

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

v.

GENE D. TATUM,
a/k/a Dois Gene Tatum, Jr.
a/k/a Chip Tatum
and
NANCY JANE TATUM,
a/k/a Nancy Fullilove

CASE NO. 96-72-CR-T-25(A)

**GOVERNMENT'S MOTION TO PRECLUDE
THE ALLEGED USE OF CLASSIFIED INFORMATION
AT TRIAL OR, IN THE ALTERNATIVE,
FOR COMPLIANCE WITH THE RULES OF PROCEDURE**

The United States of America, by and through the undersigned Assistant United States Attorney, hereby files the instant Motion to Preclude the Alleged Use of Classified Information at Trial or, in the Alternative, for Compliance with the Federal Rules of Criminal Procedure and, in support thereof, states as follows:

1. On May 3, 1996, undersigned counsel received a copy of a letter sent by defendant, DOIS G. TATUM, to the Honorable Henry L. Adams, Jr. In that letter, defendant, DOIS G. TATUM, alerts the Court to the fact that he might "be required to disclose classified information during the defense presentation of my trial." Consequently, defendant, DOIS G. TATUM, seeks an in camera hearing "to present the content of classified information."

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2. The Classified Information Procedures Act (C.I.P.A.) is contained in Appendix Three to Title 18 of the United States Code. It contains a number of procedural safeguards which a court must impose when either the government or the defense seeks to introduce classified material at trial. Specifically, when a defendant seeks to introduce classified information, that defendant must comply with Section 5(a) of the Act. Otherwise, letters such as the one drafted by defendant, DOIS G. TATUM, and sent to this Court are to be treated as a legal nullity.

3. In pertinent part, that provision provides:

If a defendant reasonably expects to disclose or to cause the disclosure of classified information in any manner in connection with any trial or pretrial proceeding involving the criminal prosecution of such defendant, the defendant shall, within the time specified by the court or, where no time is specified, within thirty days prior to trial, notify the attorney for the United States and the court in writing. Such notice shall include a brief description of the classified information.

...

No defendant shall disclose any information known or believed to be classified in connection with a trial or pretrial proceeding until notice has been given under this subsection and until the United States has been afforded a reasonable opportunity to seek a determination pursuant to the procedure set forth in section 6 of this Act, and until the time for the United States to appeal such determination under section 7 has expired or any appeal under section 7 by the United States is decided.

4. Defendant, DOIS G. TATUM, has failed to comply with the notice provisions of C.I.P.A. First, the notice is late. Rather than being filed thirty (30) days prior to trial, it was received by government counsel just one (1) business day before jury selection. One would surmise that, if the defendant, DOIS G. TATUM, was in possession of classified information that he could utilize to mount a successful defense, he would have notified the court by now and not waited thereby risking preclusion. Second, defendant has failed to provide a brief description of the classified information. Consequently, defendant, DOIS G. TATUM, should be precluded from introducing classified information at trial.

5. In the event that this Court decides that preclusion is not the appropriate remedy, then the government would request that this Court demand compliance with C.I.P.A. Defendant, DOIS G. TATUM, must describe, in writing, the classified information that he seeks to introduce at trial. Otherwise, this Court will not be in a position to assess the admissibility of such evidence. For instance, at this stage, without knowing what the defendant, DOIS G. TATUM, will rely upon, it seems inconceivable that the defendant, DOIS G. TATUM, will contend that he performed the acts alleged in the indictment with the approval of an intelligence agency. However, for the classified information to be admissible, the defendant, DOIS G. TATUM, will have to make some such assertion.

6. In addition, if the defendant, DOIS G. TATUM, intends to claim that, in some manner, he possesses classified information which will demonstrate that he was empowered by an intelligence agency to commit the acts alleged in the indictment, he will have to comply with the Federal Rules of Criminal Procedure, and specifically, Rule 12.3. That provision mandates notice by the defense if a defense of public authority is asserted. To date, no such notice has been filed.

WHEREFORE, the United States of America respectfully requests that the defendant, DOIS G. TATUM, be precluded from using classified information at the trial of this case.

Dated this 6th day of May, 1996.

Respectfully submitted,

CHARLES R. WILSON
United States Attorney

By: Robert O'Neill
Robert E. O'Neill
Assistant United States Attorney
United States Attorney No. 052
500 Zack Street, Suite 400
Tampa, Florida 33602
Telephone: 813/274-6337
Facsimile: 813/274-6220

U.S. v. Gene D. Tatum, et al.

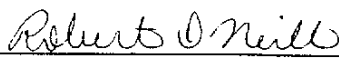
Case No. 96-72-CR-T-25(A)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent
by U.S. Mail this 6th day of May, 1996, to the following:

Thomas J. Hanlon, P.A.
210 North Pierce Street
Tampa, Florida 33602-5013
Attorney for Gene D. Tatum

Daniel F. Daly, Esq.
111 South Moody Avenue
Tampa, Florida 33609
Attorney for Nancy Jane Tatum



Robert E. O'Neill
Assistant United States Attorney

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

VS.

CASE NO.: 96-72-CR-T-21(A)

GENE TATUM

**DEFENDANT GENE TATUM'S NOTIFICATION OF CLASSIFIED
INFORMATION PROCEDURES ACT (C.I.P.A.)**


COMES NOW the Defendant, GENE TATUM, by and through his undersigned counsel, and files his Notification of Classified Information Procedures Act (C.I.P.A.), and gives notice as follows:

1. In 19⁸5, the Defendant during a tour of duty as a medivac pilot in Honduras in 19⁸5, was ordered to accept flight assignments as dictated by Lt. Col. Oliver North or his assigns. During one of the special flights, the Defendant discovered that the cargo he was ordered to pick up from a contra camp and deliver to a C-130 in San Pedro Sula contained a white powdery substance. The Defendant confronted his handler, Major Rodriguez, concerning the cargo. Major Rodriguez explained it was taken from the Sandinistas and was being shipped to the world courts as evidence against the Nicaraguan government. The Defendant began documenting flights, cargo's and passengers from that day forth. The Defendant continued on active duty until 1986, at which time the Defendant was recruited into a Black Ops unit directed by Vice President Bush and others. The Defendant continued with the Black Ops unit until 1992, when the Defendant was asked to neutralize an American citizen. When

the Defendant walked away from the Black Operations, legal problems followed. In 1994, the Defendant, was told by Lt. Col. Oliver North and Major Rodriguez to turn over the documents in his possession. The Defendant knew it would be terminal to turn over the documents which he had concerning his involvement since 1985, so in 1995, the Defendant plead to a felony which would make him a non-credible witness

WHEREFORE, the Defendant, GENE TATUM, gives notice of his Classified Information Procedures Act (C.I.P.A.).

I HEREBY CERTIFY that a copy of the foregoing motion has been furnished by mail delivery to Robert O'Neil, Assistant United States Attorney, 500 Zack Street, Ste. 400, Tampa, Florida 33602 and Daniel F. Daly, P.O. Box 172446, Tampa, Florida 33672 this 16 day of May, 1996.


THOMAS J. HANLON, ESQUIRE
210 N. Pierce Street
Tampa, FL 33602
PHONE: 813-228-7095
Fla. Bar #369055

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

VS.

CASE NO.: 96-72-CR-T-21(A)

GENE TATUM

**DEFENDANT GENE TATUM'S AMENDED NOTIFICATION OF
CLASSIFIED INFORMATION PROCEDURES ACT (C.I.P.A.)**

COMES NOW the Defendant, GENE TATUM, by and through his undersigned counsel, and files his Notification of Classified Information Procedures Act (C.I.P.A.), and gives notice as follows:


1. In 1985, the Defendant during a tour of duty as a medivac pilot in Honduras in 1985, was ordered to accept flight assignments as dictated by Lt. Col. Oliver North or his assigns. During one of the special flights, the Defendant discovered that the cargo he was ordered to pick up from a contra camp and deliver to a C-130 in San Pedro Sula contained a white powdery substance. The Defendant confronted his handler, Major Rodriguez, concerning the cargo. Major Rodriguez explained it was taken from the Sandinistas and was being shipped to the world courts as evidence against the Nicaraguan government. The Defendant began documenting flights, cargo's and passengers from that day forth. The Defendant continued on active duty until 1986, at which time the Defendant was recruited into a Black Ops unit directed by Vice President Bush and others. The Defendant continued with the Black Ops unit until 1992, when the Defendant was asked to neutralize an American citizen. When the

Defendant walked away from the Black Operations, legal problems followed. In 1994, the Defendant, was told by Lt. Col. Oliver North and Major Rodriguez to turn over the documents in his possession. The Defendant knew it would be terminal to turn over the documents which he had concerning his involvement since 1985, so in 1985⁹, the Defendant plead to a felony which would make him a non-credible witness

WHEREFORE, the Defendant, GENE TATUM, gives notice of his Classified Information Procedures Act (C.I.P.A.).

I HEREBY CERTIFY that a copy of the foregoing motion has been furnished by mail delivery to Robert O'Neil, Assistant United States Attorney, 500 Zack Street, Ste. 400, Tampa, Florida 33602 and Daniel F. Daly, P.O. Box 172446, Tampa, Florida 33672 this 12 day of ~~May~~, 1996.

JUNE


THOMAS J. HANLON, ESQUIRE
210 N. Pierce Street
Tampa, FL 33602
PHONE: 813-228-7095
Fla. Bar #369055

1

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

1 UNITED STATES OF AMERICA, . . . CASE NO.: 96-72-CR-T-25A
2
3 Plaintiff, . . .
4
5 vs. . . . Tampa, Florida
6 GENE D. TATUM, and . . . May 23, 1996
7 NANCY TATUM, . . . 10:30 a.m.
8 Defendant. . .
9

TRANSCRIPT OF TRIAL PROCEEDINGS
(Opening Statements)
BEFORE THE HONORABLE HENRY LEE ADAMS, JR.
UNITED STATES DISTRICT JUDGE, And a Jury

13 APPEARANCES:

14 Counsel For Plaintiff: MR. ROBERT O'NEILL
15 U.S. Attorney's Office
16 500 Zack Street, Room 410
Tampa, Florida 33602

17 Counsel For Defendant MR. THOMAS HANLON
18 Gene Tatum: 200 Pierce Street
Tampa, Florida 33602

19 Counsel for Defendant MR. DANIEL DALY
20 Nancy Tatum: 111 S. Moody Avenue
Tampa, Florida 33622

21 Court Reporter: MS. KATHLEEN P. WALDEN, OCR, RMR
22 Official Court Reporter
611 N. Florida Avenue, Room 213

23 *****Proceedings recorded mechanically stenographically,
24 computer assisted transcription.
25

