No. 69 - CR - 40

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES *vs.* Charles Marvin Spears and Lawrence Gonce, Jr.	*For U. S.:* Hubert H. Bryant *For Defendant:* Harold C. Harper (Spears)(Ct. Appt. 1929 E. 55th St. Tulsa, Okla. 74105 LU 4-2311(Ext.227 -Skelly) Larry L. Oliver (Gonce)(Ct.Appt Beacon Bldg. Tulsa, Okla. 74103

STATISTICAL RECORD	COSTS			DATE	RECEIPT NO.				
J.S. 2 mailed 4-30-69	Clerk								
J.S. 3 mailed 6-30-69	Marshal								
Violation transport in interstate commerce fire arms	Docket fee								
Title 18									
Sec. 922(g) and 922(e)									

DATE	PROCEEDINGS
4-2-69	Record vote of the Grand Jury, filed in open Court. b
4-2-69	Indictment, filed in open Court. b
4-2-69	Warrant for arrest of the defendant, Charles Marvin Spears, issued at the request of the U. S. Attorney. b
4-14-69	Petition for writ of habeas corpus ad prosequendum as to deft. Spears, filed. m
4-14-69	Order granting writ of habeas corpus ad prosequendum as to deft. Spears, filed. (AEB-J)m Writ issued.
4-14-69	Petition for writ of habeas corpus ad prosequendum as to deft. Gonce, filed. m
4-14-69	Order granting writ of habeas corpus ad prosequendum as to deft. Gonce, filed. (AEB-J) Writ issued. m
4-22-69	Defendants Charles Marvin Spears, and Lawrence Gonce, Jr. each present in person and represented. Defendants each arraigned, receive copies of Indictment, waive reading and defendant Spears enters pleas of NOT GUILTY as to Cts. 1 and 2 of the Indictment. Defendant Lawrence Gonce, Jr. enters pleas of NOT GUILTY as to Cts. 1 and 2 of the Indictment. Court allows defendants each 15 days in which to file motions and government 20 days to respond. Court allows defendants to remain in custody of this court until

DATE	PROCEEDINGS
	ruling on motions. (AEB-J)h
5-7-69	Application for Additional time in which to filed Motions, filed. js and Order Granted, 20 days additional to file Motions (AEB-J)filed. js
5-26-69	Motion to dismiss; motion for bill of particulars, filed. m(as to each deft.)
5-26-69	Brief in support of motion to dismiss and for fill of particulars, filed.m
5-26-69	Motion for severance of defendants, filed. m (as to deft. Gonce)
5-26-69	Brief in support of deft. Gonce's motion for severance, filed. m
5-26-69	Defendants' motion to suppress confession and evidence, filed. m
5-26-69	Affidavit in support of motion to suppress confession and evidence, filed. m
5-26-69	Brief in support of motion for suppression of evidence, filed. m
6-10-69	Response To Motion ForServerance By Defendants, filed. js
6-10-69	Response In Opposition To Motion To Suppress, filed. js
6-10-69	Response To Defendants Motion to Dismiss and Motion For Bill of Particulars, filed. js
6-13-69	Case set for Jury Trial on Monday, 6-23-69 at 9:30 A M (AEB-J)h
6-19-69	Defendants, Charles Marvin Spears and Lawrence Gonce, Jr., present in person and each represented. Defendant Charles Marvin Spears withdraws plea of Not Guilty as to Ct. 1, and enters plea of GUILTY to Ct. 1. Based on recommendation of the government, court dismissed Ct. 2, and Ct. 2 dismissed, and the defendant Spear adjudged GUILTY as charged in Ct. 1 of the Indictment. Defendant Lawrence Gonce, Jr. withdraws his plea of Not Guilty as to Ct. 1 and enters a plea of GUILTY as to Ct. 1. Based on recommendation of the government, the court dismissed Ct. 2 and defendant Gonce adjudged GUILTY as charged in Ct. 1 of the Indictment. Judgment and Sentence- Charles Marvin Spears (35) Ct.1A Atty. Gen. for a period of Forty Two (42) months and on the condition that the defendant be confined in a jail type or treatment institution for a period of Six (6) months, the execution of the remainder of the sentence of imprisonment suspended and the defendant placed on probation for a period of 36 months. (Ct. recommends that the Atty Gen. designate the Arkansas State Prison as the institution in which defendant serve his federal sentence so long as he is incarcerated by the State of Arkansas.(It is the intent of this court that this sentence run concurrently with that part of the Arkansas State Sentence) Judgment and Sentence-Lawrence Gonce, Jr. (30) Ct. 1- Atty Gen for a period of Forty Two (42) months and on the condition that the defendant be confined in a jail type or treatment institution for a period of Six (6) months, the execution of the remainder of the sentence of imprisonment suspended and the defendant placed on probation for a period of 36 months. (Ct. Recommends that the Atty Gen. designate the Arkansas State Prison as the institution in which defendant serve his federal sentence so long as he is incarcerated by the State of Arkansas. (It is the intent of this court that this sentence run concurrently with that part of the Arkansas State Sentence. IT IS FURTHER adjudged that this case is stricken from jury docket of 6-23-69. (Allen E. Barrow-Judge)h
6-19-69	Order of J&C as to defendant Charles Marvin Spears filed and entered.(AEB-J)h
6-19-69	Two c.c. of above delivered to USM and Prob. Office. h
6-19-69	Order of J&C as to defendant Lawrence Gonce, Jr. filed and entered. (AEB-J)h
6-19-69	Two c.c. of above delivered to USM and Prob. Office. h

DATE	PROCEEDINGS
6-27-69	Return on subpoenas to testify, filed. Served R. T. Rogers, Lucille Johnson, and Lee Owens. $38.56. Unserved as to Buster Jerry Ingram and Lonnie G. Mitchell. ds
7-15-69	Return on writ of habeas corpus ad prosequendum, filed. Executed by taking Charles Marvin Spears into custody at Tulsa Co. jail, Tulsa, Oklahoma, and returning him to the warden of the Arkansas State Penitentiary, at Verner, Ark. on 7-3-69. ds
7-15-69	Return on writ of habeas corpus ad prosequendum, filed. Executed by taking Lawrence Gonce, Jr. into custody at Tulsa Co. jail, Tulsa, Oklahoma, and returning him to the warden of the Arkansas State Penitentiary at Verner, Ark. on 7-3-69. ds
7-30-69	**Return on warrant for arrest of defendant, Lawrence Gonce, Jr. filed. Unexecuted - commitment received covering sentence of 6 mos. to serve and 36 months on probation on this charge. Ark. State Pen. designated as place of service of 6 mos. sentence. ds**
7-30-69	**Return on warrant for arrest of defendant, Charles Marvin Spears filed. Unexecuted on 7-7-69, commitment received covering sentence of 6 mos. and 36 months on probation on this charge. Ark. State Pen. designated as place of service of 6 months sentence. ds**
12-5-69	Return on service of ~~xxxx~~ J&C filed. Executed by taking defendant Lawrence Gonce, Jr. and delivering to Ark. State Pen at Grady, Ark. on June 19, 1969. h
8-28-73	Return on J&C, filed. Delivered Deft. Spears to Ark. State Pen. at Grady, Ark., on 6-19-69. v

DATE	PROCEEDINGS