

Assigned 1706 PO 0147 05 District Off Judge/Magistr. Felony X

U.S. VS. MILLER, Frazier Glenn

I. CHARGES

Table with columns: U.S. TITLE/SECTION, OFFENSES CHARGED, ORIGINAL COUNTS, DISM. NG

II. KEY DATE

Interval one, Interval two, Key Date, Earliest of, Applicable, Remand, G/P Withdrawn

III. MAGIST Search Warrant, Summons, Arrest Warrant Issued, COMPLAINT, PRELIMINARY EXAMINATION, REMOVAL HEARING, WAIVED, NOT WAIVED, INTERVENING INDICTMENT

\$25 due

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

ATTORNEYS U.S. Attorney or Asst. Defense: 1 X CJA. 2 Ret 3 Waived 4 Self 5 Non / Other

bond posted in case #87-31-01-Cr-5 115 Quail Rd., Lot 15 Wake Forest, NC 27587 or 302 S. 14th Ave. Thomas G. Hamling P.O. Box 19348 Raleigh, NC 27619

70 days: 1/25/88 Acceptance of Plea: 1/4/88 FINE AND RESTITUTION PAYMENTS Docket Entries Begin On Reverse Side

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Yr. | Docket No. | Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
5/11/88	(Document No.) GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR REDUCTION OF SENTENCE by gov. lc: Judge Britt (Rule 35 motion filed only in case #87-31-01-CR-5) ag				
9/20/88	GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION FOR REDUCTION OF SENTENCE w/cs lc: Judge Britt (35 motion in file #87-31-01-CR-5)				
2-2-94	ORDER OF THE COURT::(Britt) offender is discharged from supervision and proceedings in the case are terminated. cc: USA, USPO, OB. <u>54</u> pg. <u>3056</u> .				wsc

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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)

Transferred to Judge Britt by Order 8-26-87

Case Filed Mo. Day Yr. 05 27 87	Docket No. 00031	Def. 01
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PO <input type="checkbox"/> 0417	Assigned 05	1705	<input type="checkbox"/> WRIT
Misd. <input type="checkbox"/>	Disp./Sentence		<input type="checkbox"/> JUVENILE
Felony <input checked="" type="checkbox"/>	District Off Judge/Magstr.		<input type="checkbox"/> ALIAS

VS. MILLER, Frazier Glenn, Jr.

I. CHARGES

U.S. TITLE/SECTION	OFFENSES CHARGED	ORIGINAL COUNTS	DISM NG
18:876	Mailing Threatening Communications	1	<input type="checkbox"/>

II. KEY DATE

INTERVAL ONE KEY DATE EARLIEST OF	END ONE AND/OR BEGIN TWO (OR RESTART PERIOD TO TRIAL) KEY DATE APPLICABLE	KEY DATE 5/27/87	END INTERVAL TWO KEY DATE 9/14/87
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1st appears with or waives counsel	ARRAIGNMENT 9-14-87	1st Trial Ended	RE-TRIAL	2nd Trial Began	DISPOSITION DATE	SENTENCE DATE	PTD Nolle Pros.	FINAL CHARGES DISMISSED on def motion on gov motion
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Search Warrant Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
Summons Issued			5/6/87	WEB/1706	<input checked="" type="checkbox"/> HELD FOR GJ OR OTHER PROCEEDING IN THIS DISTRICT

Arrest Warrant Issued	DATE	INITIAL/NO.	PRELIMINARY EXAMINATION	DATE HELD
COMPLAINT	5/6/87	1706/WEB	<input checked="" type="checkbox"/> REMOVAL HEARING	

DATE OF ARREST	OFFENSE (In Complaint)
5/6/87	Mailing Threatening Communications

IV. NAMES & ADDRESSES OF ATTORNEYS, SURETIES, ETC.

ATTOENEYS
U. S. Attorney or Asst.