KATHLEEN P. WALDEN, OCR, RMR

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1 (Call to Order of Court.)
2 (Proceedings in Judge Adams's chambers.)
3 THE COURT: Good morning. All right. This is
4 in the Tatum case, and I asked you back here specifically with
5 reference to the defendant Gene Tatum and this notification of
6 classified information under the Classified Information
7 Procedure Act. Mr. Hanlon, I think you filed it on
8 Mr. Tatum's behalf. I'm not so sure -- well, one, the
9 timeliness of this is way off. That's number one. Number
10 two, I'm not so sure what's the classified -- what the
11 classified information is. And number 3, assuming that it's
12 timely and assuming that the information that's being tendered
13 is classified, I'm not so sure whether it's relevant to
14 anything. So, do you want to respond to that?
15 MR. HANLON: Well, Judge, this could be a wrong
16 response, but certainly --
17 THE COURT: There is no wrong response.
18 MR. HANLON: Well, what I would propose is -- I
19 don't know that it's even going to be an issue at all. What I
20 would -- he wanted just in case to file it. What I would
21 propose is I don't foresee that it really will become an issue
22 or that it will even come about. What I would propose is that
23 if that changes -- the first time I know that that situation
24 is changed, I will bring that up to the Court and to the
25 government. You're right, it's not timely. And we

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1 probably -- I think basically what my client feared would
2 happen would come out in cross-examination it would not be a
3 direct situation. And based upon all that, I think that with
4 all due respect we could probably put that aside for right now
5 if you wish to, and -- because I don't really know that we'll
6 get to it. And if it does, I certainly -- one thing you will
7 find out I will not do anything in open court in this
8 situation or any other without first bringing it to your
9 attention because I'm not fond of Hillsborough County Jail.
10 THE COURT: Mr. O'Neill, what's your response?
11 MR. O'NEILL: Judge, the only information I've
12 of heard dealing with any of this was in the two submissions
13 by the defendant and counsel. So --
14 THE COURT: Do you have any objection to
15 Mr. Hanlon's proposal as to how to handle this? I think the
16 Act -- I don't think the Act precludes deferring it until such
17 time as that information --
18 MR. O'NEILL: No, Your Honor, the Act does not.
19 The only -- and this is just for the Court's edification, the
20 only problem is if there is going to be disclosure of
21 classified information, then a number of safeguards are then
22 implemented under the statute. I've been involved in some of
23 these cases, and it doesn't happen overnight. That would be
24 the only issue, but I know of nothing that I intend to bring
25 out that would even be bearing on that issue.

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1 See, the Court needs to -- depending on the nature of
2 classified information, for instance, Judge, if it were top
3 secret as opposed to secret, Your Honor, Kathleen, Anne,
4 Robin, any other members of the staff background checks might
5 have to be in place. That's what they do with these things.
6 MR. HANLON: Well, Judge, I think this could
7 pretty well put it to rest. My understanding, and I don't
8 believe this is wrong, that my client takes the stand, the
9 government's not going to be allowed to go into the facts of
10 his prior conviction. He pled guilty. However, if they do
11 elicit facts about that, my client as a proffer --
12 THE COURT: Well, if your client takes the stand
13 under ordinary circumstances, the government would be able to
14 impeach him with the fact of a conviction. I'm not sure how
15 the government would be able to get into the details of any
16 offense unless your client should deny that he's been
17 convicted and the government can establish that he has.
18 MR. HANLON: That's what I'm saying. And he's
19 not going to do that. But if they get into facts, I think
20 then the fact would come out as a result of an agreement with
21 a government agency to keep my client quiet in the future, my
22 client, and so he would be left alone, my client agreed to
23 plead guilty to charges out west. In exchange he then -- his
24 credibility in revealing these secret facts he knows would be
25 of little or no value, and that's where all this comes about.

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1 That's why I said that I don't think it will really happen.
 2 THE COURT: What I will do, then, is go ahead
 3 and defer any or any hearing in connection with this until
 4 such time as that information seems to be forthcoming. I will
 5 enjoin or exclude at this point any information of a
 6 confidential or secret nature from the defendant or anybody on
 7 his behalf until such time as it's been brought to my
 8 attention that that information is going to be used. All
 9 right.

10 MR. HANLON: Yes sir. Can I ask a question on
 11 another matter --

12 THE COURT: Sure.

13 MR. HANLON: -- to see how you want to do this?
 14 I don't know if it's true, if Mr. O'Neill's going to do his
 15 best to give me the answer to this question, but I have
 16 information that probably the main witness against our clients
 17 is a CIA was a CIA operative. If he was, and he was trained
 18 in covert operations and disguises, I believe that's relevant
 19 in front of the jury and judging his credibility.

20 Now, I don't want to get up there and ask that
 21 question only to be looking at at you and thinking about being
 22 in another place, me. So, I'd like to know how you'd like me
 23 to handle that. If he tells me he's not one, I'm certainly
 24 not going to ask a question.

25 MR. O'NEILL: Mr. Hanlon, just asked me that

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1 this morning. As soon as the witness is here I'll ask him,
 2 obviously not in the courtroom, Judge.

3 THE COURT: All right. Once you find out and
 4 convey it to Mr. Hanlon, y'all can come talk to me about it.

5 MR. HANLON: Thank you.

6 THE COURT: And if a ruling is necessary at that
 7 time, and it probably would be, I'll give you a ruling.

8 MR. HANLON: Thank you

9 MR. DALY: One thing --

10 THE COURT: For some reason I knew I was not
 11 going to be able to get out of this hearing without your
 12 saying something.

13 MR. DALY: I tried, Your Honor, but I just want
 14 to know the scope of your ruling, because I personally don't
 15 know any secret information, although I've heard rumors. And
 16 to the extent that my client is caught up in something
 17 fostered by the government, Mr. Luchsinger and Mr. North, I
 18 wanted to know the parameters of the Judge's instructions.

19 It's my understanding Mr. Luchsinger is a friend of
 20 Mr. North, and what Mr. North was prosecuted for several years
 21 ago in my mind is by no means secret. It's also my
 22 understanding that Mr. Tatum has some information with regard
 23 to the operation for which Mr. North was prosecuted and that
 24 Mr. Tatum may be the only person get alive who has any
 25 information. Mr. Luchsinger would be the connection between

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1 Mr. Tatum and Mr. North. I'm not certain at this point from a
 2 trial tactical strategy point of view whether or not I want to
 3 pursue that, but I'd like to know whether or not the Judge's
 4 order precludes that so I know what my tactics are going to
 5 be.

6 THE COURT: Let me say this. At this point what
 7 you're saying what you've just indicated to me and what's
 8 contained in this motion, I find absolutely no relevance
 9 whatsoever to any of the issues in this case. And so my
 10 ruling would apply to any use of that type of information
 11 relating to Oliver North absent some showing that it has some
 12 relevance or materiality to either of your clients. So, when
 13 you feel you've reached that point or you feel you can
 14 convince me that it does and you need to bring it up, as usual
 15 I will let you make that effort outside the presence of the
 16 jury and in-camera hearing. Does that answer your question
 17 too, Mr. Hanlon?

18 MR. HANLON: I just wanted to tell you one
 19 additional fact. Judge, there is one check that U. S.
 20 Attorney asked Mr. Luchsinger about in front of the Grand Jury
 21 in his first appearance. There was a check he wrote out of
 22 these accounts to the Republican National Committee. Well, I
 23 mean, that's the only nexus I have been able to find in the
 24 evidence. That's all I'm telling you.

25 THE COURT: All right. I appreciate that

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1 information. Okay.

2 MR. DALY: One other question. Are we going to
 3 be meeting here again tomorrow, Your Honor?

4 THE COURT: You know --

5 MR. DALY: Or is tomorrow no trial day?

6 THE COURT: I think I already indicated to the
 7 jury I was not going to be in trial, and I'm going to live up
 8 to that. I regret making that statement since the trial that
 9 I was in took an additional day, but I guess I'm stuck with
 10 having said it now. So, there won't be a trial tomorrow.
 11 We'll start back Tuesday morning, if we ever get started
 12 today.

13 (Resume trial proceedings at 11:07 in the courtroom.)

14 THE COURT: Let's bring the jury out.

15 MR. DALY: Excuse me, Your Honor. Before we do
 16 that, there's just one matter, I guess I've been designated to
 17 cover it. When the Court told the jury what this case was
 18 about, I think the Court told the jury that it was a
 19 three-count indictment. That is no longer the case, and
 20 Mr. Hanlon and I would ask the Court to tell the jury that
 21 when we last met you said it was a three-count indictment, a
 22 conspiracy and then a substantive charge for fraudulent
 23 representations and an embezzlement count. However, Count 3
 24 has been withdrawn from the jury's consideration and they are
 25 to infer nothing from that, but that their task has been

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1 reduced by one count.

2 THE COURT: Well, isn't there an instruction
3 that we can give them at the end of the trial that takes care
4 of that? At the end of the trial.

5 MR. DALY: If that's the way the Court wants to
6 handle it, that will be fine.

7 THE COURT: I can give them an instruction
8 remind them I have said that it's only two counts and they are
9 not to concern themselves with the fact that the other count
10 is not there.

11 MR. O'NEILL: That's fine, Your Honor.

12 MR. DALY: Thank you.

13 THE COURT: Anything else? Let's bring the jury
14 out. They probably don't remember anyway.

15 (Jury In.)

16 THE COURT: Let's swear the jury in while they
17 are standing.

18 (Jury Sworn.)

19 THE COURT: Good morning. I think we're going
20 to do better here after time wise. All right. Folks, at this
21 point you've now been sworn as the jury to try this case. By
22 your verdicts you will decide the disputed issues of fact. I
23 will decide all questions of law that arise during the trial,
24 and before you retire to deliberate at the close of the case I
25 will instruct you on the law that you must follow and apply in

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1 deciding upon these verdicts.

2 You should give careful attention to the testimony and
3 evidence presented for your consideration during the trial
4 because neither the time nor the facilities are available to
5 provide you with a transcript of the testimony that is given
6 during the course of the trial. You should not form or
7 express any opinion about the case one way or the other until
8 you've heard all of the evidence and have had the benefit of
9 the closing arguments of the attorneys and my instructions to
10 you on the law. During the trial you must not discuss the
11 case in any manner among yourselves or with anyone else, nor
12 should you permit anyone to say anything to you or in your
13 presence about this case. And insofar as the lawyers are
14 concerned as well as the other persons that you may come to
15 recognize as having some connection to this case, you are
16 instructed that in order to avoid even the appearance of
17 impropriety you should have no conversation whatsoever with
18 those persons while you are serving on the jury. So, if the
19 lawyers or the other persons that I've mentioned should see
20 you and fail to say hello or otherwise speak, you should not
21 interpret that as an act of rudeness or discourtesy but merely
22 as an awareness on their part of these instructions to you not
23 to engage in such conversations.

24 You must also avoid reading any newspaper articles
25 that might be published about the case now that the trial is

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1 in progress, and you must also avoid listening to or observing
2 any broadcast news programs on either television or radio
3 because of the possibility that mention might be made of this
4 trial during the course of such broadcast or telecast.

