

Felony ☒ JUDGE/Assigned Trial
 Minor Offense ☐ MAGISTRATE 8509
 Other Misdemeanor ☐ 1085 4 Disp./Sentence
 District Office 9-23-76

U. S. vs. FRAZEE, MARVIN DALE (28)

Case Filed Yr. | Docket No. | Def.
 Day, Mo. 12 12 75-CR-177 - 1
 No. of 1 *
 Defdnts

I. CHARGES

U. S. CODE SECTION
18:2113(a)

OFFENSES
 Attempted Robbery of Fed. Savings & Loan Assoc.
 (\$5,000 &/or 20 Yrs.)

COUNTS
1

MAGR. CASE NO.

BAIL • RELEASE

☐ Personal Recog.
☐ Denied ☐ Unsecured Bond
☐ AMT ☐ Conditional Release
 Set (000) \$ 50 ☐ 10% Deposit
 12-12-75 ☐ Surety Bond
 date ☐ Collateral
☒ Bail Not Made ☐ 3rd Party Custody
☐ Bail Status Changed ☐ PSA
 (See Docket) ☒ Cash

ATTORNEYS

U.S. Attorney or Asst.
Hubert H. Bryant, Asst.

Defense: ☒ CJA, ☐ Ret: ☐ Waived, ☐ Self, ☐ None ☐ Other, ☐ PD, ☐ LCD
 Phil Frazier
 1424 Terrace Dr.
 Tulsa, Ok 74104 939-2445

II. KEY INTERVALS & DATES

ARREST	INDICTMENT	ARRAIGNMENT	TRIAL	SENTENCE
5-3-76 or U.S. Custody Began on Above Charges	12-12-75 Information <input type="checkbox"/> High Risk Defn. & Date Design'd <input type="checkbox"/> Waived <input type="checkbox"/> Superseding <input type="checkbox"/> Indict/Info <input type="checkbox"/>	5-14-76 1st Plea 5-14-76 Final Plea	Trial Set For Voor Dire <input type="checkbox"/> Trial Began <input type="checkbox"/> J Trial Ended <input type="checkbox"/> N Not Guilty <input checked="" type="checkbox"/> Nolo <input type="checkbox"/> Guilty <input type="checkbox"/> Not Guilty <input type="checkbox"/> Nolo <input type="checkbox"/> Guilty <input type="checkbox"/>	Disposition 9-23-76 Dismissed 9-23-76 Convicted <input type="checkbox"/> Acquitted <input type="checkbox"/> Dismissed: <input checked="" type="checkbox"/> Nolled/Discontinued* <input type="checkbox"/>

☐ Prosecution Deferred

III. MAGISTRATE

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

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

IV. MAGISTRATE & DISTRICT COURT DOCKET ENTRIES

DATE		PROCEEDINGS	V. Excludable Delay			
			(a)	(b)	(c)	(d)
12-12-75	12-12	Record vote of Grand Jury Concurring, fld. in Open Court. v Indictment, fld. in Open Court. Bond set at \$50,000, Cash. (AEB-J)v	2	12-12-75	M	
12-12		Warrant issued. v				
5-7		N. Dakota called this date. Deft. arrested 5-3-76. Order for Warrant of Removal signed 5-6-76. Papers to be mld. this date. (mg)v				
5-7		Return on Warrant for Arrest of Deft., fld. Rec'd warrant 12-23-75 & executed 5-3-76 by arresting Deft. at Fargo, No. Dakota. v				
5-10		Transcript of proceedings rec'd from U.S. Dist. Ct., Dist. of No. Dakota, Southeastern Div., fld. Included were: docket sheet, cpy. of Warrant of Removal, & Mag.'s final commitment. v				
1976		DOCUMENT NO. PROCEEDINGS from No. Dakota				
5-3-76		Initial appearance before U.S. Magistrate, advised of rights, nature of charge and appointed counsel. Defendant refused to sign waiver and Defendant returned to custody of Marshal.				
5-3-76		Attorney appointed.				
5-5-76		Hearing held, certified copy of indictment produced and identification made and removal recommended by Magistrate.				

