72-CR-87

CRIMINAL DOCKET
UNITED STATES DISTRICT COURT

transferred to Daugherty

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES *vs.* JAMES E. SEASHOLTZ	*For U. S.:* Nathan G. Graham (Home) 417-869-2643 *For Defendant:* Pro Se ~~J. R. Hall (Ret.)~~ ~~28 A St., N.E.~~ ~~Miami, Oklahoma~~ Lawrence A. McSoud (Appt) Center office Bldg. 582-9121

STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 2 mailed 5-31-72	Clerk			5-9-72	Seasholtz	500	00		
J.S. 3 mailed 8-31-72	Marshal								
Violation Fraud & false statements	Docket fee								
Title 18									
Sec. 1001									
(3 Counts)									

DATE	PROCEEDINGS
5-3-72	Indictment, filed in open court. hm
5-3-72	Record vote of the grand jury, filed in open court. hm
5-9-72	Motionfor dismissal of indictment, etc., filed. rm
5-9-72	Deft. appears in person and is rep. by Ray Wilburn standing in for J.R. Hall, Ret. Govt. rep. by Jack Short. Deft. acknowledges receipt of the Indictment and waives the reading of it. Deft. is advised of charge, is Arraigned, and enters a plea of NOT GUILTY, as to Counts 1, 2, and 3. Deft. is given 10 days to file motions; and the case is set for Jury Docket of May 22, 1972, at 9:30 A.M. Bond is set in the amount of $5,000.00, Deft. is allowed to make 10% bond. Deft. is permitted to travel in the N.D. of Okla. and Springfield, Mo. (AEB-J)v
5-16-72	Motion for dismissal of indictment with prejudice, only, and amending the previous motion to dismiss, filed. ds
5-16-72	Motion to join collateral lawsuit intimately related to the said crimin lawsuit at bar, filed. ds
5-16-72	Motion to dismiss with prejudice for special reasons, filed. ds
5-16-72	Motion to produce, filed. ds
5-9-72	Appearance bond of the deft. in the amt. of $5,000 (10% cash), filed.hm
5-9-72	Order specifying methods & conditions of release, filed. hm

DATE	PROCEEDINGS
5-18-72	Defendant's motion for discovery and to set pretrial conference, filed. ds
5-18-72	Defedndant's motion for assistance in preparation of defense, filed. ds
5-19-72	Ordered that Magistrate conduct hearing on deft's motion to discover & to set pre-trial conference, motion for assistance in preparation of defense, motion to produce & motion to join collateral lawsuit intimately related to said criminal lawsuit at bar. (AEB-J)hm
5-19-72	Hearing held on above motions. Motion for discovery & to set PT conference sustained; motion for assistance in preparation of defense denied; motion to produce overruled and motion to join, etc., overruled. (MLB-Mag)hm
5-22-72	Special motion of def. to dismiss indictment and charges and correct sentence and judgment tomisdemeanor, and affidavit of financial need and paupers oath, and certain other oaths, filed. rm - copy to Dene
5-22-72	Appl to Proceed w/o prepayment of costs, affidavit in support with Order of Court permitting deft to proceed w/o prepayment of fees, filed. (AEB-J)r
5-22-72	It is ordered that this case is transferred to Judge Fred Daugherty for trial. (AEB-J)h
5-22-72	Deft present in person w/ ct. appt. counsel, Larry McSoud; Govt rep by Nahtan Graham. Govt announce Not Ready. Deft request that case be stricken from this jury docket until next term. Court directs deft to draw up Motion to Continue. Deft given 10 day to file or withdrawn any motion; Govt granted 5 days thereafter to respond. Case referred to Probation Office, for Pre-Sentence Report. Bond to Continue. (FD-J)r
5-19-72	Minute Order: Ordered that J. R. Hall, retained counsel for def., may withdraw as counsel for said defendant, and that the Court appoints Larry McSoud as court appointed counsel for def. (AEB-J) rm - parties notified.
5-22-72	Return on thirteen (13) subpoenas to testify, filed. rm
5-22-72	Return on three (3) subpoenas to produce document, filed. rm
5-24-72	Findings and Recommendations of Magistrate, filed. (MLB-Mag) r Mailed w/order
5-24-72	Motion of def. and brief to strike from present jury docket, filed. rm Copy to judge
5-25-72	Copy of letter dated 5-24-72 from J. D. to Lawrence McSoud requesting that deft execute the Affidavit of Financial Status, filed. r
5-26-72	Order on Motion of deft, the Pltf having no obj, the case is stricken from its assignment on the Jury Docket on May 22, 1972, to be reset, filed. (FD-J)r (Copies mailed)
5-30-72	Motion of the Pltf., U.S.A., For Leave to File Amendment to Indictment, with Brief in Support as a part of the pleading, filed. v copy to Dene
6-2-72	Subpoenae, ret. & filed: served S. N. Koronis, Anna Mae Adams & Ernest C. Kieswetter; Margie Shoemaker returned unserved. g
6-6-72	Motion of def. for leave for order allowing def. add. time to ans. mo. of govt. w/brief in support thereof, filed. rm
6-7-72	Copy of letter dated 6-6-72 from J. D. to Larry McSoud, stating it is desired that Deft. respond to Motion for Leave to file Amendment to Indictment within 10 days (6-16-72) filed. r
6-13-72	Order, filed, that deft. is granted until 6-15-72 to respond to pltf's mot. for leave to file amendment to indictment & to file pre-trial motions. (FD-J)hm (copies mailed)
6-16-72	Motion for Discovery and Inspection, filed. r
6-16-72	Brief in support of Motion for Discovery and Inspection, filed. r
6-16-72	Motion for Statements of Witnesses w/Brief in support, filed. r
6-16-72	Motion for Bill of Particulars, filed. r
6-16-72	Affid. in support of Motion of Bill of Particulars, filed. r