5 The reasons for these cautions, lies in the fact this
6 it will be your duty to decide this case solely on the basis
7 of the testimony and evidence presented in this courtroom
8 during the course of the trial without consideration of any
9 other matters whatsoever.

10 From time to time during the trial I may be called
11 upon to make rulings on motions or objections made by the
12 lawyers. It is the right and the obligation of the lawyers to
13 make objections or motions to strike testimony they consider
14 to be improper. You must not be prejudiced against either
15 party because of such objections regardless of the number of
16 such objections or my ruling on those objections. Nor should
17 you infer or conclude from any ruling I may make that I have
18 any opinions on the merits of this case favoring one side or
19 the other. And if I sustain an objection to a question that
20 goes unanswered by the witness, you should not speculate on
21 what answer might have been given nor should you draw any
22 inferences or conclusions from the questions itself.

23 During the trial it may be necessary for me to confer
24 with the lawyers from time to time out of your hearing
25 concerning questions of law or procedure which require

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1 consideration by me alone. During the course of the jury
2 selection process you saw some of that when I took the lawyers
3 over to the side there and we had a discussion that was
4 intended to exclude you. We try to keep our voices at a
5 minimum so that you can't overhear the conversations.

6 On some occasions I'm going to do that. I'm going to
7 recess to the side and confer with the lawyers without your
8 participation, and on other occasions, I'm going to excuse you
9 from the courtroom for your convenience as well as our
10 convenience while I discuss those matters with the lawyers. I
11 will try to limit such interruptions as much as possible, but
12 you should remember at all times the importance of the matters
13 that you're here to determine and should be patient even
14 though the trial may seem to go slowly.

15 The trial will proceed in the following order. First,
16 the attorneys will have an opportunity to make opening
17 statements. Counsel for the government may make an opening
18 statement at the beginning of the case. The defendants may
19 make an opening statement following the opening statements for
20 the government, or may defer the making of an opening
21 statement until the close of the government's case. Neither
22 party is obligated to make an opening statement.

23 Second, the government will present testimony and
24 evidence in support of the charges contained in the
25 indictment. Third, after the government has presented its

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1 evidence the defendants may present evidence but are not
2 obliged or obligated to do so. The law never imposes on a
3 defendant in a criminal case the burden of calling any
4 witnesses or introducing any evidence.

5 Fourth, if the defendant -- the defendants do produce
6 testimony or evidence, the government will have the
7 opportunity to present rebuttal testimony or evidence. Fifth,
8 at the conclusion of all of the evidence the attorneys will
9 have an opportunity to make their final argument to you. And
10 sixth and finally, following the final arguments, I will
11 instruct you on the applicable law and you would then be
12 permitted to retire and deliberate upon your verdict.

13 Now we will begin by affording the lawyers for each
14 side the opportunity to make opening statements in which they
15 may explain the issues in the case and summarize the facts
16 they expect the evidence will show. The statements that the
17 lawyers make now as well as their arguments they present at
18 the end of the trial are not to be considered by you as
19 evidence in this case, which comes only from the witnesses and
20 the exhibits, nor as your instructions on the law, which will
21 come only from me.

22 Nevertheless, the statements and arguments are
23 intended to help you understand the issues and the evidence as
24 it comes in as well as the positions taken by both sides. So,
25 I ask that you give the lawyers your very close attention as I

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1 recognize them for the purpose of making their opening
2 statements. Mr. O'Neill.

3 MR. O'NEILL: Thank you, Your Honor. May I
4 please the Court, Counsel, ladies and gentlemen of the jury.
5 Good morning. Since it's been quite some time since we have
6 been together, I'd like to take this opportunity to
7 reintroduce myself.

8 My name's Robert O'Neill, and I'm an Assistant United
9 States Attorney here in the Middle District of Florida.
10 You'll notice with me at counsel table, the gentleman who's
11 seated at my right, is David Bruce. He's a Special Agent with
12 the Federal Deposit Insurance Corporation, and with me he will
13 assist me and we'll help each other in presenting the evidence
14 on behalf of the United States in this case.

15 Now, as his Honor has stated, this is an opening
16 statement phase of the trial. What it is, it's an opportunity
17 for both sides to tell you what they expect the evidence will
18 show. As the attorney for the United States of America, I
19 have the honor and privilege of addressing you first. In each
20 and every criminal case throughout this country of ours, the
21 government is -- the burden is on the government to prove a
22 defendant's guilt beyond a reasonable doubt, and his Honor
23 will instruct you on that, and that is the same in this case.
24 And those of you who have never been jurors before might be
25 saying to yourself, well how do you go about that? How does

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1 the process work that a defendant is either found guilty or
2 not guilty? It is through the presentation of evidence, and
3 the evidence will come in various forms.

4 The first and most usual form will be oral testimony.
5 What is oral testimony? It's going to come from the lips of
6 witnesses who take an oath who sit here in the courtroom and
7 testify as to facts that occurred. And you all have an
8 opportunity to watch that individual and assess that
9 individual's credibility, determine whether you believe the
10 individual or not. That's the first type of evidence.

11 The second is what we would call physical or real
12 evidence. And those are tangible objects, such as documents.
13 And again, I expect you will see some documents in evidence.
14 And the third general form of evidence are agreements or what
15 we call in the law stipulations. If both sides agree to a
16 certain set of facts, there's no need to prove it, because
17 this way we can speed the trial along. So, it's just a method
18 that we use to get the case going a little quicker.

19 It is through that evidence that the government will
20 have to show the defendants are guilty of the crimes charged.
21 There are two counts or charges that are facing the
22 defendants. The first is conspiracy. It is a violation, as
23 his Honor will instruct later, of Title 18, United States Code
24 Section 371. And that conspiracy has two purposes or
25 objectives. We'll learn more of this as the trial goes on.

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1 The objectives are one, to file a false statement with the
2 FDIC, to influence their actions and the other objective is to
3 embezzle more than a hundred dollars from the FDIC. And then
4 there is another charge, which is called substantive or
5 substantive charge, and that's the actual filing of the
6 charge.

7 What does the evidence government expect the evidence
8 to be in this case? In broad general strokes, ladies and
9 gentlemen, I expect that you will hear that there's a golf
10 course in Pasco County in Hudson, Florida in the Middle
11 District of that. It's called Ironwood Golf Course and
12 Villas.

13 As a matter of background, the golf course was owned
14 by a bank called Park Bank. The bank went under like so many
15 banks in the '80s. The Federal Deposit Insurance Corporation,
16 or FDIC, is a sort of quasi government agency that's
17 responsible for insuring the deposits of various banks. So,
18 when the bank went under, FDIC took over the golf course.

19 Now, why did they take over the golf course? They
20 take over the assets like a golf course to ensure that the
21 assets don't lose their value they can resell them and the
22 government doesn't lose the money.

23 Well, the FDIC, like any other corporation is a
24 corporation, so they need someone to actively run the golf
25 course. So, they hire a company called Swithtec. And this is

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1 not a memory test. These people will be testifying. We'll
2 have someone from the FDIC, a gentleman by the name of Charles
3 Parker. We will have a woman from Smithtec, name of Barbara
4 Ann Haverhill testify, and Smithtec is the company that
5 oversaw the operation of the golf course.

6 Smithtec, then, hired what was called an on-site
7 property manager, and that is the defendant Gene Tatum. They
8 also hired an assistant property on-site manager, that
9 individual's name is William Luchsinger. These individuals
10 were responsible for running the day-to-day operations of the
11 golf course.

12 Now, what you will learn is that there's contractual
13 obligations, and the government expects to offer into evidence
14 a contract that will detail the various duties and
15 responsibilities of Mr. Tatum, Mr. Luchsinger.

16 You will also learn that, of course, if anybody's a
17 golfer, there has to be green maintenance people, somebody who
18 cuts the grass, I guess fix the sand traps, whatever the
19 maintenance people would do on a golf course. And a company
20 was hired. The company was called Tee-Time.

21 Now, basically, the time frame we're going to be
22 talking about is July of 1991. And this contract was entered
23 into with Tee-Time, and an individual named Donovan Stumo, was
24 the purported principal or held of that organization. The
25 government expects the evidence will show that Tee-Time was

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1 really not run by Donovan Stumo. He was part of Tee-Time, but
2 so was the defendant William -- excuse me -- Gene Tatum, the
3 defendant Nancy Tatum, and this individual William Luchsinger.

4 And you will learn from the various witnesses that
5 there's a disclosure statement that must be filed if any party
6 that would receive money is related to the on-site property
7 manager. And the reason for that, you will learn, and it is
8 clear, is to avoid conflict of interest that you can't serve
9 two masters.

10 Well, the evidence will show that Gene Tatum never
11 disclosed, and Bill Luchsinger never disclosed that there was
12 a connection. And the reason why is they would not have
13 gotten that contract. The contract called for approximately a
14 hundred thousand dollars over a one-year period. The
15 defendants, Gene Tatum, Nancy Tatum, wanted that contract.
16 They wanted that money. And they could not have gotten it if
17 they had disclosed the relationship. That's the -- that's
18 that false statement we talked about that's one of the
19 objectives of the conspiracy in Count 1 and is the central
20 core of Count 2.

21 You'll also learn that there were some embezzlement
22 going on, that some monies that were properly going to FDIC
23 and Smithtec from the golf course, revenues generated by the
24 golf course, were, in fact, being embezzled by the defendants
25 Gene Tatum, Nancy Tatum and this individual William

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1 Luchsinger, and that embezzlement was for in excess, we must
2 prove, of a hundred dollars.

3 Now, I keep mentioning this individual William
4 Luchsinger as well, and there will be other witnesses.
5 William Luchsinger has admitted to a Plea Agreement. He has
6 pled guilty in this federal courthouse, and has agreed to
7 state what he did and what others did. So, you will have an
8 opportunity to judge his believability, his credibility.

9 You will also see a number of records, bank records
10 that will be entered into evidence. FDIC had a bank account
11 at First Union. That money went to MacBills Federal Credit
12 Union where William Luchsinger had his account, then it went
13 to Nations Bank where defendant Gene Tatum had an account and
14 defendant Nancy Tatum had an account.

15 That in broad, general strokes, ladies and gentlemen,
16 is what this case is about. It is about lying to the FDIC,
17 and embezzling money from the FDIC. As his Honor has
18 instructed you, what I say is not evidence, what the lawyers
19 say is not evidence. This is just sort of a guide to tell you
20 what's coming. The evidence again comes from the witnesses.

21 Now, in listening to these witnesses during the course
22 of the trial, I ask you to pay close attention to what they
23 say, how they say it. You determine their credibility, their
24 believability. It is your determination as the triers of fact
25 as the jury to do that. And I ask you in assessing their

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1 credibility, in listening to their evidence, use your common
2 sense and your good judgment as you figure out what happened
3 here. At the conclusion of the case I will again have an
4 opportunity to speak to you, and at that time I will ask you
5 to find the defendants guilty as charged. Thank you very
6 much.