J. Douglas McCullough
Defense: CJA. 2 Ret. 3 Waived 4 Self. 5 Non / Other 6 PD. 7 CD

Federal Custody

Thomas C. Manning
P. O. Box 19348
Raleigh, NC 27619

70 days up: -- 8/5/87

*Michael Williams
P.O. Box 182
Ben Franklin St. Wash. D.C. 20044*

PTD: *9-14-87 - Kal (Britt)*
SEN: *11/23/87 - Kal*

RULE	20	21	40	In	Out
BAIL & RELEASE					
PRE-INDICTMENT					
Release Date					
<input checked="" type="checkbox"/> Bail Denied		<input type="checkbox"/> Fugitive			
AMOUNT SET		<input type="checkbox"/> Pers. Rec			
\$		Conditions			
Date Set		<input type="checkbox"/> 10% Dep.			
<input type="checkbox"/> Bail Not Made		<input type="checkbox"/> Surety Bnc			
Date Bond Made		<input type="checkbox"/> Collateral			
		<input type="checkbox"/> 3rd Prty			
		<input type="checkbox"/> Other			
POST-INDICTMENT					
Release Date					
<input type="checkbox"/> Bail Denied		<input type="checkbox"/> Fugitive			
AMOUNT SET		<input type="checkbox"/> Pers. Rec			
\$		Conditions			
Date Set		<input type="checkbox"/> 10% Dep.			
<input type="checkbox"/> Bail Not Made		<input type="checkbox"/> Surety Bn			
Date Bond Made		<input type="checkbox"/> Collateral			
		<input type="checkbox"/> 3rd Prty			
		<input type="checkbox"/> Other			

FINE AND RESTITUTION PAYMENTS					
DATE	RECEIPT NUMBER	C.D. NUMBER	DATE	RECEIPT NUMBER	C.D. NUMBER

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

U. S. vs

MILLER, Frazier Glenn

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87
Yr.

00031
Docket No.

01
Def.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	and trial before the undersigned on August 31, 1987 is hereby continued for further proceedings before Chief Judge Britt; DUPREE, F. T., JR. U.S. Dist. Judge; CR OB#35, p. 137; cc to AUSA, USPO; USMar. Service; Mag. Dixon, Mag. Denson, Judge Britt, Judge Dupree; defense counsel bb				
	Complete file to Judge Britt w/motion to set conditions of bond.				
	70 days up 9/8 thru 8/31/87				
8-27-87	MEMO - attached order replaces order entered 8/26/87 - order of 8/26/87 is deleted		8-31-87 9-14-87		14
12.	ORDER - case transferred to Judge Britt along with pending motion to set conditions of release - ordered trial presently sch. to commence on 8/31/87 be continued until such time as it may be rescheduled before Judge Britt by the Clerk and ordered period of delay necessitated by this continuance is excludable u/18:3161(h)(8)(A) - interests of justice which would be served by granting of this continuance outweigh the best interests of public and deft. in speedy trial (Dupree, J) Cr. OB#35, P. 140. lc: w/memo to USA, USPO, USM, Judge Britt, Mag. Denson, Mag. Dixon and Thomas Manning. (ent. 8/27/87)				
	70 days up 9/21/87 thru 9/14/87				
8-27-87	ISSUED NOTICE TO APPEAR - set for arraignment and trial on 9/14/87 at 9:00 A.M. in Raleigh before Judge Britt lc: U.S.A. & Mr. Thomas C. Manning				
8-27-87	ISSUED NOTICE TO APPEAR - set for arraignment and trial on 9/14/87 at 9:00 A.M. in Raleigh before Judge Britt lc: U.S.A. & Mr. Thomas C. Manning				
9-9-87	ISSUED NOTICE TO APPEAR - set for hearing on M/Set conditions of release on 9/14/87 at 2 P.M. in Raleigh before Judge Britt. lc: USA, Mr. Manning, USPO, USM Judge Britt.				
9-14-87	RALEIGH - JUDGE BRITT - Jo Bush Court Reporter Memorandum of Plea Agreement - lc: USA, USPO, Britt Rule 11 conducted Plea of guilty - accepted Detention continued. SEN: 11/23/87-Ral.				
11/4/87	ISSUED NOTICE -case set for sentencing on Monday, Nov. 23, 1987. 9:00 a.m. @ Raleigh				

