

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 JIMMY C. CHISUM,)
)
 Defendant.)

Case No. CR-05-043-WH

ORDER

Before the Court is (1) the motion of the defendant for findings of fact and conclusions of law on all motions deemed frivolous or dismissed and for certified decisions and (2) the defendant’s notice and demand for best proof in pre-sentencing report and sentencing hearing by affidavit.

Defendant has cited no authority supporting the first motion. Regarding the second motion, at the sentencing hearing this Court will provide this defendant (as it does all defendants) with due process and hold the government to its burden of proof. Defendant may object to testimony or evidence during the hearing, and the Court will rule on the objections. Defendant should be aware that the Federal Rules of Evidence are largely inapplicable to a sentencing hearing. *See* Rule 1101(d)(3) F.R.Evid. This does not mean, however, that the Court will consider testimony or exhibits which do not tend to prove matters pertinent to sentencing.

It is the Order of the Court that the motion of the defendant for findings of fact and conclusions of law (#93) and the defendant's notice and demand (#89) are hereby DENIED

ORDERED THIS 10th DAY OF MAY, 2006.

A handwritten signature in black ink, reading "Ronald A. White", written over a horizontal line.

Ronald A. White

United States District Judge

Eastern District of Oklahoma