7 THE COURT: Mr. Hanlon.

8 MR. HANLON: I'll reserve, thank you.

9 THE COURT: Mr. Daly.

10 MR. DALY: Thank you, Your Honor. Good morning,
11 ladies and gentlemen. Let me reintroduce myself. My name is
12 Dan Daly, and I have the privilege of representing Nancy Tatum
13 in this case. Nancy Tatum is a child of a I guess you call
14 him a soldier. She was raised on an Air Force Base, and like
15 most people raised on an Air Force Base, raised in the
16 military by military parents, she developed a great respect
17 for people who worked for the government to defend our nation.

18 Mr. Tatum is former military himself. That's no
19 surprise that a child of military parents would wind up
20 marrying a soldier. She grew up seeing people serve her
21 country and she became involved with a man who again had a
22 contract and was trying to serve his country by preserving the
23 value of assets, as Mr. O'Neill told you, Mr. Tatum and
24 Mr. Luchsinger were charged with doing.

25 She met Mr. Tatum June 7th of 1991. Keep that in

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1 mind, and you'll hear that from her. She'll get on the
2 witness stand and she'll tell you what was going on while
3 Mr. Tatum and Mr. Luchsinger tried to preserve the value of
4 Ironwood Golf Course and Villas. You need to keep in mind
5 that June 7th, 1991 for multiple purposes, not the least of
6 which is that the government has accused her of knowing on
7 July 25th, 1991, just a little more than a month after having
8 met Mr. Tatum and having seen I him twice personal dating
9 setting, they say she knew at that time that Mr. Tatum was
10 lying to the government, lying to the FDIC that he had no
11 interest in any business, doing business with Ironwood Golf
12 Course.

13 That is how the evidence is going to show that this
14 case won't produce a verdict of guilty. Indeed the opposite.

15 Ms. Tatum will get on the witness stand, and after the
16 government shows you what monies were deposited into her
17 account, Irving Place Realty, she'll show you what she wrote
18 the checks for, and you'll see that those checks were written
19 for the benefit of an Ironwood Golf Course or Tee-Time
20 Productions to do, what Mr. Tatum and Mr. Luchsinger were
21 charged with doing, and that was to preserve the government's
22 asset because the evidence will also show that Smithtec wasn't
23 doing their job. They weren't paying their bills.

24 You'll hear stories of creditors coming and banging on
25 the door, then threatening to withhold services to the

1 government's asset because the government wasn't paying them.
2 Mr. Tatum was left holding the bag and Mr. Tatum enlisted
3 Mrs. Tatum, formerly Nancy Fullilove to help him meet the
4 government's obligations.

5 Now, in order for someone to embezzle, they must
6 purloin the money with the intention of depriving the
7 government of its use and benefit. But this isn't what
8 the Tatum's were doing, and the evidence is going to show
9 that. They were taking the golf course's money and giving it
10 to the golf course's creditors when they were pushed against
11 the wall by Smithtec's failure to pay its creditors.

12 Now, one thing that you're not going to see here is we
13 have heard his name, but apparently, unless something changes,
14 we're not going to see Donovan Stumo, the guy who was accused
15 of being just a straw man. And we're not going to hear from
16 Jack O'Brien, who was another straw man. These names will com
17 up repeatedly throughout the trial because Donovan Stumo was
18 the guy who held himself out as owning Tee-Time and running
19 Tee-Time and one who sent bills to FDIC.

20 The government's theory, what they think the evidence
21 is going to show, is that Donovan Stumo really wasn't running
22 anything, that he was just the straw man. But Donovan Stumo,
23 the evidence will show, was succeeded by Jack O'Brien. You're
24 not going to see Jack O'Brien because Jack O'Brien, I believe
25 the evidence will show, is dead. Ultimately there's a series

1 of people who are running Tee-Time, not the least of whom
2 would be Mr. Luchsinger, who's going to be a witness for the
3 government against my client.

4 Last is Mr. Tatum, who after running Ironwood Golf
5 Course from the beginning of July until May, July '91 until
6 May of '92, after pouring his sweat and energy into
7 preservation the government's assets, in doing a fine job by
8 any indicator, as much as the golf course was sold for it's
9 appraised value, he had to take up Tee-Time. And ultimately
10 said, okay, I've been running the show. Now, pay us for it.
11 Pay me for it. Pay Tee-Time for it. And you'll see that the
12 checks for Tee-Time.

13 The most important function of a golf course is what?
14 Cutting the grass and making it look nice so that people can
15 play golf. But that important function, golf course
16 maintenance, was not paid for on time by the people who were
17 supposed to do it, Smithtec and the FDIC.

18 Mr. Luchsinger, I expect, will have to say, to really
19 understand this you had to be there to know what we were
20 facing, to know what Mr. Tatum and Mr. Luchsinger were facing
21 trying to preserve the government's asset, to understand what
22 Smithtec's instructions to them were, do the best you can,
23 then we'll get back with you.

24 Ladies and gentlemen, far from showing that there was
25 embezzlement, far from showing that there was false

1 representations or any intent to defraud the government,
2 you're going to see that Nancy Tatum, that Gene Tatum did
3 their best in a tough situation to do the job Mr. Tatum had
4 contracted to do, which was preserve the government's assets.
5 And when I get up next at the conclusion of the case
6 I'm going to ask you to find Nancy Tatum not guilty. Thank
7 you for your time.

8
9 *****

10
11 C E R T I F I C A T E

12
13
14 I hereby certify that the foregoing is an accurate
15 transcription of proceedings in the above-entitled matter.
16
17

18
19 *Kathleen P. Walden* 9-19-97
20 OFFICIAL Court Reporter

US District Court Criminal Docket

**U.S. District - Florida Middle
(Tampa)**

8:96cr72

USA v. Tatum, et al

This case was retrieved from the court on Friday, June 15, 2007

**Date Filed: 03/26/1996 Class Code: CLOSED, MAP
Other Docket: None Closed: yes**

Defendants

Name

Attorneys

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aka: Dois Gene Tatum Jr.
aka Dois Gene Tatum Jr. aka Chip Tatum Appeals court case
number: 96-3225

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Charges

Disposition

Complaints: none

Pending: 18:371.F FDIC TRANSACTION (Making false
statement to the FDIC) (1)

27 months imprisonment; 4 years supervised release all to run
concurrently; \$100 special assessment RESENTENCING:
Imprisonment: 14 months concurrent and consecutive with 99-
cr-244; Supervised Release: 36 months concurrent and
consecutive with 99-cr-244; Special Assessment: \$50.00; Fine:
waived (HLA 11/14/03)

18:1007.F FDIC TRANSACTION (2)
Offense Level (Opening): 4

27 months imprisonment; 4 years supervised release all to run
concurrently; \$100 special assessment RESENTENCING:
Imprisonment: 14 months concurrent and consecutive with 99-
cr-244; Supervised release: 36 months concurrent and
consecutive with 99-cr-244; Special Assessment: \$50.00; Fine:
waived (HLA 11/14/03)

Terminated: 18:641.F PUBLIC MONEY, PROPERTY OR RECORDS
(3)
Offense Level (Terminated): 4

Dismissed Count Three pursuant to Order dated 5/13/96.

Case Assigned to: Judge Henry Lee Adams, Jr

Name

Nancy Tatum(2)
 aka: Nancy Fullilove
 Appeals court case number: 96-3225

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Charges

Complaints: none

Pending: 18:371.F FDIC TRANSACTION (Making false statement to the FDIC) (1)

18:1007.F FDIC TRANSACTION (2)
Offense Level (Opening): 4

Terminated: 18:641.F PUBLIC MONEY, PROPERTY OR RECORDS (3)
Offense Level (Terminated): 4

Case Assigned to: Judge Henry Lee Adams, Jr

Disposition

1 months imprisonment; 3 years supervised all to run concurrently; \$100 special assessment RESENTENCING: Imprisonment: 30 days concurrent (credit for time served); Special Assessment: \$50.00; Fine: waived (HLA 11/14/03)

1 months imprisonment; 3 years supervised all to run concurrently; \$100 special assessment RESENTENCING: Imprisonment: 30 days concurrent (credit for time served); Special Assessment: \$50.00; Fine: waived (HLA 11/14/03)

Dismissed Count Three pursuant to Order dated 5/13/96.