(OVER)

D. C. 109 A
CRIMINAL DOCKET

DATE	PROCEEDINGS
6-16-72	Brief of Deft in support of Mot for Bill of Particulars, filed. r
6-19-72	Deft's Motion for Leave of Court to withdraw prior motions filed herein by deft personally and in his own behalf and to substitute therefore, Motions filed herein by Court Appointed Counsel w/ BRIEF in support. Filed. r Mailed
6-20-72	Copy of letter dated 6-19-72 from J. D. to Mr. Graham, stating it is desired that Pltf respond to Motion for Discovery & Insp., Motion for Statements of witnesses and Motion for Bill of Particulars, within 10 days (6-29-72), filed. r
6-22-72	Order filed, granting Deft's Motion for Leave of Court to withdraw prior Motions filed by the deft personnally, and to substitute therefore, Motions filed herein by Court Appointed Counsel w/Brief. Filed. (FD-J)r (copies Mailed)
6-26-72	Response of pltf. to motions of def. for statements of witnesses, for discovery and inspection, for bill of particulars, and for leave to withdraw pro se motions, filed. rm
7-7-72	Order filed. Deft's Mot for Discovery & Insp is granted w/respect to production of books, papers, etc. tending to support the allegations of indict., which Govt has agreed to produce, w/respect to handwriting analyses & reports relating and w/respect to exculpatory evidence which Govt may have in its possession. Defts Mot for Discovery & Inspection is denied in all other respects. Defts MOTION FOR STATEMENTS OF WITNESSES and MOTION FOR BILL OF PARTICULARS are denied. Filed. (FD-J)r (copies mailed)
7-12-72	Def.'s response in opposition to Govt.'s motion for leave to file amendment to indictment, w/brief, filed. rm
7-13-72	Case set for Jury Trial on August 21, 1972. (FD-J)r
7-18-72	Order filed, granting Pltf's Motion for Leave to file Amendment to Indictmen Filed. (FD-J)r (copies mailed)
8-16-72	Motion for leave of court to withdraw prior motions filed herein by the deft. personally and in his own behalf and to substitute therefore, motions filed herein by court appointed counsel, with brief, filed. (Same motion that was filed 6-19-72, except this has signature of deft.)hm Copy to FD
8-16-72	Motion for dismissal of indictment for reason of violation of U.S. Constitutional amendment VI which secures the deft's right to a speedy trial, & a fair & impartial trial, etc., filed. (same as motion filed 5-9-72)hm Copy to
8-16-72	Ordered by the Court that deft. is allowed to file the above motion for dismissal out of time & U.S. atty. directed to file response to said motion by 8-18-72. (FD-J)hm
8-17-72	Deft's application for order of Court to issue subpoenas for witnesses in behalf of the deft. for trial without cost to deft., filed. hm Copy to FD
8-17-72	Response to motion for dismissal of indictment, filed. hm Copy to FD
8-21-72	Order, filed, that application of deft. for order of court to issue subpoenas for witnesses in behalf of the deft. for trial without cost to deft. is denied. (FD-J)hm (copies delivered)
8-21-72	Order, filed, that deft's motion for dismissal of indictment is overruled. (FD-J)hm (copies delivered)
8-21-72	Order, filed, granting deft's motion for leave of court to withdraw prior motions filekd herein by deft personally & in his own behalf & to substitute therefore motions filed herein by Ct. Appt. counsel. (FD-J)hm (copies delivered)
8-21-72	Amendment to Indictment, filed. rm

