

Docket of The United States vs. John Lazia

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United States District Court
Docket 12287

Title of Case

The United States vs. John Lazia
Title 26, U.S.C.A. Sections 2146 (A) and 2146 (B)

Attorneys

For U.S.: Thomas J. Layson

For Defendant:

\$5,000.00 Surety Philip H. McCrary
3 cts. attempt to evade income tax

Abstract of Costs	Amount
Fine,	2500.00
Clerk,	15.00
Marshal,	51.24
Attorney,	20.00
Commissioner's Court	
Witnesses,	1107.21

Cash Received and Disbursed

Date	Name	Received	Disbursed
Month Day Year			
Feb 25 1934	Jerome Walsh appeal	5.00	
April 12 1934	U. S. Treasurer		5.00

Date	Proceedings
Month Day Year	
Sept. 16 1933	Indictment filed.
Sept. 16 1933	Bond fixed at \$5000.00
Dec. 9 1933	Application for motion for continuance
Dec. 9 1933	Motion for a fill of particulars.
Dec. 18 1933	Supplemental motion for bill of particulars.
Dec. 18 1933	Supplemental memorandum in support of motion for a bill of particulars.
Dec. 20 1933	Order on motion and supplemental motion for a bill of particulars.
Dec. 18 1933	Court orders consolidation of these cases for trial. Defendant appears, waives formal arraignment and enters plea of not guilty to all counts. This case consolidated for trial with #12028.
Dec. 20 1933	Application for resetting granted and the case set down for trial on Monday, Feb. 5, 1934.
Dec. 27 1933	Bill of particulars filed

Jan. 2 1934 Motion to quash information filed.
Plea in abatement filed.
Special demurrer to information filed.

Jan. 19 1934 Memorandum and order overruling plea in abatement motion to quash and special demurrer filed.

Jan. 20 1934 Motion to strike filed.

Jan. 23 1934 Defendant granted leave to amend motion to strike.
Motion to strike submitted and overruled and exceptions allowed defendant.

Feb. 5 1934 Case called Jury [MS. illegible] Testmony on behalf of Government presents Motion for directions & instructions to U. S. Attry filed. Order for impaneling of alternate jury filed

Feb. 5 1934 Case resumed & adjourned to continue Feb 7 at 9:30 am

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Feb. 7 1934 Case resumed & adjourned & called for Feb 8th am.

8 1934 Trial continued.

9 1934 Trial continued.

10 1934 Trial continued; government rests: Demurrers and motions for directed verdict filed.

Feb. 12 1934 Trial continued; defendant's demurrers and motions for directed verdict's heretofore filed, submitted and taken under advisement; overruled and exceptions allowed; defendant's motion to strike certain testimony is overruled and exception allowed. Opening statement made & testimony on behalf of defendant introduced, and not being emeluded postponed until meeting of Feb 13th.

Feb. 13 1934 Trial continued: Testimony on fact defendant; defendant rests; Rebuttal evidence on behalf of government introduced & government rests. Defend at files request for instruction to the jury in nature of request for directed verdicts as to the charge in each court of the information & indictment herein which are denied by the Court & exception allowed. Argument made & jury introduced by Court after which jury retires to consider their verdict. Account two verdict reached proceeding postponed until Feb 14 am.

Feb. 14 1934 This day comes parties herein also comes the jury; Jury retires to to further consideration of their verdicts. Jury returns into open Court its verdicts as follows. Verdicts filed.
On Subornation – find defendant guilty as charged herein
On Indictment – find defendant not guilty as charged in 1st Count herein
On Indictment – find defendant guilty as charged in 2nd Count herein
On Indictment – find defendant not guilty as charged in 3rd Count herein
Sentence is deferred at request of Defendants counsel for one week until 9:30am Wednesday Feb 21-1934; Defendant to beat liberty on present bond. Defendant request two weeks to fill motions for new trial. Requests granted: Jury Excused from further service at this call.

Feb. 21 1934 On application of defendant sentence herein is further deferred to

Wednesday February 28-1934.

Feb. 26 1934 Defendant through his Counsel files motion in arrest of Judgment also motion for a new trial.

Feb. 28 1934 The defendant in Court with Counsel, sentence having been heretofore deferred. Therefor the Court doth overrule the defendants motions in arrest of judgment and for a new trial. Exceptions allowed defendant. The defendant having heretofore been found guilty by a Jury, as charged in the second count of the indictment herein.
Sentence: 12 months in Gentry County Jail at Albany Missouri and a fine of \$2500.00. Present sentence herein is suspended, and defendant placed on probation for a period of five years; conditions among others, that the find of \$2500.00 be paid before the expiration of second year of period of probation.
Petition for appeal presented and allowed.
Supersede as bond in the sum of \$5000.00 in full of supersede as in this case and also in case 12028. Filed.
Petition for appeal filed. Order allowing appeal filed. Notice of appeal. Assignment of errors filed. Citation filed. Appel Bond filed. Statement of Court imposing sentence etc filed.

Apr. 2 1934 Order extending time of filing bill of exceptions, transcript etc in the 8 Circuit Court of Appeals to on or before May 15-1934- filed.

Apr. 9 1934 Motion to set aside order overruling motion for a new trial and for an order allowing the filing of a supplemental motion for a new trial with copy of said supplemental motion attached thereto. -Filed.

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April 14 1934 Defendant in Court with Counsel: Council files motion to set aside order allowing appeal. Motion for new trial submitted and over ruled.
Supplemental motion of defendant for new trial over ruled. Exception allowed defendant. Order to be drawn by Counsel.

April 16 1934 Order overruling supplemental order for new trial -Filed.

17 1934 Supplemental assignment of errors -Filed.

17 1934 Praeipce for transcript -filed.

17 1934 Election as to printing -filed.

April 25 1934 Transcript of portion of ruling of Judge Otis on defendants motion for bill of particulars -filed.

25 1934 Court's opinion on motion to strike from bill of particulars.

26 1934 Statement made by the Court when imposing audience -filed.

26 1934 Order that cross examination of witness Harry T. Riley shall be sit forth in full form in Bill of Exceptions upon the appel -Filed

May 2 1934 Hearing on motion to overrule the former ruling of the Court for new trial -Filed.

May 7 1934 Bill of exceptions in condensed and narrated form filed by Counsel

May 9 1934 Praeipce for transcript filed.

May 10 1934 Order extending time to file transcript in U.S. Circuit Court of Appeals for

the 8th Circuit Ct St Louis Mo. is grant to on or before the 1st day of June 1934 –Filed

May	10	1934	Opinion on Defendants motions for new trial, filed after orders overruling the original and amended motion in accordance with the Court's announcement at the time such orders were made –Filed.
June	6	1934	Transcript of evidence filed (sent to EE Koch ck [clerk] US CC of Apls [U. S. Circuit Court of Appeals])
Sept			
Sept	20	1934	Mandate from U.S. Circuit Court of Appeals received & filed. Judgement & sentence abated.
Oct	9	1934	Order setting aside judgment for costs and return of the bond to administration of the estate filed.