

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

UNITED STATES OF AMERICA, Plaintiff,

vs

T. J. PENDERGAST, R. E. O'MALLEY, A. L. McCormack, Defendants.

No. 14,912.

DEMURRER OF DEFENDANT, T. J. PENDERGAST

Comes now defendant, T. J. Pendergast, and states that the indictment returned herein and the matters therein set forth are not sufficient in law to compel him to answer, in that:

(1) Said indictment does not sufficiently present a violation of any of the penal laws of the United States so as to apprise this defendant of the offense or offenses with which he stands charged.

(2) Said indictment is so indefinite, ambiguous, contradictory and uncertain that this defendant is unable to determine against what offense or offenses he is required to defend.

(3) Said indictment is duplicitous in that it attempts to combine two separate and distinct conspiracies in one indictment, the one, apparently, a conspiracy to procure a decree from a United States Court embodying a settlement dishonestly and corruptly made, and the other, apparently, to commit perjury before a United States Grand Jury.

(4) Said indictment does not allege facts sufficient to constitute a violation of the Penal Laws of the United States by this defendant.

(5) Said indictment shows upon its face that prosecution thereunder and thereupon is barred by the statute of limitations in such case made and provided.

(6) Said indictment fails to allege any violation of the Penal laws of the United States within the Western Judicial District of Missouri or within the Western Division of said District.

WHEREFORE, defendant T. J. Pendergast demurs to the indictment herein found, and prays that he be dismissed and discharged therefrom.

John G Madden

RR Brewster

Attorneys for Defendant, T. J. Pendergast.

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U. S. OF AMERICA, Pltf.,

vs

T. J. PENDERGAST, R. E. O'MALLEY, A. L. McCORMACK, Defts.

DEMURRER OF DEFT., T.J. PENDERGAST

Filed Nov. 18-1940

A. L. Arnold, Clerk

By HC Spaulding, DC

John G. Madden, R. R. Brewster, Attys for Deft. Pendergast.