey Morris has  
11 shown little regard for the rules and conditions of  
12 supervised release as indicated by these violations. The  
13 Court notes that this is Morris's seventh revocation  
14 proceeding over three separate periods of supervised  
15 release. These current violations represent the latest in a  
16 long series of similar violations that indicate a pattern of  
17 refusing to submit to the rules and conditions of supervised  
18 release. The Court further takes notice of the serious  
19 nature of the violations, including the submissions of  
20 materially false monthly supervision reports which  
21 constitute violations of 18 U.S.C. Section 1001. Based on  
22 the need to protect the public, provide incremental  
23 increases in the punishment, provide some deterrence to the  
24 defendant, and the nature, history, and pattern of  
25 violations, the Court believes that a lengthy term of

1 imprisonment is not only justified, but necessary.

2           And I take no satisfaction in saying that. I  
3 want you to know that. I mean, I'm the, I don't know,  
4 second or third judge that you've dealt with. And I have  
5 great respect for those judges that have dealt with your  
6 case in the past. It's an obligation on my part. There's  
7 no joy in this Judge's order. It's just -- I think it's  
8 necessary under what I've heard and what I've seen.

9           The sentence imposed is within the authority  
10 specified in 18 U.S. Code, Section 3553(a)(4)(B). Said  
11 sentence is reasonable, provides just punishment for  
12 noncompliance, is an adequate deterrent to criminal conduct,  
13 and promotes respect for the law.

14           You will have 10 days from this day to appeal  
15 this sentence if you choose to. Your counsel of record will  
16 continue to be your attorney until you make that decision.  
17 If you have need, you have a right to file a motion to file  
18 your appeal *informa pauperis*, that is without cost to you.

19           I would further find that this defendant is  
20 not a suitable candidate for voluntary surrender and orders  
21 him into custody immediately.

22           Anything further from the government?

23           MR. McLOUGHLIN: Not from the United States, Your  
24 Honor.

25           MS. EBERLE: No, Your Honor.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

*(Off the record at 4:28 p.m.)*

C E R T I F I C A T E

I, Ken Sidwell, a Certified Court Reporter for the Eastern/Northern District of Oklahoma, do hereby certify that the foregoing is a true and accurate transcription of my stenographic notes and is a true record of the proceedings held in above-captioned case.

I further certify that I am not employed by or related to any party to this action by blood or marriage and that I am in no way interested in the outcome of this matter.

In witness whereof, I have hereunto set my hand this 21st day of August, 2008.

s/Ken Sidwell  
Ken Sidwell, CSR-RPR  
United States Court Reporter