

**Robin J. Cauthron**  
**Western District of Oklahoma**

*There are times when the guidelines do not result in fairness or equity. It is of concern to me any time someone with no criminal history can face exposure as high as Mr. Gaines does based on a first conviction.<sup>1</sup>*

**Appointed by:** President George H.W. Bush, 1991.

**Law School:** University of Oklahoma, 1977.

**Prior Legal Experience:** Law Clerk, Honorable Ralph G. Thompson, W.D. Oklahoma, 1977-81; Legal Services, 1981-82; Solo Practitioner, 1982-82.

**Prior Judicial Experience:** Oklahoma Special Judge 1983-86; U.S. Magistrate, W.D. Oklahoma, 1986-91.

**Background and Reputation in the Legal Community**

Before her legal career, Judge Cauthron taught middle school. As a lawyer, she first served as a clerk for a federal judge for three years and then practiced with Legal Services of Oklahoma and on her own. In 1983, she was appointed as a Special Judge in Oklahoma's 17<sup>th</sup> Judicial District. She moved to the federal system in 1986 with her appointment as a U.S. Magistrate. In 1991, she was elevated to the federal bench. As an attorney, Judge Cauthron was very active in the bar and she continued her institutional service on a variety of judicial committees.

Lawyers surveyed say that Judge Cauthron is smart and competent. Comments include that "[Her] her legal ability [is] very high." "She is as smart as a whip." "She is well-prepared on the law. You will not put anything over on her. She is a good judge." Others also note that "she has an excellent temperament but she brooks no nonsense." She is considered a good trial judge as well, with lawyers stating that "She will let you try your case. Most judges try to impose their will on the lawyers - she does not do that. She has some practical realism."

Civil lawyers generally consider Judge Cauthron to be fair and unbiased. "She has no leanings." "I haven't seen any bias. I am comfortable on either side before her." A few attorneys believe that in "in personal injury cases, she may be somewhat plaintiff-oriented." There is a division of opinion among the criminal defense bar. Some criminal defense lawyers believe that she is fair to defendants, although others feel that "she leans toward the government." "Typical comments here included: "I can't say that she has been unfair. She gives defendants a fair shake." "She is fair to the defendant. She will hold the government's feet to the fire." "She leans toward the government. That doesn't mean that you can't get a fair trial, but if all things are equal, she leans toward the government."

With regard to sentencing, most lawyers say she is fair. One lawyer wrote that "she is more likely to be receptive to the lower end of the guidelines," and that if "you give her a good reason she will depart downward." Another stated that "she does not like financial fraud - white collar fraud crimes by people who are fortunate already - greedy people. She tends to be harder on them. With that exception, she will go to the low end of the guidelines." Yet

another disagreed, arguing that “she will go to the high end of the guidelines for drug dealers especially.”

### William E. Gaines

**Charge:** Conspiracy to Distribute & Distribution of Crack Cocaine.  
**Sentence:** 292 months.  
**Projected Release Date:** December 1, 2015.

Even according to the government’s version of the offense, William Gaines was not a central figure in the Oklahoma City cocaine ring that led to his 292 month sentence. According to the government’s evidence, this conspiracy was first established around 1987 when Nick Owens began supplying his nephew, twenty year old Morris Johnson, with crack cocaine. In the summer of 1988, Owens added a second nephew, seventeen year old Timothy Johnson, to his operation. From this period forward until 1991, the government estimated that Owen’s two nephews distributed approximately \_ to two ounces of crack per week for Owens in Oklahoma City. Morris and Timothy also employed others to help them at the retail level as the operation grew.



By 1991, Nick Owens’ own addiction to cocaine grew out of control and he became unreliable. Therefore, Timothy Johnson turned to his half-brother, Kevin in Los Angeles, as his main supplier. Kevin in turn connected Timothy with Ramon Cartznes, who had a direct source in Mexico. Timothy also took over the import operation, employing a variety of people to transport powder cocaine personally, or through UPS, into Oklahoma. Under Timothy Johnson, the network grew and became quite organized. Timothy Johnson and his associates used multiple storage and distribution locations, hired specialized employees,<sup>2</sup> and utilized equipment such as walkie-talkies, binoculars, digital pagers, and cellular phones. The key figures also carried weapons.<sup>3</sup>

In the summer of 1992, Nick Owens resumed his involvement and personally traveled to California to obtain two kilos of cocaine. However, even as the operation continued to expand the seeds of its unraveling began with the arrest of two couriers in Arizona in September 1993. Government agents then conducted a series of controlled buys followed by search warrants and arrests. In May 1994, a twenty-nine count indictment against twelve individuals, including William, followed.

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The organization employed couriers and established set payments for individuals who facilitated transactions or helped to count the proceeds of drug sales.

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When Timothy Johnson’s house was searched after his arrest, the police found a stolen AK-47 automatic rifle, a stolen 380 automatic pistol, a Mossberg shotgun, 2 walkie-talkies, and a police scanner.

