

CRIMINAL DOCKET
 UNITED STATES DISTRICT COURT

APPEALED direct to UNITED STATES SUPREME COURT
 April 26, 1965 -- JUDGE GRAY

13717

D. C. Form No. 100 Rev.

REOPENED 6/6/66 Reversal by Supreme Court.

TITLE OF CASE	ATTORNEYS
THE UNITED STATES	For U. S.:
vs.	
JOHN W. COOK, Metro Jail Nashville, Tennessee	JAMES F. NEAL & Staff
VIOLETIONS; Sec. 660, ONE (1) COUNT Title 18 USC. (Embezzlement of moneys from Carrier moving goods interstate commerce, etc).	For Defendant: THOMAS H. PEEBLES, III (appointed) Life & Casualty Tower Nashville, Tennessee

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed	Clerk				
J.S. 3 mailed	Marshal				
Violation	Docket fee				
Title					
Sec.					

DATE	PROCEEDINGS
12/15/64	Indictment filed. (B.O.Ps filed Nov. 2, 1964)
2/19/65	Defendant P.N.G. - ORDER entered that this case be set for trial on February 24, 1965.
2/20/65	ORDER entered that this case, heretofore set to be tried on February 24, 1965 - is passed to be reset. Copy to U.S.D.A.
3/15/65	Subpoenas issued to Gene Shehane; Daniel Norton; Kenneth O. Lester; Tolbert Hawkins and Dave Phelps (latter 3 to bring documents) all to appear on behalf of Government 22nd March, 1965 - 8:00 A.M. Two of each to U. S. Marshal for execution.
3/17/65	Motion filed by defendant to be permitted to withdraw his plea of guilty; also MOVES the Court to dismiss the indictment - said indictment is defective in that it charges defendant with embezzlement of moneys as an 'employee of one engaged in interstate commerce, whereas the statute penalty is for embezzlement by an employee of a firm, etc, engaged in such commerce. Certificate of service attached.
3/18/65	ORDER entered that this case be dismissed - upon MOTION of the defendant, on grounds that indictment fails to charge an offense against the United States; ORDERED that the U. S. Marshal release the defendant. Attested copy to U. S. Marshal and one to U.S.D.A.
4/16/65	NOTICE of APPEAL to the SUPREME COURT of the UNITED STATES (over)

REPRODUCED AT NARA

DATE

PROCEEDINGS

DATE	PROCEEDINGS
cont'd	filed by the Plaintiff, the United States of America.
4/26/65	O.C.R.'s transcript filed - proceedings of March 18, 1965.
6/28/65	Certified copy of the record designated in the Notice of Appeal delivered to United States Attorney, with transmittal letter.
12/20/65	Supreme Court of United States gave this case #256 and placed on their summary calendar.
6/6/66	SUPREME COURT of the United States Reversed the District Court in this case - said decision of May 23, 1966 entered May 27th, 1966, also a transmittal letter filed.
12/16/66	MOTION to Dismiss filed by U. S. Attorney - the crime was not against the United States.
12/16/66	ORDER entered that this case be, and same is, dismissed. Copy to attorneys and to defendant. (NOTE: The defendant was released prior to the Appeal by the Government and this office has no address, therefore no copy of the last listed Order was sent.)

REPRODUCED AT NARA