

D. C. Form No. 61

District Court of the United States Western DISTRICT Missouri, Western DIVISION

United States v. Thomas J. Pendergast

No. 14567 Criminal Indictment in two counts for violation U. S. C.,

Title 26, Secs. 145 (b)

JUDGMENT AND COMMITMENT

On this 22nd day of May, 1939, came the United States Attorney, and the defendant Thomas J. Pendergast appearing in proper person, and with 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 willfully, unlawfully, knowingly and feloniously attempting to evade and defeat a large part of Federal income tax based on net income for the years 1935 and 1936, as charged in counts one and two, respectively, of the indictment herein, 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, having been found guilty of said offenses, is hereby committed to the custody of the Attorney General for imprisonment in an institution of the penitentiary type to be designated by the Attorney General or his authorized representative for the period of

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

Approved as to form:

Maurice M Milligan, United States Attorney.

(Signed) Merrill E Otis, Judge

A True Copy. Certified this day of (Signed) Clerk. (By) Deputy Clerk.

¹ Indictment or information. ² Insert "by counsel" or "having been asked whether he desired counsel assigned by the Court, replied that he did not," whichever is applicable.

⁸ Insert the words "his plea of guilty," "plea of nolo contendere," or "verdict of guilty," as

the case may be. ⁴ Name specific offense or offenses and specify counts upon which convicted. ⁵ Insert type of institution such as "jail," "training school," "reformatory," "penitentiary," or "special." If prisoner's circumstances require special type institution, Marshal should submit facts and recommendations of Court to Attorney General where regulations do not apply. ⁶ Insert sentence and any provision for payment of fine and state whether sentences are to run concurrently or consecutively and, if consecutively, when each term is to begin; that is, with reference to termination of preceding term, or with respect to any other outstanding or unserved sentence. ⁷ Strike out if Court did not so order. ⁸ Indicate any order with respect to suspension and probation. ⁸ Certified copy to accompany defendant to institution.

UNITED STATES v.

No. Criminal in counts for violation of U.S.C., Title, Secs.

RETURN

I have executed the within Judgment and Commitment as follows:

Defendant delivered on to

Defendant noted appeal on and release

Defendant's appeal determined on

Defendant surrendered on

Defendant delivered on July 18, 1938 to US. Prison at Leavenworth Kansas, the institution designated by the Attorney General, together with certified copy of the within Judgment and Commitment.

U. S. Marshal.

By, Deputy

FILED MAY 22 1939

A. L. ARNOLD, Clerk.

By W.W. Caster, Deputy

Count I

It is the sentence and Judgment of the court, upon the plea of guilty to Count I of the indictment, that the defendant, Thomas J. Pendergast, be committed to the custody of the Attorney General, to be confined in a federal penitentiary during a period of one year and three months.

It is the intention of the Court that this sentence shall be served, except as hereafter it may lawfully be modified either by the Federal Board of Paroles or by the Chief Magistrate. The sentence will not be modified by the Court.

The service of this sentence will begin on Monday, May 29, 1939.

Count II

It is the sentence and Judgment of the Court, upon the plea of guilty to Count II of the indictment, that the defendant, Thomas J. Pendergast, shall pay a fine of \$10,000.00 and that he shall be committed to the custody of the Attorney General, to be confined in a federal penitentiary during a period of three years.

Service of this sentence is suspended and the defendant is placed on probation for a period of five 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 to be 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.