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-25-87	ORDER - deft's motion to set conditions of release, having been fully considered by the court is DENIED . (Britt, J) Cr. OB#35, P. 181 lc: USA, Mr. Michael Williams, Mr. Manning, USM and USPO (ent. 9/25/87)				
10-19-87	Motion For Return Of Seized Property-attachment by: Thomas C. Manning w/cs lc: Judge Britt jh				
10-27-87	GOVERNMENT'S ANSWER TO DEFENDANT'S MOTION FOR RETURN OF SEIZED PROPERTY- w/cs by: J. Douglas McCullough, Acting USA, lc: Jduge Britt jh				
10/30/87	ISSUED NOTICE TO APPEAR FOR HEARING ON MOTION FOR RETURN OF SEIZED PROPERTY on Monday, 11/9/87 at 2 P. M. before Judge Britt lc: U. S. Atty. Mr. Manning; Court reporter; U. S. M;				
11/5/87	MOTION TO CONTINUE HEARING - motion for seized property for 11/9/87 at 2 P. M. before Judge Britt in Raleigh		11-5-87		
11/5/87	MOTION TO CONTINUE SENTENCING from 11/23/87 in Raleigh by deft. lc: Judge Britt		11-6-87	lc: Judge Britt	
11/6/87	ORDER - upon motion of deft. hearing currently sch. before the undersigned 11/9/87 on deft/s motion under Rule 41 (Return on Seized Property) is continued until 12/7/87 in Raleigh, N.C. lc: USA, Mr. Manning, Mr. Harmon, USM, Joyce Todd and Court Reporter (ent. 11/6/87)		11-5-87		
11/9/87	ORDER - upon motion of deft. - sentencing of deft. currently sch. for 11/23/87 is hereby continued until 1/4/88 in Raleigh, N.C. (Britt, J) Cr. OB#35, P. 216. lc: USA, USPO, USM and Mr. Manning (ent. 11/9/87)		11-5-87		
11/17/87	ISSUED NOTICE-case set for hearing on moiton for return of seized property on Monday, Dec. 7, 1987, 2:00 p.m. in Raleigh, NC bh		11-9-87		
12-3-87	MOTION FOR CONDITIONS OF RELEASE - w/cs by: Thomas C. Manning lc: Judge Britt jh				
12-10-87	ORDER SETTING CONDITIONS OF RELEASE - \$50,000.00 cashiers check with special conditions. cys. to U.S. Atty., lc Probation, lc Mr. Miller, U.S. Marshal				
12-14-87	APPEARANCE BOND - \$50,000.00 secured ORDER After hearing in which the United States Attorney indicated that the Government has no objection to the motion, the court hereby orders that the U.S. return the sum aforesaid to the following person Mr. F. Glenn Miller, St. c/o Thomas C. Manning Post Office Box 19348 Raleigh, N.C. 27619. Judge Britt CR OB # 35, p 256 cys. dist. (ent. 12-14-87) ms				
2/17/87	ISSUED NOTICE TO APPEAR - set for sentencing on Monday, January 4, 1988, at 9 A.M. in Courtroom				

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
12-23-87	<p>(Document No.)</p> <p>UNITED STATES SENTENCING MEMORANDUM - w/attachments, w/cs Mr. Manning, lc Judge Britt (ent. 12-23-87). ms</p> <p>ORDER It is hereby stayed as to any bills containing the fingerprints of co-defendants until the conclusion of the trial of U.S.A. vs. Jackson et al is completed in the Western District of Missouri, Judge Britt, CROB # 35 p. 270 cys. dist. (ent. 12-23-87) ms</p>				
12-23-87	<p>MEMO - case scheduled for sentencing on Monday, January 4, 1988 at 10:00 A.M. in Raleigh, N.C. before Judge W. Earl Britt cys. dist. to counsel of record, U.S. Atty., USPO, USMS, Clerk's Office and Court Reporter.</p>				
12-28-87	<p>EX PARTE APPLICATION FOR ISSUANCE OF SUBPOENAS ON BEHALF OF INDIGENT DEFENDANT FOR SENTENCING - w/n cs U.S. Atty. lc Judge Britt. ms</p> <p>ORDER AUTHORIZING ISSUANCE OF SUBPOENAS -The clerk is directed to deliver the subpoenas to the U.S. Marshal for service. The Marshal is directed to transmit those subpoenas which are directed to persons in other districts by whatever means are available to ensure the service of those individuals. Judge Britt, CR OB # 35, p 274 cys. to U.S. Marshal, lc Mr. Manning. (ent. 12-28-87) ms</p>				
12/29/87	<p>DEFENDANT'S SENTENCING MEMORANDUM w/attachments. lc: Judge Britt</p>				
12/30/87	<p>MOTION TO SUBPOENAED SPECIAL AGENTS OF THE F.B. I, State Bureau of Alcohol, Tobacco & Firearms, the N. C. State Bureau of Investigation & the Cleveland County Sheriff's Dept. for purposes of defts. sentencing on Monday, 1/4/88 lc: Judge Britt</p>				
1-4-88	<p>JUDGMENT AND PROBATION COMMITMENT ORDER - AT RALEIGH, NC (C.R.-Donna Tomawski) 5 years. That the deft. pay a special assessment in the amount of \$50.00. The Court finds that there is no identifiable victim and therefore no restitution should be ordered. (Judge W. Earl Britt) O.B.# 35 P. 284 cy: AUSA, USPO, Judge Britt, Counsel, Deft., USM. Ent. jh</p>				
1/11/88	<p>ORDER - from the evidence presented to the Court - the Court concludes that for the purpose of the presentence report that the deft. Glenn Miller was in fact a member of "The Order". (W. Earl Britt, J udge CR O B #35 P 287)ent. 1/11/88</p>				

