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Stan Sultemeier
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= national

Battalion/Page 12
November 19, 1982

Windfall tax ruling challenged

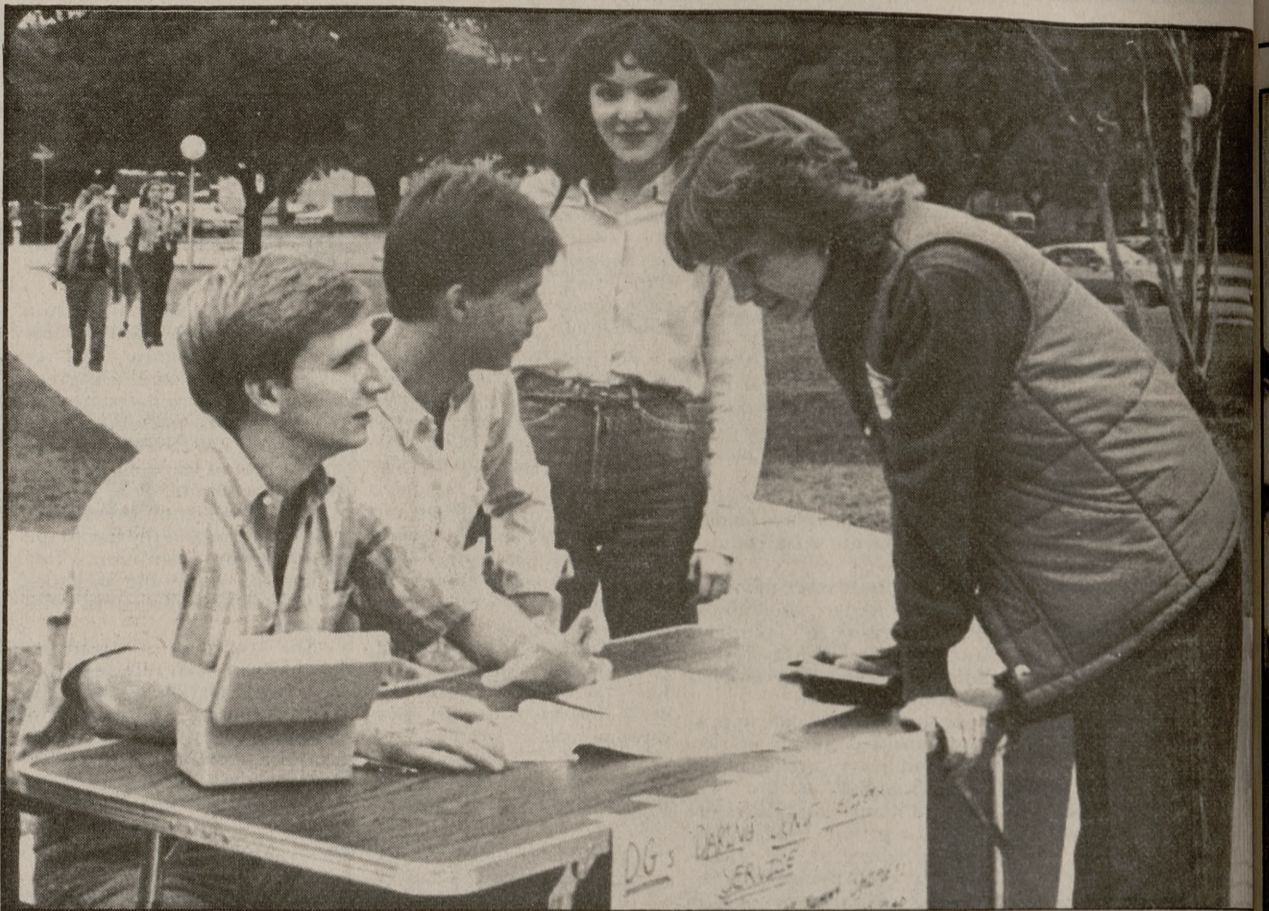
United Press International
WASHINGTON — The Justice Department announced Thursday it will ask the Supreme Court to set aside a ruling declaring the windfall oil profits tax unconstitutional.

In a brief statement filed with the U.S. District Court in Cheyenne, Wyo., the government said it will appeal the ruling by U.S. District Judge Ewing Kerr in the Supreme Court.

The government's action had been expected following Kerr's ruling Nov. 4 that the tax, imposed under the Carter administration, is invalid because it exempts Alaskan oil and thus is not applied uniformly to all states.

The Windfall Profit Act, signed by Carter on April 2, 1980, was expected to bring the government \$227 billion by the end of the decade.

In his 14-page ruling, Kerr said the Constitution requires that indirect taxes be applied uniformly. He said the tax ignored the requirement that "in each state where crude oil is found, the production and removal of that crude oil be subject to the tax and taxed at the same rate."



staff photo by Octavio Garcia

D-G Doughnuts delivers

Juniors Brent Kerns, left, and Bill Belton from Davis-Gary Hall offer doughnuts for weekend delivery. Denise Byington, a management freshman from Colorado, awaits her turn while Jennifer

Carr, a nuclear engineering sophomore from Lebanon, Mo., orders some doughnuts. The money collected will be used to put barbecue pits and picnic benches behind Davis-Gary.

