

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.

MOTION OF DEFENDANT T. J. PENDERGAST TO QUASH PETIT JURY PANEL

Comes now the above named defendant, and moves the Court to quash the petit jury panel, drawn for the trial of this cause, under an order excluding therefrom residents of Jackson County, Missouri, for the following reasons:

(1). Section 277 of the Judicial Code (Title 28, U.S.C.A., Section 413), under which Section the order afore- said purported to be made, Is unconstitutional and in violation of the Sixth Amendment to the Constitution of the United States.

(2). Said order is invalid in that It was made without evidence in its support.

(3). Said order is invalid because made without notice to this defendant and without giving him an opportunity to be heard thereon, or to present evidence against the necessity therefor, or to present evidence as to the propriety or impropriety of making said order.

(4). Said order is not an order contemplated by the Section aforesaid or within its terms or purview.

(5). Said order is justified by no facts, constitutes an abuse of discretion, and denies to this defendant due process of law under the Constitution of the United States.

(6). Said order, so made without notice to this defendant, and without evidence upon which to base it, improperly and prejudicially singles out this defendant, denies him the equal protection of the laws guaranteed by the Constitution of the United States, and constitutes a denial of due process of law under the Constitution of the United States.

(7). Said order was illegally made without authority of law, and said panel was illegally drawn and is illegal.

WHEREFORE, this defendant prays that said panel be quashed as aforesaid.

RR Brewster

John G. Madden

Attorneys for Defendant, T. J. Pendergast.

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UNITED STATES OF AMERICA, Pltf.

vs

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

MOTION OF DEFENDANT T. J. PENDER GAST TO QUASH PETIT JURY PANEL
(Original)

R. R. Brewster,

John. G. Madden,

Attys for Deft. Pendergast.

Filed Nov. 18-1940

A. L. Arnold, Clerk

By HC Spaulding, DC