

UNITED STATES DISTRICT COURT - CRIMINAL DOCKET

Felony ☒ JUDGE/
Minor Offense ☐ MAGISTRATE
Other Misdemeanor ☐

Assigned Trial
8509
1085 4
District Office
Disp./Sentence
2-12-76

U. S. vs. WHITTEN, JAMES MERCER
1100 E. Township Rd.
Fayetteville, Ark. 72701
PH: 501-521-5542
defendant

Case Filed
Day Mo. Yr. Docket No. Def.
11 11 75-CR-159 - 1
No. of 1
Defdnts

CHARGES

U. S. CODE SECTION
18:1014

OFFENSES
False Statement on Financial Statement

COUNTS
5

(\$5,000 &/or 2 Yrs.)

U.S. Attorney or Asst.:
Ben F. Baker, Asst.

Defense: ☐ CJA, ☒ Ret; ☐ Waived, ☐ Self, ☐ None ☐ Other, ☐ PD, ☐ CD
Phillip Breckinridge
500 West 7th
Tulsa, OK 74119 582-5141

MAGR. CASE NO. ☐
BAIL • RELEASE
☐ Personal Recog.
Denied ☐ Unsecured Bond
AMT ☐ Conditional Release
Set (000) ☐ 10% Deposit
\$ 5 ☒ Surety Bond
11-11-75 ☐ Collateral
☐ Bail Not Made
☐ Bail Status Changed
(See Docket) ☐ 3rd Party Custody
☐ PSA

ATTORNEYS

II. KEY INTERVALS & DATES

ARREST	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
12-1-75 U.S. Custody Began on Above Charges	11-11-75 Information <input type="checkbox"/> Waived <input type="checkbox"/> Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	12-10-75 1st Plea 12-10-75 Final Plea 2-12-76 Trial Set For <input checked="" type="checkbox"/> Not Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Not Guilty <input type="checkbox"/> Nolo <input checked="" type="checkbox"/> Guilty lesser offense	Voir Dire <input type="checkbox"/> Trial Began <input type="checkbox"/> J <input type="checkbox"/> N Trial Ended	Disposition 2-12-76 <input checked="" type="checkbox"/> Convicted <input checked="" type="checkbox"/> On All Charges <input type="checkbox"/> Acquitted <input type="checkbox"/> On Lesser* Offense(s) <input type="checkbox"/> Dismissed: <input type="checkbox"/> WOP; <input type="checkbox"/> WP* <input type="checkbox"/> Noll'd/Discontinued*

III. MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/No.	INITIAL APPEARANCE	INITIAL/No.	OUTCOME
Summons	Return			PRELIMINARY EXAMINATION OR REMOVAL HEARING <input type="checkbox"/> Waived <input type="checkbox"/> Not Waived <input type="checkbox"/> Intervening Indictment		BOND <input type="checkbox"/> Exonerated <input type="checkbox"/> To Transfer District <input type="checkbox"/> Held for District GJ <input type="checkbox"/> Held to Answer to U. S. District Court AT: Magistrate's Initials
	Served					
Arrest Warrant				Tape No.	INITIAL/No.	
COMPLAINT						
OFFENSE (In Complaint)						

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

* Show last names and suffix numbers of other defendants on same indictment/information

-1975-

DATE	PROCEEDINGS
11-11	Record vote of the Grand Jury Concurring, fld in Open Ct. v
11-11	Indictment filed in Open Court. Bond set at \$5,000, C/S. v
11-12	Warrant issued. v
12-3-75	Appearance Bond in Amt. of \$5,000 (surety), filed. b
12-3-75	MO: Case set for arraignment & plea on 12-10-75, at 10:00 A.M. (AEB-J) b nts mld
12-9-75	Return on warrant for arrest, filed. Deft. arrested on 12-1-75, in Western District of Ark. b
12-10-75	Case called for arraignment. Deft. present & represented. Govt. represented. Deft. acknow. receipt of indict. & is advised of charge. Deft. arraigned & enters plea of NOT GUILTY to Cts. 1 thru 5. Case set for jury trial on 1-12-76, at 9:30 A.M. Deft. given 10 days to file motions & Govt. 5 days to respond. Deft. to remain on present bond and allowed to travel in Western Ark. & Eastern Ok. for business only. (AEB-J) b
12-23-75	MO: Case set for jury trial on 1-12-76, 9:30 A.M. (AEB-J) nts. mld. b
12-30-75	MO: Case set for change of plea on 1-7-76, at 9:30 A.M. (AEB-J) b nts mld

V. Excludable Delay

(a)	(b)	(c)	(d)
2	11-11-75	M	
2	12-1-75	M	2

DATE	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1-7-76	Case called for change of plea. Deft. present & represented. Govt. represented. Deft. waives jury; waiver signed & filed in open court. Case stricken from jury docket, to be re-set at later date for N/J trial. Deft. to remain on present bond.(AEB-J)b				
2-11	MO: Case set for change of plea on 2-12-76, at 10:00 A.M.(AEB-J)b nts by phone				
2-12	Case called for change of plea. Deft. present & represented. Govt. represented. Deft. placed under oath & w/draws plea of Not Guilty to Cts. 1-5 & enters plea of GUILTY to a lesser included offense in Cts. 1-5. Felony counts dismissed & Deft. adjudged GUILTY AS charged to Cts. 1-5, as to misdemeanors pursuant to T. 18, US.C. 1018. Deft. waives pre-sentence report. Deft. & co. asked if they have anything to say before sentence is pronounced. Judgment & Sentence - James Mercer Whitten Ct. 1 - Impos. of sent. suspended & Deft. placed on probation for period of forty (40) months. Deft. to pay back \$1,939.25 w/in 36 months. Ct. 2-5-Impos. of sent. suspended & Deft. placed on probation for period of forty (40) months, to run concurrently w/sent. imposed in Ct. 1, as to each Ct. 1 thru 5. Bond exonerated.(AEB-J)b				
2-12	Judgment & Order of Probation, filed & entered.(AEB-J)				
2-12	Two c/c of J & O of P to probation. b				
11-8	Report and Order Terminating Probation Prior to Original Expiration Date, filed. (AEB-J)v -cps. mld.				

LETTER CODES

For Identifying Periods of Excludable Delay Per 18 U.S.C. 3161(h)

A. Examination or hearing for mental or physical incapacity (18 U.S.C. 4244).

B. NARA Examination (28 U.S.C. 2902).

C. State or Federal trials on other charges.

D. Interlocutory Appeals.

E. Hearings on pretrial motions.

F. Transfers from other districts (per F.R.Cr.P. Rules 20, 21 & 40).

G. Defendant Motion is actually under advisement. Period of up to 30 days is excludable per 3161(h)(1)(G).

H. Miscellaneous Proceedings: Probation or Parole revocation, Deportation, Extradition.

I. Prosecution deferred by mutual agreement.

M. Unavailability of defendant or essential witness.

N. Period of mental or physical incompetence of defendant to stand trial.

O. Period of NARA Commitment or Treatment.

P. Superseding Indictment and/or new charges.

R. Defendant awaiting trial of Co-defendant when no severance has been granted.

T. Continuances Granted per 3161(h)(8) (i.e. ends of justice or complexity of case outweighs defendant's interests).

U. Time between guilty plea and plea withdrawal.

V. Time while moving prisoners from state institutions per transfer/detainer procedure.

W. Grand Jury indictment extended per 3161 (b).

Y. Any delay excluded by court order for reasons not included above.

(a) Interval (per Section II)

(b) Start Date End Date

(c) Ltr. Code

(d) Total Days