U. S. Attorneys

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Date	#	Proceeding Text
03/26/1996	1	INDICTMENT as to Gene D. Tatum (1) count(s) 1, 2, 3, Nancy Tatum (2) count(s) 1, 2, 3 (jac) Modified on 03/29/1996 (Entered: 03/27/1996)
03/26/1996	2	ARREST WARRANT issued as to Gene D. Tatum (jac) (Entered: 03/27/1996)
03/26/1996	3	ARREST WARRANT issued as to Nancy Tatum (jac) Modified on 03/29/1996 (Entered: 03/27/1996)
03/26/1996	--	MAGISTRATE JUDGE CASE ASSIGNMENT Magistrate assigned: Mark A. Pizzo (jac) (Entered: 03/27/1996)
03/28/1996	4	INITIAL APPEARANCE held on 3/28/96 before Magistrate Judge Elizabeth A. Jenkins as to Gene D. Tatum, Nancy Tatum. Notice of Related Case 95-150-CR-T-25C. Attorneys appointed on prior case to carry over to this case. \$50,000 bond for Nancy Tatum to carry over. Bond for Gene Tatum moot at this time. Counsel may move for reconsideration of circumstances change. Court Reporter: Kay Sanford Tape 40/1598-1910 Defendant(s) informed of rights. (jac) (Entered: 03/29/1996)
03/28/1996	5	ARRAIGNMENT held on 3/28/96 as to Gene D. Tatum, Nancy Tatum. Defendant(s) pled not guilty before Magistrate Judge Elizabeth A. Jenkins Court Reporter: Kay Sanford Tape 40/1598-1910 (jac) (Entered: 03/29/1996)
03/29/1996	6	CJA 20 as to Gene D. Tatum : Appointment of Attorney Thomas J. Hanlon Voucher # 0751029 (Signed by Magistrate Judge Elizabeth A. Jenkins) (jac) (Entered: 04/01/1996)
03/29/1996	7	CJA 20 as to Nancy Tatum : Appointment of Attorney Daniel F. Daly Voucher # 0751035 (Signed by Magistrate Judge Elizabeth A. Jenkins) (jac) (Entered: 04/01/1996)
03/29/1996	8	NOTICE of related cases by USA as to Gene D. Tatum, Nancy Tatum (Case No. 95-109-CR-T-25C; 95-150-CR-T-25C; 95-194-CR-25A; 95-250-CR-T-25B) (jac) (Entered: 04/01/1996)
04/01/1996	9	PRETRIAL DISCOVERY ORDER AND NOTICE setting Status conference for 4:00 4/11/96, and Jury Trial for 5/6/96 for Gene D. Tatum, for Nancy Tatum Scheduled for Judge Ralph W. Nimmons, Jr. (Signed by Magistrate Judge Mark A. Pizzo) (eec) Modified on 04/03/1996 (Entered: 04/02/1996)
04/01/1996	10	ORDER of Judge reassignment within division as to Gene D. Tatum, Nancy Tatum. (Signed by Judge Ralph W. Nimmons Jr.) (eec) (Entered: 04/02/1996)
04/02/1996	11	NOTICE of case reassignment from Judge Ralph W. Nimmons Jr. to Judge Henry L. Adams Jr. (Signed by deputy clerk) (eec) (Entered: 04/02/1996)
04/03/1996	12	SCHEDULING ORDER setting Jury Trial for 9:30 5/6/96 for Gene D. Tatum, for Nancy Tatum; Status Conference for 9:00 4/11/96 for Gene D. Tatum, for Nancy Tatum; Scheduled for Judge Henry L. Adams Jr. (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 04/03/1996)
04/03/1996	13	ARREST WARRANT returned executed as to Gene D. Tatum on 3/28/96 (jac) (Entered: 04/04/1996)
04/11/1996	14	NOTICE of appearance for Gene D. Tatum by attorney Thomas J. Hanlon (jac) (Entered: 04/12/1996)
04/11/1996	15	STATUS CONFERENCE held on 4/11/96 before Judge Henry L. Adams Jr. as to Gene D. Tatum and Nancy Tatum. Trial to begin during May 1996 trial term. Estimated length: 1 week. Court Reporter: Kathleen Walden (sak) (Entered: 04/12/1996)
04/17/1996	16	SCHEDULING ORDER setting on Jury Trial calendar for 9:30 5/6/96 for Gene D. Tatum, for Nancy Tatum; Scheduled for Judge Henry L. Adams Jr. (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 04/22/1996)
04/29/1996	17	MOTION by Gene D. Tatum for protection of May 16, 17, 18 and 19, 1996, for trial (vgf) (Entered: 04/30/1996)
04/29/1996	18	MOTION by Nancy Tatum to dismiss (vgf) (Entered: 05/01/1996)
05/01/1996	19	MOTION by Gene D. Tatum to adopt co-defendant's Nancy Tatum [18-1] motion to dismiss Referred to Magistrate Judge Mark A. Pizzo (vgf) (Entered: 05/01/1996)
05/03/1996	20	RESPONSE by USA as to Gene D. Tatum re: [18-1] motion to dismiss. (eec) (Entered: 05/06/1996)
05/06/1996	21	RESPONSE by USA as to Gene D. Tatum, Nancy Tatum re: [19-1] motion to adopt co-defendant's Nancy Tatum [18-1] motion to dismiss, [18-1] motion to dismiss (vld) (Entered: 05/08/1996)
05/06/1996	22	MINUTE ENTRY as to Gene D. Tatum, Nancy Tatum : of jury selection before Judge Henry L. Adams Jr. jury not sworn and excused until 9:00, 5/20/96. Court Reporter: Kathleen Walden (vld) (Entered: 05/08/1996)
05/06/1996	23	WITNESS LIST by USA as to Gene D. Tatum, Nancy Tatum (vld) (Entered: 05/08/1996)
05/06/1996	24	MOTION by USA to preclude the alleged use of classified information at trial or, in the alternative, for compliance with the rules of procedure as to Gene D. Tatum, Nancy Tatum Referred to Judge Henry L. Adams Jr. (vld) (Entered: 05/08/1996)

05/13/1996 25 MOTION HEARING held on 5/10/96 before Judge Henry L. Adams Jr. as to Gene D. Tatum, Nancy Tatum re: [19-1] motion to adopt co-defendant's Nancy Tatum [18-1] motion to dismiss, [18-1] motion to dismiss. Court reserved ruling. Court Reporter: Kathleen Walden (vgf) (Entered: 05/15/1996)

05/13/1996 -- MOTION(S) JOINED by Gene D. Tatum : joinder in [18-1] motion to dismiss (vgf) (Entered: 05/15/1996)

05/13/1996 26 ORDER granting [19-1] motion to adopt co-defendant's Nancy Tatum [18-1] motion to dismiss as to Gene D. Tatum (1), granting [18-1] motion to dismiss as to Gene D. Tatum (1), Nancy Tatum (2). Count Three (3) of the Indictment is dismissed with prejudice. (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 05/15/1996)

05/13/1996 -- DISMISSAL of Count(s) on Court or Defendant Motion as to Gene D. Tatum, Nancy Tatum Counts Dismissed: Gene D. Tatum (1) count(s) 3, Nancy Tatum (2) count(s) 3 (vgf) (Entered: 05/15/1996)

05/13/1996 27 ORDER granting [17-1] motion for protection of May 16, 17, 18 and 19, 1996, for trial as to Gene D. Tatum (1) (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 05/15/1996)

05/16/1996 28 AMENDED WITNESS LIST by Gene D. Tatum (vgf) (Entered: 05/16/1996)

05/16/1996 29 NOTIFICATION of Classified Information Procedures Act (C.I.P.A.) by Gene D. Tatum (vgf) (Entered: 05/17/1996)

05/23/1996 30 JURY TRIAL before Judge Henry L. Adams Jr. as to Gene D. Tatum (1) count(s) 1, 2 and Nancy Tatum (2) count(s) 1, 2 held on 5/23/96. Court in recess until 5/28/96 at 9:00. Court Reporter: Kathleen Walden (vgf) (Entered: 05/29/1996)

05/23/1996 31 PROPOSED JURY INSTRUCTIONS by USA as to Gene D. Tatum, Nancy Tatum (Filed in Open Court) (vgf) (Entered: 05/29/1996)

05/23/1996 32 MOTION by Gene D. Tatum to Request Limiting Instruction to the Jury (Filed in Open Court) (vgf) Modified on 05/29/1996 (Entered: 05/29/1996)

05/30/1996 33 EXHIBIT LIST by USA as to Gene D. Tatum, Nancy Tatum (vgf) (Entered: 05/31/1996)

05/30/1996 34 EXHIBIT LIST by Nancy Tatum (vgf) (Entered: 05/31/1996)

05/30/1996 35 JURY TRIAL before Judge Henry L. Adams Jr. as to Gene D. Tatum, Nancy Tatum resumed on 5/28/96. Nancy Tatum's motion for mistrial on grounds of discovery violation; denied. Nancy Tatum and Gene Tatum motions for judgment of acquittal; denied. Court adjourned until 9:30, 5/29/96. Court Reporter: Kathleen Walden (vgf) (Entered: 05/31/1996)

05/30/1996 36 JURY TRIAL before Judge Henry L. Adams Jr. as to Gene D. Tatum, Nancy Tatum resumed on 5/29/96. Renewed motions for judgment of acquittal; denied. Closing arguments. Jury instructed. Verdict: Guilty as charged as to each count as to Nancy Tatum and Gene Tatum. PSI ordered. Gene Tatum remanded to custody; Nancy Tatum to remain on bond. Court adjourned. Court Reporter: Kathleen Walden (vgf) (Entered: 05/31/1996)

05/30/1996 37 JURY VERDICT of Guilty: Gene D. Tatum (1) count(s) 1, 2 (vgf) (Entered: 05/31/1996)

05/30/1996 38 JURY VERDICT of Guilty: Nancy Tatum (2) count(s) 1, 2 (vgf) (Entered: 05/31/1996)

05/31/1996 39 ARREST WARRANT returned executed as to Nancy Tatum on 3/28/96 (vgf) (Entered: 05/31/1996)

05/31/1996 40 NOTICE OF HEARING: set Sentencing for 9:00 8/28/96 for Gene D. Tatum, for Nancy Tatum Scheduled for Judge Henry L. Adams Jr. (vgf) (Entered: 05/31/1996)

06/05/1996 41 MOTION by Nancy Tatum for new trial (vgf) (Entered: 06/06/1996)

06/05/1996 42 MOTION by Gene D. Tatum for new trial (vgf) (Entered: 06/06/1996)

06/10/1996 43 RESPONSE by USA as to Gene D. Tatum in opposition to [42-1] motion for new trial (vgf) (Entered: 06/11/1996)

06/12/1996 44 AMENDED NOTIFICATION of classified information procedures act (C.I.P.A) by Gene D. Tatum (vgf) (Entered: 06/14/1996)

06/17/1996 45 MOTION by Nancy Tatum for new trial (vgf) (Entered: 06/18/1996)

06/19/1996 46 RESPONSE by USA as to Nancy Tatum in opposition to [41-1] motion for new trial (mss) (Entered: 06/20/1996)

07/10/1996 47 PRO SE MOTION by Gene D. Tatum to set bond (PLEADING RETURNED TO DEFENDANT PURSUANT TO JUDGE ADAMS' ORDER, DOC. #48, FILED 7/10/96) (vgf) Modified on 07/10/1996 (Entered: 07/10/1996)

07/10/1996 48 ORDER returning [47-1] pro se motion to set bond filed by Gene D. Tatum (1). Defendant is directed to refrain from filing any pro se pleadings, as long as he is represented by counsel. (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 07/10/1996)

08/06/1996 49 MOTION by Gene D. Tatum for bond pending sentencing (vgf) (Entered: 08/07/1996)

08/15/1996 50 CJA 21 as to Nancy Tatum Authorization to Pay Florida Reprographics \$ 54.32 for Expert Services Voucher # 0413040 (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 08/16/1996)

08/15/1996 51 CJA 21 as to Nancy Tatum Authorization to Pay Florida Reprographics \$ 214.38 for Expert Services Voucher # 0413038 (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 08/16/1996)

08/28/1996 52 SENTENCING before Judge Henry L. Adams Jr., as to Nancy Tatum (2) count(s) 1, 2. 1 months imprisonment;

3 years supervised all to run concurrently; \$100 special assessment, Count(s) disposed: Nancy Tatum (2) count(s) 3. Dismissed Count Three pursuant to Order dated 5/13/96. Nancy Tatum (2) Court Reporter: Kathleen Walden (mss) (Entered: 08/29/1996)

08/28/1996 53 MOTION by Nancy Tatum for bail pending appeal (mss) (Entered: 08/29/1996)

08/28/1996 -- ORAL ORDER denying [53-1] motion for bail pending appeal as to Nancy Tatum (2) (Entered by Judge Henry L. Adams Jr.) (mss) (Entered: 08/29/1996)

08/28/1996 54 SENTENCING before Judge Henry L. Adams Jr., as to Gene D. Tatum (1) count(s) 1, 2. 27 months imprisonment; 4 years supervised release all to run concurrently; \$100 special assessment Court Reporter: Kathleen Walden (mss) (Entered: 08/29/1996)

08/28/1996 55 JUDGMENT as to Nancy Tatum (Signed by Judge Henry L. Adams Jr.) MFR 3/DOC 268 (mss) (Entered: 08/29/1996)