Embezzler gets 20 years

United Press International
DES MOINES — A former stockbroker and admitted compulsive gambler, convicted of

embezzling nearly \$18 million from two banks, was sentenced Wednesday to 20 years in prison.

Gary Lewellyn, 34, made an emotional appeal to U.S. District Judge William C. Stuart before he was sentenced, saying "the grace of God" had helped him through his troubles and he planned to speak against gambling in the coming weeks.

He later said he hoped a federal appeals court would grant him a new trial.

Lewellyn's voice cracked as he paused occasionally to wipe his eyes and recounted his flight from Des Moines to Las Vegas last March 31 after a sophisticated stock manipulation scheme began to unravel.

"I realize I have created a wake of destruction to those people who I loved and who loved me — to my friends, to my family," he said. "And I couldn't face the disgrace of looking at those people."

After spending a few weeks in hiding, Lewellyn contacted his family.

"I had not slept, I had not rested. My total occupation when I was in the fantasy world of gambling, I couldn't rest because the thought of what was occurring back here haunted me," Lewellyn said, adding: "I

hadn't intended to hurt any of these people."

Moments after Stuart sentenced him, Lewellyn said he immediately filed an appeal. He said a federal appeals court would grant his request for a new trial. Stuart said stiff sentence was an effort to deter copy-cat offenders.

Lewellyn was sentenced to four consecutive five-year terms for conviction on 15 counts of fraud and embezzlement at lost banks in Humboldt and Ames nearly \$18 million. He will be eligible for parole in five years.

Attorneys for Lewellyn, who remains free on \$550,000 bond, immediately filed an appeal asking the conviction be overturned on the grounds Stuart should have allowed an insanity defense based on the former stockbroker's claim he is a pathological gambler.

Lewellyn lost some of the embezzled money while gambling in Las Vegas. He also spent the money in a stock manipulation scheme on Wall Street and to lavish gifts on a woman he described as his "pampered princess," Kathryn Barakat.

With his wife, Dana, and other family members with him, Lewellyn said, "We remain optimistic. We are hopeful the sentence will be reversed."

Lewellyn said he managed to "make some sense of this lunacy through the grace of God," (McNaughton) Gov. (Harold) Hughes and some people who had gone through similar disasters.

Defense attorneys said Hughes, a lifelong friend of Lewellyn's father, Clifford, had offered to act in a custodial capacity if Stuart granted Lewellyn probation.

Stuart noted that although Lewellyn was convicted of embezzling \$17.7 million from banks in Humboldt and Ames, the losses could exceed \$39 million.

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Time: 8:30, Sunday

Prizes: A trip to regional finals and other prizes

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For more information call:
Eric Leonard
696-0714

'The Jumpin' Ska Beat' of

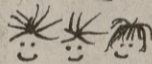
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When * Friday, Nov. 19
Time * 8:00 p.m.

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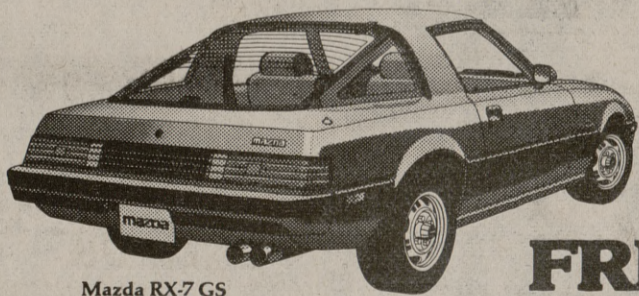
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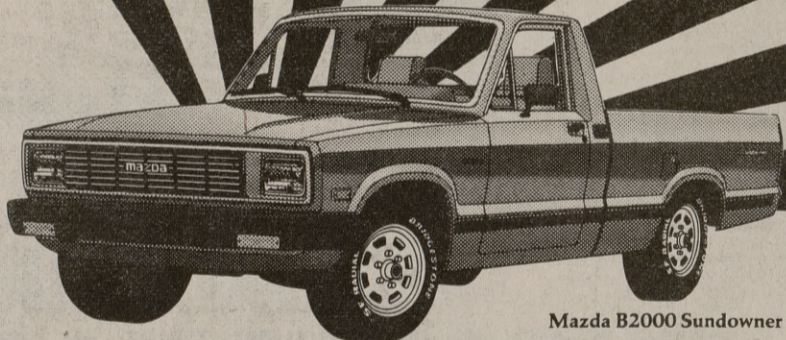
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Beautiful Savior Evangelical Lutheran Church services each Sunday at 7 p.m.; Bible Study at 8 p.m. Meeting at South Knoll School, off Southwest Pkwy. on Langford.