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
1/28/88	MOTION TO SUBSTITUTE REAL PROPERTY FOR CASH BOND by deft. lcy: Judge Britt				
1/28/88	PROPOSED ORDER TO JUDGE BRITT) ORDER PERMITTING SUBSTITUTION OF BOND (W. Earl Britt, Judge)				substituting property for
1/28/88	cash - \$50,000 cash returned to Mr. Frazier Glenn Miller, Sr. this date) MOTION TO EXTEND TIME IN WHICH TO REPORT from 2/16/88 until on or about 4/1/88 lc: Judge Britt				
1/29/88	ORDER-upon motion of defendant, consented to by the government, the judgment and commitment order of this court dated 4 January 1988 is amended to provide that the date on which defendnat must report shall not be before 1 April 1988; this 29 day of January, 1988 BRITT, W. Earl; U.S. Dist. Judge; cc to AUSA: USPO: USMS: def't & Mr. Manning; CR OB#35, p. 308 (Ent. 1/29/88				ag bb
3-28-88	GOVERNMENT'S RESPONSE TO DEFENDANT'S MOTION TO EXTEND TIME TO REPORT - w/cs by: J. Douglas McCullough, AUSA lc: Judge Britt				jh
3/28/88	MOTION TO SUPPLEMENT MOTION TO EXTEND TIME TO REPORT by deft. lc: Judge Britt				
3/29/88	ORDER - court on motion by deft. to extend the time for him to report to begin service of his sentence, currently scheduled for 4/1/88 is denied (W. Earl Britt, Judge CR OB #36 P 48) cys. dist. lc: U. S. Attyl; 2 U. S. Marshal & Mr. Manning				ag
4-19-88	MOTION TO REDUCE SENTENCE by deft. - filed by Thomas C. Manning, Atty., P. O. Box 19348, Raleigh, N.C. 27619 w/cs. lc: Judge Britt. (t/u to resp. on 5/12/88)				5/17/88
5-2-88	ORDER It is hereby ordered, pursuant to local Rule 9 of this court, that the liability incurred by the defendant for release is hereby cancelled. J. Rich Leonard, Clerk CR OB # 36, p 91 cys. to Defts. father. Certified Mail # P 658-646-168				
5/11/88	GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR REDUCTION OF SENTENCE by gov. lc: Judge Britt				ag
5/16/88	SUPPL. MEMO. IN SUPPORT OF DEFT'S M/REDUCTION OF SEN w/cs.				lc: Judge Britt
5-17-88	ORDER - motion for modification or reduction of sen. purs. to Rule 35 is DENIED. (Britt, J) Cr. OB#36, P. 120. lc: USA and Mr. Manning. (ent. 5/18/88)				
8/23/88	MOTION FOR RECONSIDERATION OF RULE 35 by deft. lc: Judge Britt (we never received original motion in this case - Judge Britt advised me to file copy)				ag
9/14/88	MOTION FOR EXTENSION OF TIME by deft. lc: Judge Britt w/proposed order				ag
9/15/88	ORDER - government's motion for extension of time w/in which to file a response to deft's. motion for reconsideration of Rul35 is granted. Government's response shold be filed w/Cerk on or before 9/20/88. (W. Earl Britt, Judge Cr OB # P)				

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
	(Document No.)				
9/20/88	GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION FOR REDUCTION OF SENTENCE by Govern. lc: Judge Britt				
9-21-88	ORDER Defendant's motion for reconsideration of the order of this court dated 17 May, 1988 denying his motion for modification or reduction of sentence pursuant to the provisions of Rule 35 of the Federal Rules of Criminal Procedure, having been fully considered by the court is denied. Judge Britt, CR OB # 37, p139				
1/23/89	MARSHALS RETURN ON affidavit of Eugene L. Coon - requiring that Frazier Glenn Miller, Jr. be served w/a Motion for Extension of time issued at the request of the atty. for plff. Frazier Glenn Miller, Jr. was served by a Deputy U. S. Marshal who personally delivered the process to him at 12:15 P. m. on 11/30/88 document returned to U. S. District Clerk of Court's office, Raleigh, n. C.				

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