08/28/1996 56 JUDGMENT as to Gene D. Tatum (Signed by Judge Henry L. Adams Jr.) MFR 3/DOC 272 (mss) (Entered: 08/29/1996)

08/28/1996 57 NOTICE OF APPEAL appealing [55-1] judgment order Nancy Tatum (2) count(s) 1, 2 Certificate of Readiness due on 9/12/96 for Nancy Tatum. No fee paid. (mss) (Entered: 08/29/1996)

08/29/1996 58 TRANSMITTAL of initial appeal package to USCA consisting of certified copies of notice of appeal, docket report, and Order/Judgment being appealed as to Nancy Tatum re: [57-1] appeal Appeal information sheet sent to counsel, notice sent to probation. Court Reporter: Kathleen Walden (mss) (Entered: 08/29/1996)

08/30/1996 59 NOTICE OF APPEAL appealing [56-1] judgment order as to Gene D. Tatum (1) count(s) 1, 2. Certificate of Readiness due on 9/16/96. No fee paid. (vgf) (Entered: 09/03/1996)

09/03/1996 60 TRANSMITTAL of initial appeal package to USCA consisting of certified copies of notice of appeal, docket report, CJA 20 Appointment, and Judgment being appealed as to Gene D. Tatum re: [59-1] appeal. Appeal information sheet and notice re preparation of appeal information sheet sent to counsel, notice sent to probation. Court Reporters (Kathleen Walden and Frecka & Assoc.) notified. (vgf) (Entered: 09/03/1996)

09/04/1996 -- PRESENTENCE INVESTIGATION REPORT (Sealed) as to Gene D. Tatum (vgf) (Entered: 09/05/1996)

09/04/1996 -- PRESENTENCE INVESTIGATION REPORT (Sealed) as to Nancy Tatum (vgf) (Entered: 09/05/1996)

09/09/1996 61 MOTION by Thomas J. Hanlon to withdraw as attorney, and for appointment of appellate counsel as to Gene D. Tatum (vgf) (Entered: 09/10/1996)

09/09/1996 62 MOTION with memorandum in support by Gene D. Tatum to waive "fee cap" under 18 U.S.C. 3006A (vgf) (Entered: 09/10/1996)

09/10/1996 63 MOTION by Gene D. Tatum for appeal (filed pro se) (vgf) (Entered: 09/10/1996)

09/11/1996 64 MOTION by Gene D. Tatum for bail pending appeal (filed pro se) (vgf) (Entered: 09/11/1996)

09/12/1996 65 ORDER denying motions [42-1] and [45-1] for new trial as to Gene D. Tatum, Nancy Tatum (Signed by Judge Henry L. Adams Jr.) (mss) (Entered: 09/12/1996)

09/12/1996 66 ORDER granting [61-1] motion by Thomas J. Hanlon to withdraw as attorney (Terminated attorney Thomas J. Hanlon for Gene D. Tatum as to Gene D. Tatum (1) This matter is referred to Magistrate Judge for the purpose of appointing counsel for appeal (Signed by Judge Henry L. Adams Jr.) (mss) (Entered: 09/12/1996)

09/12/1996 67 ORDER that pro se pleading (Doc. 63) shall remain as filed as to Gene D. Tatum (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 09/13/1996)

09/16/1996 68 TRANSMITTAL Notice to USCA as to Gene D. Tatum forwarding copy of Order (D-66). (USCA number unknown at this time) (vgf) (Entered: 09/17/1996)

09/19/1996 69 NOTICE of Docketing ROA from USCA as to Gene D. Tatum Re: [59-1] appeal. USCA received initial appeal package on 9/5/96. USCA Number: 96-3225 (vgf) (Entered: 09/23/1996)

09/19/1996 70 NOTICE of Docketing ROA from USCA as to Nancy Tatum Re: [57-1] appeal. USCA received initial appeal package on 9/5/96. USCA Number: 96-3225 (vgf) (Entered: 09/23/1996)

09/23/1996 71 ORDER granting [62-1] motion to waive "fee cap" under 18 U.S.C. 3006A as to Gene D. Tatum (1) (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 09/24/1996)

09/24/1996 72 TRANSMITTAL that USCA received our transmittal of 9/16/96 on 9/18/96 as to Gene D. Tatum. (USCA #96-3225) (vgf) (Entered: 09/25/1996)

09/25/1996 73 APPEAL INFORMATION SHEET as to Gene D. Tatum [59-1] appeal. Court Reporter, Kathleen Walden, notes that satisfactory arrangements have not been made for payment of the transcript cost. Transcripts requested are: Trial on 5/23,28,29/96, motion to dismiss on 5/10/96 and sentencing on 5/28/96. (USCA #96-3225) (vgf) (Entered: 09/25/1996)

09/26/1996 74 EMERGENCY MOTION by Nancy Tatum for postponement of voluntary surrender (vgf) (Entered: 09/27/1996)

09/27/1996 75 ORDER denying [74-1] motion for postponement of voluntary surrender as to Nancy Tatum (2) (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 09/27/1996)

09/27/1996 76 CJA 20 as to Gene D. Tatum: Appointment of Attorney Kenneth S. Siegel for appeal. Voucher # 0748790 (Signed by Magistrate Judge Mark A. Pizzo) (vgf) (Entered: 09/27/1996)

09/27/1996 77 TRANSMITTAL to USCA as to Gene D. Tatum forwarding certified copy of CJA form appointing counsel (Doc. 76) and up-dated docket sheet. (USCA #96-3225) (vgf) (Entered: 09/27/1996)

10/03/1996 78 MOTION by Nancy Tatum for fees exceeding the statutory cap (copy of motion and CJA 20 form forwarded to Finance) (vgf) (Entered: 10/04/1996)

10/08/1996 79 RETURN of judgment executed as to Nancy Tatum on 9/27/96 at Ocala Community Service Center at 3820 NE 41st St., Ocala, FL 34479; defendant surrendered. (vgf) (Entered: 10/08/1996)

10/10/1996 80 TRANSMITTAL from USCA as to Gene D. Tatum that appeal will be dismissed in 14 days unless defaults are corrected. (USCA #96-3225) (jac) (Entered: 10/11/1996)

10/11/1996 81 APPEAL INFORMATION SHEET as to Gene D. Tatum [59-1] appeal. Transcript requested: trial on 5/23/96. Satisfactory arrangements have not been made for payment of the transcript cost. Transcript completion date: 30 days from receipt of CJA. Court Reporter: Mike Cano, Frecka & Assoc. (vgf) (Entered: 10/16/1996)

10/21/1996 82 TRANSMITTAL from USCA forwarding an order remanding appeal for further proceedings as to Nancy Tatum. Jurisdiction of this appeal is being retained by the Eleventh Circuit. (USCA #96-3225) (vgf) (Entered: 10/23/1996)

10/21/1996 83 ORDER OF LIMITED REMAND (USCA) as to Nancy Tatum re: appellant's motion for release pending appeal. (USCA #96-3225) (vgf) (Entered: 10/23/1996)

10/23/1996 84 ORDER that the Government is directed to respond, if it desires, to defendant's motion for release pending appeal (Doc. 53) filed in open court on 8/28/96, within 24 hours as to Nancy Tatum (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 10/23/1996)

10/24/1996 85 RESPONSE by USA as to Nancy Tatum in opposition to [64-1] motion for bail pending appeal (vgf) (Entered: 10/25/1996)

10/25/1996 86 ORDER re: defendant's motion for release pending appeal (D-53) and the Order of Remand from the Eleventh Circuit (D-83) as to Nancy Tatum. Defendant's motion is denied. (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 10/28/1996)

10/28/1996 87 TRANSMITTAL to USCA as to Nancy Tatum forwarding certified copies of Docs. 85, 86 and up-dated docket sheet. (USCA #96-3225) (vgf) (Entered: 10/28/1996)

10/31/1996 88 RETURN of judgment executed as to Gene D. Tatum on 10/8/96 at FCI Jesup, GA (vgf) (Entered: 11/01/1996)

11/04/1996 89 TRANSMITTAL from USCA as to Nancy Tatum that certified copies of Doc's. 85, 86 and up-dated docket sheet were received on 10/29/96. (USCA #96-3225) (vgf) (Entered: 11/05/1996)

11/15/1996 90 TRANSCRIPT filed as to Gene D. Tatum, Nancy Tatum for Trial Proceedings held 5/23/96 at 10:00 a.m. before Judge Henry Lee Adams, Jr. Volume 1 Court Reporter: Kathleen P. Walden (Transcripts filed in separate folder.) (vgf) (Entered: 11/18/1996)

11/15/1996 91 TRANSCRIPT filed as to Gene D. Tatum, Nancy Tatum for Trial Proceedings held 5/28/96 at 9:25 a.m. before Judge Henry Lee Adams, Jr. Volume 2 Court Reporter: Kathleen P. Walden (Transcripts filed in separate folder.) (vgf) (Entered: 11/18/1996)

11/15/1996 92 TRANSCRIPT filed as to Gene D. Tatum, Nancy Tatum for Trial Proceedings held 5/29/96 at 10:00 a.m. before Judge Henry Lee Adams, Jr. Volume 3 Court Reporter: Kathleen P. Walden (Transcripts filed in separate folder.) (vgf) (Entered: 11/18/1996)

11/15/1996 93 TRANSCRIPT filed as to Gene D. Tatum for Sentencing Proceedings held 8/28/96 at 9:30 a.m. before Judge Henry Lee Adams, Jr. Court Reporter: Kathleen P. Walden (Transcripts filed in separate folder.) (vgf) (Entered: 11/18/1996)

11/15/1996 94 TRANSCRIPT filed as to Nancy Tatum for Sentencing Proceedings held 8/28/96 at 10:00 a.m. before Judge Henry Lee Adams, Jr. Court Reporter: Kathleen P. Walden (Transcripts filed in separate folder.) (vgf) (Entered: 11/18/1996)

11/15/1996 95 ORDER that appellant Nancy Tatum's motion for release pending appeal is DENIED (Signed by Joseph W. Hatchett, Chief Judge, USCA) (USCA #96-3225) (vgf) (Entered: 11/18/1996)

12/06/1996 96 CJA 20 Authorization to pay Thomas J. Hanlon for defendant Gene D. Tatum, Amount: \$ 4,017.06 Voucher # 0751018 (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 12/06/1996)

12/06/1996 97 CJA 20 Authorization to pay Daniel F. Daly for defendant Nancy Tatum, Amount: \$ 3,036.00 Voucher # 0691229 (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 12/06/1996)

12/06/1996 98 TRANSCRIPT filed as to Gene D. Tatum, Nancy Tatum for Jury Trial held 5/23/96 (afternoon session) before Judge Henry Lee Adams, Jr. Court Reporter: Mike Cano, Frecka & Associates (Transcripts filed in separate folder.) (vgf) (Entered: 12/09/1996)