BLE

DATE	76	USA v. Frazee	IV. PROCEEDINGS (continued)	V. EXCLUDABLE DELAY				
				(a)	(b)	(c)	(d)	
5-13		MO: Case set for arraignment on 5-14-76, at 10:00 A.M. (AEB-J)b nts by phone						
5-13		Mag.'s Info. sheet, appt. voucher, & financial aff., fld. v						
5-14		Case called for arraignment. Deft. present & represented. Govt. represented. Deft. acknowledges receipt of indictment, is advised of charge & enters plea of NOT GUILTY. Deft. given 10 days to file motions & Govt. 10 days to respond. Case set for Jury trial on 6-14-76, at 10:00 A.M. Deft. remanded to USM. (AEB-J)b cps. mld. by c/m w/Affids.		2	5-14-76	M	155 da	
5-21		Return on Warrant of Removal On Indictment, fld. Executed by delivering Deft. to U.S.M., Tulsa, OK, on 5-12-76. Warrant from U.S. Dist. Ct., Dist. of N. Dakota, S.E. Div. v						
5-26		Deft's. motion to subpoena witnesses at government expense, filed.s <i>0 to come in</i>						
5-28		Motion To Dismiss, filed. js (Deft's) 0 to J						
5-28-		Brief in Support of Motion to Dismiss, filed. js						
6-7		Govt's response to deft.'s mot. to dismiss indictments, filed.k						
6-8		MO: Case set for hearing on deft's motion to subpoena witnesses at govt. expense on 6-10-76, 10:00 A.M. (AEB) b nts by phone & mail						
6-9		Deft's. motion to order transcript of proceedings at government expense, filed.s <i>cy to Deft. by atty</i>						
6-10		Case called for hearing on motions. Deft. present & represented. Govt. represented. Ct. room cleared for ex parte hearing on motion to subpoena witnesses. Ct. allows. Ct. allows the ordering of transcript of proceedings in N.D. Ct. overrules motion to dismiss. Affidavit for continuance filed in open court. Ct. strikes case from docket of 6-14-76 & case is re-set for trial on 7-19-76, at 9:30 A.M. Ct. orders study by Dr. O'Carroll. & DEft. co. to make report to Ct. when done. Deft. remanded to USM. Case 75-CR-178 will be tried before this case. (AEB-J)b		3	6-10-76 6-10-76	E	1 day	
6-11		MO: Case set for Jury trial on 7-19-76, at 9:30 A.M. (AEB-J)b nts mld		3	6-10-76	A		
6-22		Subpoenae to Dr. Daniel Taub, Dr. Pierre Dwyer, and Dr. Chas. D. Ottensmeyer, ret. & filed unexecuted at req. of U. S. Marshal. g						
7-16		Order allowing Deft. to subpoena witnesses at Govt's expense, filed. (AEB-J)b cps mld						
7-19		Motion of Deft. for Judicial Determination of mental competency, filed. b						
CONTINUED				(a)	(b)	(c)	(d)	
				Interval (per Section II)	Start Date End Date	Ltr. Code	Total Days	

For Identifying
Periods of Exclud-
able Delay Per 18
U.S.C. 3161(h)

A. Examination or
hearing for
mental or
physical in-
capacity (18
U.S.C. 4244).

B. NARA Exami-
nation (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 advise-
ment. Period of
up to 30 days
is excludable
per
3161(h)(1)(G).