William was charged in only two counts; a broad conspiracy count and a distribution count. The government contended that William had two roles in the conspiracy, that of a “cook and cook trainer” and as a distributor. Specifically, the government presented testimonial evidence that in the summer of 1992, Nick Owens introduced the then 36-year old William (“Chill Will”) to Timothy Johnson in order for William to show Timothy how to cook powder cocaine into crack (which was what this group’s customers mostly wanted to purchase). While the process of “cooking” crack cocaine requires nothing more than correctly heating powder cocaine with baking soda and water, mistakes can be costly and so dealers prefer to have an experienced person perform the operation.<sup>4</sup> The government also audio-recorded two crack transactions involving William; including a February 25, 1994 purchase of 13.8 grams of crack from William alone and a March 1, 1994 purchase of 27.6 grams of crack from Timothy and William.<sup>5</sup>

After his arrest, William maintained his innocence. He admitted that he sold marijuana off and on to support his family, but denied being part of Timothy’s organization, or that he cooked crack or taught others to cook it. He also denied that it was his voice on the audiotape of the two recorded buys. In addition to the audiotapes, several co-conspirators testified against William at trial including Floyd Bush, Morris Johnson, and Charles Watson. The jury found William guilty.

In the PSI, the probation officer conservatively estimated that the total of the amount of crack cocaine that William helped Timothy Johnson distribute from May 1992 to February 1994 was 10.6 kilograms.<sup>6</sup> William’s Guideline Offense Level was then increased by two points for his false testimony at trial. Thus, even though he was sentenced as a first offender, his minimum Guideline sentence was 292 months because of the large quantity of crack.<sup>7</sup>

While extraordinarily lengthy on its face, William’s sentence seems even more disproportionate when compared to his more culpable co-defendants who cooperated and testified against William and others. For example, Ramon Cartznes, who had the Mexican connection that provided most of powder cocaine, cooperated and received only a 72 month sentence. Morris Johnson, who at least for a time was the number three person in the organization, was sentenced to 120 month. Floyd Bush and Charles Watson, who testified against William got 120 months, despite their acknowledged roles as steady distributors for the organization in Oklahoma City.<sup>8</sup> These disparities seem even more absurd given that

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The process of making crack cocaine can be easily found on the internet. *See* <http://www.a1b2c3.com/drugs/coc05.htm> (mix two parts cocaine hydrochloride (regular powder cocaine) to one part baking soda in 20 ml water. Heat solution gently until white precipitate forms, and stop heating when precipitation stops. Filter and keep precipitate. Wash precipitate once with water. Dry twenty-four hours under heat lamp.).

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The government asserted that it had information that William had been involved in the distribution of cocaine with the Johnsons since 1988.

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The government estimated that Timothy imported an average of \_ a kilo per month from the Mexican connection from 1991 until the operation was shut down in 1994.

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Based on an adjusted Offense Level of 40 and a Criminal History Category I, his Guideline range was 292 to 365 months.

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William obtained very little profit from the operation, as demonstrated by the fact that at the time of his arrest, he was holding down a job as a janitor which paid \$6.25 per hour.

At the sentencing hearing, Judge Cauthron recognized that the sentence seemed disproportionate to the offense and the offender, but she also asserted that there was nothing that she could do about it. She told William's defense attorney

. . . many of your arguments are valid ones in specific given cases. There are times when the [G]uidelines do not result in fairness or equity. It is of concern to me any time someone with no criminal history can face exposure as high as Mr. Gaines does based on a first conviction. But, in any event, the guidelines are the law and they have been found to be constitutional and the way to change them is through the political process. . . . I am committed by an oath of office to follow the law and the guidelines are the law.<sup>9</sup>

In reviewing William's life history, it is unclear from his background what led to his downfall. He reports that he grew up in a close-knit family with five brothers and two sisters and that his parents remained married until his mother's death. He did leave home at seventeen, but for a residence with his older brothers, and he was able to graduate from high school. In the years before this case, William was regularly, though not consistently employed in a series of low paying legitimate jobs ranging from construction, to cook, to the janitorial job he held from March 1993 until his arrest in August 1994. While he had several arrests for minor crimes over the years,<sup>10</sup> he had never been convicted of anything more serious than driving on a suspended license (although he willingly admitted that he sold marijuana occasionally to supplement his income).

William also had a fairly stable home life. In 1980, William married to Beverly Edwards with whom he has two children, William, Jr. and Shimmaka Gaines,<sup>11</sup> and he had custody of his children at the time of his arrest. Thus, while unclear, the answer may lie in William's weekly use of marijuana since the age of sixteen. Even after his arrest, he was unable to stop and his positive urine test resulted in the revocation of his bail where he remained during the pretrial period.

Regardless of the causes of his incarceration, William remains bitter about his trial. He complains that it was unfair for him to be tried alongside Nick Owens, Timothy Johnson, Kevin Johnson, and Chiquita Owens, all of whom are blood relatives to each other, as were many of the government's witnesses. As a result, he felt like an outsider at the defense table and that some of the witnesses implicated him in activities in which he did not participate to lessen the blame on his co-defendants.

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Three of those convicted along with William were given more severe sentences: Timothy Johnson, 410 months; Kevin Johnson, 292 months; and Nick Owens, 360 months.

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Sent. Tr. at 9.

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Arrests which resulted in dismissals or exonerations included possession and distribution of marijuana, receiving stolen property, and grand larceny.

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The couple separated in 1992. William also has a son Steven Moore, 18, who was attending Langston University when he was arrested.

*Compiled from Sentencing Transcript, Inmate letters, PSI, and PACER docket sheet.*