12/09/1996 99 CJA 24 as to Gene D. Tatum Authorization to pay Kathleen P. Walden \$ 1,035.00 for transcript Voucher # 1870302047 (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 12/09/1996)

12/19/1996 100 CJA 24 as to Gene D. Tatum Authorization to pay Frecka & Associates \$ 402.00 for transcript Voucher # 1870302370 (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 12/20/1996)

12/20/1996 101 CJA 20 Authorization to pay Daniel F. Daly for defendant Nancy Tatum, Amount: \$ 4,118.00; Voucher # 0751035 (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 12/26/1996)

12/23/1996	102	ORDER from USCA that Daniel F. Daly is discharged as counsel for appellant Nancy Tatum. The Court will appoint replacement counsel by separate order. (USCA #96-3225) (vgf) (Entered: 12/26/1996)
12/23/1996	103	ORDER by USCA appointing Federal Public Defender for Nancy Tatum (USCA #96-3225) (vgf) (Entered: 12/26/1996)
12/23/1996	104	TRANSMITTAL from USCA to H. Jay Stevens that appeal will be dismissed in 14 days unless defaults are corrected as to Nancy Tatum. (USCA #96-3225) (vgf) (Entered: 12/26/1996)
01/15/1997	105	MOTION by Nancy Tatum to temporarily transmit the record on appeal within the Middle District of Florida (vgf) (Entered: 01/16/1997)
01/21/1997	106	MOTION by Gene D. Tatum for release from custody pending appeal (vgf) (Entered: 01/23/1997)
01/21/1997	107	MEMORANDUM by Gene D. Tatum in support of [106-1] motion for release from custody pending appeal (vgf) (Entered: 01/23/1997)
01/27/1997	108	NOTICE of filing of notice of conflict and motion to withdraw as counsel in the U. S. Court of Appeals by Nancy Tatum (vgf) (Entered: 01/28/1997)
01/27/1997	109	MOTION by Nancy Tatum to stay ruling on motion to temporarily transfer case (vgf) (Entered: 01/28/1997)
01/28/1997	110	RESPONSE by USA as to Gene D. Tatum in opposition to [106-1] motion for release from custody pending appeal (vgf) (Entered: 01/29/1997)
02/04/1997	111	ORDER granting [109-1] motion to stay ruling on motion to temporarily transfer case as to Nancy Tatum (2) (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 02/04/1997)
02/04/1997	112	MEMORANDUM by Gene D. Tatum in support of [106-1] motion for release from custody pending appeal (vgf) (Entered: 02/04/1997)
02/06/1997	113	TRANSMITTAL Notice from USCA as to Gene D. Tatum, Nancy Tatum re: request for original papers and exhibits and updated copy of docket sheet for use in ruling on a motion filed by the appellant. USCA #96-3225 (mss) (Entered: 02/06/1997)
02/07/1997	114	TRANSMITTAL Notice to USCA as to Gene D. Tatum, Nancy Tatum re: forwarding the entire court file (consisting of 1 orange folder and 6 transcripts). (USCA #96-3225) (vgf) (Entered: 02/07/1997)
02/13/1997	115	TRANSMITTAL Notice from USCA as to Gene D. Tatum, Nancy Tatum re: receipt of original file on 2/10/97. (USCA #96-3225) (vgf) (Entered: 02/14/1997)
02/28/1997	116	APPEAL INFORMATION SHEET as to Nancy Tatum. Transcript due 2/15/97 for Nancy Tatum [57-1] appeal. Transcripts requested: pre-trial proceedings (motion hearings) on 5/13/96, opening statements on 5/23/96, closing arguments, jury instructions and charge conference on 5/29/96, jury selection on 5/6/96. Court Reporter: Kathleen Walden (vgf) (Entered: 03/03/1997)
02/28/1997	117	TRANSCRIPT filed as to Gene D. Tatum, Nancy Tatum for Trial Proceedings (Voir Dire) held 5/6/96 at 9:30 before Judge Henry Lee Adams, Jr. Court Reporter: Kathleen P. Walden (Transcript filed separately.) (vgf) (Entered: 03/03/1997)
02/28/1997	118	TRANSCRIPT filed as to Gene D. Tatum, Nancy Tatum for Trial Proceedings (Opening Statements) held 5/23/96 at 10:30 a.m. before Judge Henry Lee Adams, Jr. Court Reporter: Kathleen P. Walden (Transcript filed separately.) (vgf) (Entered: 03/03/1997)
02/28/1997	119	TRANSCRIPT filed as to Gene D. Tatum, Nancy Tatum for Trial Proceedings (Instruction Conference, Closing Arguments) held 5/29/96 at 10:40 a.m. before Judge Henry Lee Adams, Jr. Court Reporter: Kathleen P. Walden (Transcript filed separately.) (vgf) (Entered: 03/03/1997)
03/12/1997	120	ORDER denying [106-1] motion for release from custody pending appeal as to Gene D. Tatum (1) (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 03/12/1997)
03/12/1997	121	TRANSMITTAL Notice to USCA as to Gene D. Tatum re: forwarding certified copy of Order (Doc. 120). (USCA #96-3225) (vgf) (Entered: 03/12/1997)
03/21/1997	122	TRANSMITTAL Notice from USCA as to Gene D. Tatum re: receipt on 3/18/97 of USDC's transmittal dated 3/21/97. (USCA #96-3225) (vgf) (Entered: 03/21/1997)
03/31/1997	123	CJA 24 as to Nancy Tatum Authorization to pay Kathleen P. Walden \$ 519.00 for transcript Voucher # 1870604965 (Signed by Judge Henry L. Adams Jr.) (vgf) (Entered: 03/31/1997)
04/04/1997	124	USCA ORDER granting motion for release pending appeal as to Gene D. Tatum (Signed by U.S. Circuit Judge, 11th Circuit)(USCA #96-3225) (vgf) (Entered: 04/07/1997)
04/10/1997	125	TRANSMITTAL Notice from USCA as to Gene D. Tatum, Nancy Tatum re: requesting the Certificate of Readiness. (USCA #96-3225) (vgf) (Entered: 04/11/1997)
04/11/1997	--	TRANSMITTAL (cc:mail) from USCA to disregard request of 4/7/97 for the COR as to Gene D. Tatum and Nancy Tatum. (USCA #96-3225) (vgf) (Entered: 04/11/1997)
04/16/1997	126	TRANSMITTAL Notice from USCA as to Gene D. Tatum, Nancy Tatum returning the original court file. (USCA #96-3225) (vgf) (Entered: 04/17/1997)
04/16/1997	127	USCA ORDER granting Attorney Rosemary T. Cakmis'motion to withdraw and to appoint substitute counsel on appeal as to Nancy Tatum (USCA #96-3225) (vgf) (Entered: 04/17/1997)

04/25/1997	128	TRANSMITTAL Notice from USCA as to Nancy Tatum re: that Darlene Calzon Barror has been appointed to represent defendant on appeal. (USCA #96-3225) (vgf) (Entered: 04/28/1997)
04/25/1997	129	TRANSMITTAL Notice from USCA as to Gene D. Tatum, Nancy Tatum re: requesting the Certificate of Readiness. (USCA #96-3225) (vgf) (Entered: 04/28/1997)
05/01/1997	130	CERTIFICATE OF READINESS ([59-1] appeal, [57-1] appeal) with certified copies of indexed District Court docket sheet as to Gene D. Tatum, Nancy Tatum sent to USCA (ROA will consist of: 2 sealed PSI's, 1 vol. pleadings; 3 boxes (containing 8 expandable folders) exhibits; 9 vol. transcripts) (USCA #96-3225) (vgf) (Entered: 05/01/1997)
05/15/1997	131	TRANSMITTAL Notice from USCA as to Gene D. Tatum, Nancy Tatum re: receipt of certificate of readiness on 5/5/97. USCA #96-3225 (src) (Entered: 05/16/1997)
10/14/1997	132	TRANSMITTAL Notice from USCA as to Gene D. Tatum, Nancy Tatum re: request to forward the record on appeal (USCA# 96-3225) (dlg) (Entered: 10/15/1997)
10/17/1997	133	RECORD ON APPEAL transmitted to USCA as to Gene D. Tatum, Nancy Tatum : [130-1] appeal (ROA will consist of: PSI, 1 vol. pleadings; 3 vol. exhibits; 9 vol. transcripts.) (USCA# 96-3225) (dlg) (Entered: 10/20/1997)
11/04/1997	134	TRANSMITTAL Notice from USCA as to Gene D. Tatum, Nancy Tatum re: indicating that the certified record on appeal was received by USCA on 10/22/97 (USCA# 96-3225 (dlg) (Entered: 11/05/1997)
01/08/1998	135	ORDER directing the Clerk to return to non-party, Rodney F. Stich, "Amicus Curiae Brief" with attached Exhibit A received on 1/06/98. Mr. Stich is not a party to this case. (Signed by Judge Henry L. Adams Jr.) (sak) (Entered: 01/09/1998)
01/28/1998	136	ORDER denying as moot [105-1] motion to temporarily transmit the record on appeal within the Middle District of Florida as to Nancy Tatum (2) (Signed by Judge Henry L. Adams Jr.) (sak) (Entered: 01/28/1998)
05/15/1998	137	JUDGMENT OF USCA (certified copy) as to Gene D. Tatum, Nancy Tatum Re: [59-1] appeal, [57-1] appeal affirming these causes; the sentences imposed are hereby vacated; and that these causes be and the same are remanded for resentencing to said District Court Gene D. Tatum (1) count(s) 1, 2, Nancy Tatum (2) count (s) 1, 2 MFR Number 5/1695 Mandate date: 5/13/98 USCA EOD: 4/13/98 (USCA# 96-3225) (dlg) (Entered: 05/18/1998)
05/15/1998	138	RECORD ON APPEAL as to Gene D. Tatum, Nancy Tatum returned from U.S. Court of Appeals: [59-1] appeal, [57-1] appeal (ROA will consist of: 2 PSIs, 1 vol. pleadings; 3 vol. exhibits; 9 vol. transcripts.) (USCA# 96-3225) (dlg) (Entered: 05/18/1998)
05/18/1998	--	PRESENTENCE INVESTIGATION REPORT as to Gene D. Tatum, Nancy Tatum returned to Probation. (dlg) (Entered: 05/18/1998)
05/29/1998	139	ORDER setting resentencing for 8:30 7/9/98 for Gene D. Tatum and Nancy Tatum Scheduled for Judge Henry L. Adams Jr. The Government is directed to issue a writ within 10 days of this order to secure Defendants' presence at the hearing. (Signed by Judge Henry L. Adams Jr.) (sak) (Entered: 06/01/1998)
06/22/1998	140	MOTION by Nancy Tatum to continue resentencing set for 7/09/98 (sak) (Entered: 06/23/1998)
06/25/1998	141	NOTICE OF HEARING: set re-sentencing for 9:00 7/21/98 for Gene D. Tatum. Counsel: Any motion to withdraw by privately retained counsel related to fees must be filed at the time of sentencing. Scheduled for Judge Henry L. Adams Jr. (dfd) (Entered: 06/26/1998)
07/02/1998	142	ORDER as to Nancy Tatum (2) granting [140-1] motion to continue resentencing set for 7/09/98, resetting resentencing for 9:00 7/21/98 for Nancy Tatum Scheduled for Judge Henry L. Adams Jr. (Signed by Judge Henry L. Adams Jr.) (sak) (Entered: 07/06/1998)
07/21/1998	143	MINUTE ENTRY as to Gene D. Tatum and Nancy Tatum : Resentencing cancelled before Judge Henry L. Adams Jr.. Both defendants failed to appear for court hearing. Clerk is directed to issue a bench warrant for defendants' arrest. Court Reporter: Kathleen Walden (sak) (Entered: 07/21/1998)
07/21/1998	144	ARREST WARRANT issued as to Gene D. Tatum for failure to appear at resentencing. (sak) Modified on 07/21/1998 (Entered: 07/21/1998)
07/21/1998	145	ARREST WARRANT issued as to Nancy Tatum for failure to appear at resentencing. (sak) (Entered: 07/21/1998)
07/22/1998	146	CJA 20 as to Gene D. Tatum : Appointment of Attorney Kenneth S. Siegel, Voucher # 0837801 (Signed by Judge Henry L. Adams Jr., nunc pro tunc to 5/13/98.) (sak) (Entered: 07/23/1998)
08/24/1998	147	RECEIPT for Government's trial exhibits and/or exhibit substitutes as to Gene D. Tatum and Nancy Tatum. (sak) (Entered: 08/24/1998)
08/31/1998	148	NOTICE of transfer within the U.S. Attorney's Office and NOTICE of Appearance for USA by Attorney Michael E. Runyon in place of Robert E. O'Neill. (sak) (Entered: 09/01/1998)
09/03/1998	149	RECEIPT with attached exhibit list for Defendant's trial exhibits and/or exhibit substitutes as to Nancy Tatum. Exhibits picked up by counsel, Daniel F. Daly. (sak) (Entered: 09/04/1998)
09/04/1998	150	CJA 20 Authorization to pay Kenneth S. Siegel for defendant Gene D. Tatum, Amount: \$457.94, Voucher #0837801. (Signed by Judge Henry L. Adams Jr.) (eec) (Entered: 09/04/1998)

