

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DIVISION
OF THE WESTERN DISTRICT OF MISSOURI.

United States of America, Plaintiff.

vs

Robert Emmet O'Malley, Defendant.

No. 14459 Criminal Indictment in two counts.

For violation U. S. C. Title 26, Section 145b.

JUDGMENT AND COMMITMENT.

On this 27th day of May, 1939, came the United States Attorney, and the defendant Robert Emmet O'Malley appearing in proper person, and by counsel and,

The defendant having been convicted on his plea of guilty of the offense charged in the indictment in the above entitled cause, to wit, evasion of income tax payment as charged in each of the two counts of the indictment, and the defendant having been now asked whether he has anything to say why judgment should not be pronounced against him, and no sufficient cause to the contrary being shown or appearing to the Court, IT IS BY THE COURT

ORDERED AND ADJUDGED that the defendant, upon the plea of guilty to Count I of the indictment, be committed to the custody of the Attorney General, to be confined in a federal penitentiary during a period of one (1) year and a day. The service of this sentence will begin on Monday, May 29, 1939.

IT IS FURTHER ORDERED AND ADJUDGED upon the plea of guilty to Count II of the indictment, that the defendant, Robert Emmet O'Malley, shall pay a fine of five thousand (\$5,000) dollars and that he shall be committed to the custody of the Attorney General to be confined in a federal penitentiary during a period of two (2) years.

Service of the sentence imposed in Count II is suspended and the defendant is placed on probation for a period of three (3) years which period of probation shall begin on the day when the defendant is released from actual institutional custody under the sentence imposed in connection with Count I.

The conditions of this probation, in addition to the usual conditions, are these;

1. The defendant will pay the fine imposed.
2. During the period of probation the defendant will obey all laws, national, state and municipal, to which he may be subject.
3. The defendant will promptly pay to the United States of America the full amount, with legal penalties, of all income taxes which have been or may be assessed against him for the two years referred to in this indictment, unless, before the period of probation begins, he already has paid such amounts; provided, however, that it will not be considered a violation of this condition, if the defendant pays less than the full amounts

assessed, through any concession or waiver made by the taxing authorities of the United States; and, provided, further, that probation will not be revoked for failure to comply with this condition if it shall be proved to the Court that the defendant is not financially able to comply with the condition and that he was not financially able to pay the taxes due on the date the indictment in this case was returned.

4. During the period of probation the defendant will report to the probation officers of this Court in such manner, concerning such matters, and at such times, as, under the supervision of the Court, they shall direct.

Said defendant shall be further imprisoned until payment of said fine, or until said defendant is otherwise discharged as provided by law.

IT IS FURTHER ORDERED that the Clerk deliver a copy of this judgment to the United States Marshal or other qualified officer and the same shall serve as the commitment herein.

Merrill E. Otis

United States District Judge.

Approved as to form:

Maurice M Milligan, United States District Attorney.

A True Copy. Certified this 29th day of May, 1939.

A. L. Arnold, Clerk

By Deputy

FILED MAY 27 1939

A. L. ARNOLD, Clerk,

By W.W. Caster, Deputy