H. Miscellaneous
Proceedings:
Probation or
Parole revoca-
tion, Deporta-
tion,
Extradition.

I. Prosecution de-
ferred by
mutual agree-
ment.

M. Unavailability
of defendant or
essential
witness.

N. Period of men-
tal or physical
incompetence
of defendant to
stand trial.

O. Period of
NARA Com-
mitment or
Treatment.

P. Superseding
Indictment
and/or new
charges.

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

T. Continuances
Granted per
3161(h)(8)
(i.e. ends of
justice or com-
plexity of case
outweighs de-
fendants'
interests).

U. Time between
guilty plea and
plea with-
drawal.

V. Time while
moving prisoner
from state insti-
tutions per
transfer/
detainer pro-
cedure.

W. Grand Jury in-
dictment ex-
tended per
3161 (b).

Y. Any delay ex-
cluded by court
order for reasons
not included
above.

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
7-19	(Document No.) Case called for jury trial. Deft. presents motion to determine mental competency & requests hearing on motion. Deft. present & represented. Govt. represented. Parties stipulate to Dr. O'Carroll's report; also to report of Dr. Levee, Dr. Kesler. Parties stipulate to transcript from N.D.; testimony of Dr. Dwyer of Spgfield Med. Ctr. & Dr. Eardley report from Spgfield Med. Ctr. Govt. makes statment as to what witnesses would say if called to testify. Parties stipulate. Statements made to Ct. by Dr. Dwyer & Dr. Eardley. Ct. rules deft. will be sent to Med. Ctr. in Springfield, Mo. for observation & study before trial as provided under T. 18, USC Sec.4244. (AEB-J)b	3	7-19-76	A	39 days
7-21	Return on Cr. Subpoenas to Testify, fld. Served Marjorie P. Wheatcraft in Tulsa on 7-1-76. Srvd. Debbie Brown in Tulsa on 7-1-76. Served Wilmer Hann in Tulsa on 7-2-76. Served John Bramer in Tulsa on 7-2-76. Served Leslie Carol Elliott in Tulsa on 7-6-76. Served Phyllis Charline Smith in Tulsa on 7-6-76. Served Arnold Ness in Richmond, CA, on 7-6-76. Served Ordean Lee in Fargo, N.D., on 7-6-76. Unserved as to Deborah Jane Dodd. v (Total Fees: \$24.08)				
7-21	Return on Cr. Subpoenas to Produce Document or Object, fld. Served Dr. Charles D. Ottensmeyer on 7-7-76 in MO. Served Dr. Daniel Taub on 7-7-76 in MO. Served Dr. Pierre Dwyer on 7-7-76 in MO. Served Floyd Dalton on 7-2-76 in Tulsa. v (Total Fees: \$12.20)				
7-21	Order, filed, that deft. be committed to U.S. Medical Center, Springfield, Missouri, for examination as to his mental competency, under Sec. 4244, and his mental responsibility on or about Oct. 21, 1975; and hearing thereon and trial in cases No. 75-CR-177 and No. 75-CR-178 be continued until reset by the Ct. Further ordered that Medical Center authorities at Springfield, Mo., conduct the examination herein ordered and file a report of their findings to this Ct., within 90 days from this date. Further ordered that Deft. be held by authorities of Med. Center, Springfield, Mo., until said report is made, and deft. thereafter, except as otherwise Ordered by the Ct., be returned to custody of the U.S. Marshal for the ND/Okla., to be held in custody of said U.S. Marshal until further Order of this Ct.s (AEB-J) cps. mld. 2 c/c of Order to USM.				
7-22	Case called for correction of Ct. record on commitment of Deft. for observation & study. Deft. present & represented. by Bob Ferris for Phil Frazier. Govt. represented. Ct. corrects record. (AEB-J)b				
7-22	Trascript of proceedings on 7-19-76, filed.s (GRD-USCR)				
contd					

UNITED STATES DISTRICT COURT
CRIMINAL DOCKET

DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
8-4-76	(Document No.) Commitment Order of 7-21-76, ret. & filed: deft. Frazee transported to USMC, Springfield, Mo. on 7-27-76. g	3	7-27-76	A	
9-3-76	MO: Case set for jury trial on 9-7-76 at 9:30 a.m. (AEB-J)k ntc by phone				
9-7-76	Jury passed pending outcome of trial in 75-CR-178. (AEB-J)b	3	9-7-76	A	43
9-9	Return on Subpoena to Testify, fld. Served Leslie Carol Elliott, Wilmer Hann, and Debbie Brown. v				
9-9	Return on Subpoena to Produce Document or Object, fld. Served Floyd Dalton. v				
9-14	Sub. ret. & filed: served Drs. Pierre Dwyer, Emry Varheley, Jack Eardley, H. B. Fain, Chas. D. Ottensmeyer Rowland Levy, David R. Kessler, & James O'Carroll; Ordean Lee, John Brammer, & Phyllis Charline Smith; unserved as to Marjorie P. Wheatcraft & Deborah Jane Dodd. g				
9-23	Order for Dismissal of indictment, signed, filed & entered in open court(AEB-J)b				

PETTY OFFENSE PO ☐ JUDGE/MAGISTRATE: Assigned U.S.
 OTHER MINOR OFFENSE MO ☐ 868 3
 OTHER MISDEMEANOR Mis ☐ Disp./Sentence
 FELONY Fel ☒ District Office

U.S.

vs.