over

DATE	PROCEEDINGS
8-21-72	Case called for jury trial. Deft. present & represented; govt. represented. Parties announce ready for trial. At conclusion of plaintiff's case, deft. moves for directed verdict of acquittal and for dismissal of indictment & motion is sustained as to Cts. 1, 2 & 3. Court orders bond exonerated. (FD-J)hm Jury discharged 9:30 AM,8-22-72.
8-21-72	Trial exhibits, filed. hm
8-21-72	Order, filed and entered, that deft's motion for judgment of acquittal and for dismissal of the indictment as to Cts. 1,2&3 is hereby sustained; and that bond of deft. is exonerated. (FD-J)hm (copies mailed)
8-22-72	Order exonerating bond in amt. of $500 to def. (FD-J)rm - copies to parties
10-12-72	Return on eleven subpoenas to testify for plaintiff, served on August 15, 1972, filed. ds
10-12-72	Return on six subpoenas to produce documents for plaintiff, served on August 15, 1972, filed. ds
7-30-73	Motion for records, finger prints and records concerning the above-styled case to be expunged, filed. (with brief)hm
9-10-73	Letter dated this date from Judge Daugherty to U.S. Atty. directing him to file reponse to motion for records, finger prints and records concerning the above-styled case to be expunged within 10 days & that if the motion is opposed, response should be accompanied by a brief. (FD-J)hm
9-11-73	Response and Brief in Opposition to Motion to Expunge, filed. jj Mailed
9-13-73	Motion for leave of Court to Reply to Pltf's Response and Brief in opposition to Motion to Expunge w/Brief, filed. by the deft. filed. r
9-17-73	Ordered by the Court that leave is granted the deft to file "Brief & Reply by Deft" to Pltf's Response & brief in opposition to Motion to Expunge. (FD-J)r Parties notified by letter.
11-2-73	Minute order: Ordered that defendant is ordered to file requested Reply(brief) on or before November 15, 1973. (FD-J)rm - ltr written
11-14-73	Reply of def., filed. rm file to J.
3-28-74	Order, filed, that the Court declines to grant Deft's request to expunge his fingerprints, pictures & records everywhere such materials were produced or disseminated. (FD-J)v -copies mailed.

Form AO 104

UNITED STATES MAGISTRATE

NORTHERN DISTRICT OF OKLAHOMA

RECORD OF PROCEEDINGS—MISCELLANEOUS

BEFORE MORRIS L. BRADFORD (Name of Magistrate) U. S. Court House, Tulsa, Oklahoma (Address)

This form should be used to record proceedings for which Forms AO 100 and AO 101 are not adapted, such as applications for search warrants, extradition proceedings, depositions in civil cases, proceedings for the release of poor convicts, references in civil or admiralty cases, attachments and subsequent hearings in internal revenue matters, proceedings to settle or certify nonpayment of seamens wages, civil rights proceedings, detentions of witnesses on removal proceedings in connection with criminal proceedings, if not included in Form AO 100, etc. A separate page should be used for each proceeding, showing the title of the case, its nature, and the date and nature of each step taken.

Magistrate's Docket No. 1, Case No. 311

UNITED STATES OF AMERICA

vs.

JAMES E. SEASHOLTZ

INDICTMENT - 72-CR-87

(Nature of proceeding)

DATE	ACTION
5/9/72	Defendant was ordered by Judge Allen E. Barrow to appear before the Magistrate for the purpose of posting $5,000 10% cash bond. Upon execution of bond in said amount, defendant was released from custody.

DATE	

Certified to be a correct transcript of Docket Entries.

Dated May 9, 19 72

United States Magistrate

FPI M:—2-12-71-50M-5933