08/11/2003 151 WARRANT (ARREST) returned executed as to Gene D. Tatum on 8/7/03. (jab) (Entered: 08/11/2003)

08/12/2003 152 MOTION by Nancy Tatum to be resentenced before the original trial judge. (jab) (Entered: 08/12/2003)

08/12/2003 153 NOTICE of attorney appearance for Nancy Tatum by William F. Jung. (jab) (Entered: 08/12/2003)

08/12/2003 -- ARREST of Nancy Tatum on 8/12/03. (jab) (Entered: 08/13/2003)

08/12/2003 154 INITIAL APPEARANCE held on 8/12/03 before Magistrate Judge Mark A. Pizzo as to Nancy Tatum. Tape: 74/985-2243. Defendant(s) informed of rights. (jab) (Entered: 08/13/2003)

08/12/2003 154 DETENTION HEARING held on 8/12/03 before Magistrate Judge Mark A. Pizzo as to Nancy Tatum. Tape: 74/985-2243 (jab) (Entered: 08/13/2003)

08/12/2003 155 NOTICE of bond security by Nancy Tatum. (jab) (Entered: 08/13/2003)

08/13/2003 156 WARRANT (ARREST) returned executed as to Nancy Tatum on 8/12/03. (jab) (Entered: 08/13/2003)

08/14/2003 157 ORDER granting [152-1] motion to be resentenced before the original trial judge as to Nancy Tatum (2) (Signed by Judge Henry L. Adams Jr.) ctc (jab) (Entered: 08/14/2003)

08/14/2003 158 APPEARANCE BOND (SURETY) for Nancy Tatum in the amount of \$ 350,000.00. (Signed by Magistrate Judge Mark A. Pizzo) (jab) (Entered: 08/14/2003)

08/14/2003 159 ORDER setting conditions of release as to Nancy Tatum Bond set to \$350,000.00 SURETY for Nancy Tatum. (Signed by Magistrate Judge Mark A. Pizzo) (jab) (Entered: 08/14/2003)

08/14/2003 160 AGREEMENT to forfeit property by Sandra K. Smith as to Nancy Tatum. Property: 518 Sugarloaf Dr., Macon, GA 31204. (jab) (Entered: 08/14/2003)

08/15/2003 161 RULE 40 documents as to Gene D. Tatum received from Southern District of Florida. Documents received: transmittal letter, copy of docket sheet, initial appearance minutes for probation violation, arrest warrant, order of detention. (jab) (Entered: 08/18/2003)

08/15/2003 -- ARREST of Gene D. Tatum in Southern District of Florida on 8/6/03. (RULE 40) (jab) (Entered: 08/18/2003)

08/15/2003 162 INITIAL APPEARANCE held on 8/6/03 as to Gene D. Tatum on probation violation. Defendant(s) informed of rights. (jab) (Entered: 08/18/2003)

08/18/2003 163 NOTICE of filing second Villari property deed by Nancy Tatum. (jab) (Entered: 08/18/2003)

08/18/2003 164 AGREEMENT to forfeit property by Joseph and Judy Villari as to Nancy Tatum. (jab) (Entered: 08/19/2003)

08/26/2003 165 ORDER setting sentencing for 2:00 11/14/03 for Gene D. Tatum and Nancy Tatum for Judge Henry L. Adams Jr. (Signed by Judge Henry L. Adams Jr.) ctc (jab) (Entered: 08/26/2003)

09/05/2003 166 NOTICE of willingness to travel by Nancy Tatum. (jab) (Entered: 09/05/2003)

09/18/2003 167 NOTICE of transfer of case from Michael Runyon, Esq. to Robert E. O'Neill by USA as to Gene D. Tatum, Nancy Tatum. (jab) (Entered: 09/19/2003)

10/23/2003 168 TRANSCRIPT as to Gene D. Tatum, Nancy Tatum of proceedings held on 07/21/98 before Judge Henry Lee Adams, Jr. Transcript filed separately. (jab) (Entered: 10/23/2003)

11/10/2003 169 SENTENCING MEMORANDUM by Nancy Tatum (jab) (Entered: 11/10/2003)

11/12/2003 170 SENTENCING MEMORANDUM by Nancy Tatum (jab) (Entered: 11/12/2003)

11/14/2003 171 SENTENCING held on 11/14/03 before Judge Henry L. Adams Jr., as to Gene D. Tatum (1) count(s) 1. 27 months imprisonment; 4 years supervised release all to run concurrently; \$100 special assessment RESENTENCING: Imprisonment: 14 months concurrent and consecutive with 99-cr-244; Supervised Release: 36 months concurrent and consecutive with 99-cr-244; Special Assessment: \$50.00; Fine: waived (HLA 11/14/03), as to Gene D. Tatum (1) count(s) 2. 27 months imprisonment; 4 years supervised release all to run concurrently; \$100 special assessment RESENTENCING: Imprisonment: 14 months concurrent and consecutive with 99-cr-244; Supervised release: 36 months concurrent and consecutive with 99-cr-244; Special Assessment: \$50.00; Fine: waived (HLA 11/14/03), Count(s) disposed: Gene D. Tatum (1) count(s) 3. Dismissed Count Three pursuant to Order dated 5/13/96. Court Reporter: Carol Jacobs (jab) (Entered: 11/18/2003)

11/14/2003 172 SENTENCING held on 11/14/03 before Judge Henry L. Adams Jr., as to Nancy Tatum (2) count(s) 1. 1 months imprisonment; 3 years supervised all to run concurrently; \$100 special assessment RESENTENCING: Imprisonment: 30 days concurrent (credit for time served); Special Assessment: \$50.00; Fine: waived (HLA 11/14/03), as to Nancy Tatum (2) count(s) 2. 1 months imprisonment; 3 years supervised all to run concurrently; \$100 special assessment RESENTENCING: Imprisonment: 30 days concurrent (credit for time served); Special Assessment: \$50.00; Fine: waived (HLA 11/14/03), Count(s) disposed: Nancy Tatum (2) count(s) 3. Dismissed Count Three pursuant to Order dated 5/13/96. Court Reporter: Carol Jacobs (jab) (Entered: 11/18/2003)

11/24/2003 173 JUDGMENT as to Gene D. Tatum (Signed by Judge Henry L. Adams Jr.) ctc (eec) (Entered: 11/25/2003)

11/24/2003 174 JUDGMENT as to Nancy Tatum (Signed by Judge Henry L. Adams Jr.) ctc (eec) (Entered: 11/25/2003)

12/02/2003 175 UNOPPOSED MOTION by Nancy Tatum (unopposed) to release bond obligation (surety). (jab) Modified on 12/02/2003 (Entered: 12/02/2003)

12/05/2003	176	ORDER granting [175-1] motion to release bond obligation (surety) as to Nancy Tatum (2). Sureties Joseph and Judy Villari and their pledged properties are released. (Signed by Judge Henry L. Adams Jr.) ctc (jab) (Entered: 12/05/2003)
12/10/2003	--	Original agreements to forfeit and copies of any and all related documentation regarding the property bond returned to sureties as to Nancy Tatum (sah) (Entered: 12/10/2003)
01/08/2004	177	CJA 20 voucher # 0837801-S authorizing payment of \$ 4826.67 to Kenneth S. Siegel for defendant Gene D. Tatum. (Signed by Judge Henry L. Adams Jr.) (jab) (Entered: 01/08/2004)
02/11/2004	178	RETURN of judgment executed as to Gene D. Tatum on 2/3/04 at FCC Coleman-Low. (jab) (Entered: 02/11/2004)
06/04/2004	179	MOTION by Gene D. Tatum for declaratory relief with respect to supervised release (rm) (Entered: 06/07/2004)
06/04/2004	180	MEMORANDUM by Gene D. Tatum in support of [179-1] motion for declaratory relief with respect to supervised release (rm) (Entered: 06/07/2004)
06/15/2004	181	ORDER that the U.S. Attorney's Office is directed to file a response to [179-1] motion for declaratory relief with respect to supervised release, within 10 days as to Gene D. Tatum (Signed by Judge James D. Whittemore) ctc (rm) (Entered: 06/16/2004)
06/25/2004	182	RESPONSE as to USA by USA re: [179-1] motion for declaratory relief with respect to supervised release. (eec) (Entered: 06/28/2004)
06/30/2004	183	ORDER granting [179-1] motion for declaratory relief with respect to supervised release as to Gene D. Tatum (1) (Signed by Judge James D. Whittemore) ctc (src) (Entered: 07/01/2004)

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