FRAZEE, MARVIN DALE

(LAST, FIRST, MIDDLE)

Case Filed
Mo. DayNo. of Def's
*

75-4R-177

Yr. Docket No. Def.

U.S. TITLE/SECTION

OFFENSES CHARGED

ORIGINAL COUNTS

U.S. MAG.
CASE NO. 76-21m

BAIL • RELEASE

☐ Denied ☐ AMT ☐ Fugitive
☐ Set ☐ Pers. Recog.
☐ PSA

\$ 50 000 conditions

Date 12-12-75
☐ 10% Deposit
☐ Surety Bond

☐ Bail Not Made ☐ Collateral
☐ Status Changed (See Docket) ☐ 3rd ☐ Other
 Prty Cust

II. KEY DATES & INTERVALS

SUPERSEDING
COUNTS

ARREST or

U.S. Custody Began

5-3-76

Summons Served

First Appearance

5-3-76

INDICTMENT

Information ☐Indict. Waived ☐

Superseding

☐ Indict/Info ☐In Charging
District

ARRAIGNMENT

1st Plea

Final Plea

Trial Set For

☐ NG ☐ G ☐ NOL
☐ { G. Plea
 W/Drawn

☐ NG ☐ G ☐ NOL

TRIAL

Voir Dire ☐Trial Began ☐Trial Ended ☐

SENTENCE

Disposition
of Charges

☐ Convicted ☐ On All Charges
☐ Acquitted ☐ On Lesser *
 Offense(s)
☐ Dismissed: ☐ WOP: ☐ WP
☐ On Governm'ts Motion

MAGISTRATE

Search Warrant	Issued	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE	INITIAL/NO.	OUTCOME:
	Return			5-3-76		
Summons	Issued	12-12-75		PRELIMINARY EXAMINATION OR		<input type="checkbox"/> DISMISSED <input type="checkbox"/> HELD FOR GJ OR OTHER PRO- CEEDING IN THIS DISTRICT <input type="checkbox"/> HELD FOR GJ OR OTHER PRO- CEEDING IN DISTRICT BELOW
	Served			<input type="checkbox"/> REMOVAL HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT		
Arrest Warrant Issued						
COMPLAINT						
OFFENSE (In Complaint)		Attempted bank robbery, bank robbery 18 USC 2113(a)				

U.S. Attorney or Asst.

ATTORNEYS

Defense: ☐ CJA, ☐ Ret: ☐ Waived, ☐ Self, ☐ None / Other: ☐ PD, ☐ CD

Kenneth A. Olson
 Box 1007
 Fargo, ND 58102

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

DATE	(DOCUMENT NO.)	PROCEEDINGS	EXCLUDABLE DELAY (a) (b) (c) (d)
1976			
5-3-76		Initial appearance before U.S. Magistrate, advised of rights, nature of charge and appointed counsel. Defendant refused to sign waiver and Defendant returned to custody of Marshal.	
5-3-76		Attorney appointed.	
5-5-76		Hearing held, certified copy of indictment produced and identification made and removal recommended by Magistrate.	

FILED

MAY 10 1976

Jack C. Silver, Clerk
 U. S. DISTRICT COURT

For Identifying
Periods of Exclud-
able 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:
nation (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.C.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.

1. 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.

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

Continuances granted per 3161(h)(8) (i.e. ends of justice or complexity of case outweighs defendants' interests).

U. Time between guilty plea and plea withdrawal.

W Grand Jury indictment extended per 3161 (b).

FINE AND RESTITUTION PAYMENTS