

N/A 5/23/75 by dept. ...  
6/2/75 by dept.

CRIMINAL DOCKET  
UNITED STATES DISTRICT COURT

D. C. Form No. 100 Rev.

TITLE OF CASE  
THE UNITED STATES

vs.

JEFFREY R. MacDONALD

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Greensboro, NC 27401  
274-2992  
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9/29/75: for deft: Robert H. Hodd, III  
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Triangle Pl. Dur  
N.C.

\* For motions hearing on 5-5-75  
5-7-75 only  
\*\* allowed to withdraw 8/18/75

John Murphy  
or  
Phillip Cormier

STATISTICAL RECORD	COSTS	DA
	U.S. CASE	XXX
J.S. 2 mailed	Clerk	Order
J.S. 3 mailed	Marshal	6/2
Violation 1 MURDER, c3 cts/	Docket fee	6/30
Title 18: U.S.C.		8/7/75
Sec. 1111		8/8/75
		Ral. #1321 N/A
		201 #6
		5 00
		5 00
		8/8/75
		Ral. #1330 N/A
		201 #6
		5 00
		5 00
		8/1/79
		N/A
		5 00
		9/10/79
		4th Cir
		56 00

N.A. 7-18-91  
4.C.C.A.# 91-6613  
Susan Heighly

DATE	PROCEEDINGS
1/24/75	1. Fil. & ent., INDICTMENT: Orig.
1/27/75	2. Fil. & ent, ORDER: To open Indictment upon filing of this Order. J Dupree: Cr OB # 11 Page 200
1/24/75	ISSUED ent., WARRANT FOR ARREST OF DEFT, issued Jan 24, 1975
2/12/75	3. Fil. & ent, U.S. Marashal's return serv, Jeffrey R. MacDonald 1/28/75 USDM.,
2/24/75	Received from the Central District of California Trust Deeds Nos. 3347, 3334, and 3335 secured that District. Deeds pertain to a follow-up replacement bond which to date has not been made as such Deeds only justify about half the required amount of the bond. No. 3347 - John R. & Bernadette R Page in the amount of \$16,000.00; No. 3334 - Paul and Eva Hildebrand \$25,000; No. 3335 Gordon, Fields & Boland in the amount of \$15,000.00. Forwarded to Raleigh under Certifi No. 147895 to be placed in case file, with copy of docket.
2/27/75	4. Fil. & ent, NOTICE OF MOTION: orig and .c.c. & MOTION TO TRANSFER by
2/27/75	5. Fil. & ent, MOTION FOR LEAVE TO EXCUSED FROM COMPLIANCE WITH, DISTRICT COURT RULE 1(e) and notice of Motions orig and and c.c.

Over,

DATE	PROCEEDINGS
2/27/75 6.	Fil. & ent, ORDER: deft, shall comply w/local rule 1(E) by associating counsel who is a member of the bar of this court and who resides in and maintains and office in the state of North Carolina on or before April 7, 1975. (J Dupree)
3/10/75 7.	Fil. & ent, WAIVER OF ARRAIGNMENT: Orig and c.c. c.c. to J Butler 2 c.c. to USA.
3/10/75 8.	Fil. & ent, STIPULATION: Orig and c.c. c.c. to J Butler, all pre-trial motions shall be filed before April 7, 1975 and pre-trial briefs not later than 20 days after April 7, 1975. Arraignment in this case shall be postponed until after all of the motions and responses have been filed. Arraignment is postponed until May 5, 1975. J Dupree, to be heard at Raleigh, NC.
3/13/75	Fil. & ent, Trust Deed in the amount of \$1700.00 <sup>5</sup> Stephen R. Shea 4242 Calhoun, Huntington Beach Calif. Recorded in Orange Co. Calif.
3/17/75	Fil. & ent, The Original Appearance bonds in amounts of \$32,000.00 \$28,000.00 and \$40,000.00 posted by deft, to appear in this district EDNC, and have replaced the original cash bond (minute order see below
3/17/75	Fil. & ent, Minute order in Chambers, Appearance Bonds dated 3/10/75 amounting to \$100,000.00 in the above matter replace the original Cash Bond of 1/31/75, and that the original Cash Bond is exonerated signed John R. Kronenberg, U.S. Magistrate, CD of Calif.
3/18/75 9.	Fil. & ent, MOTION FOR EXTENSION OF TIME: Orig and c.c.
3/27/75 10.	Fil. & Ent. ORDER extending time within which the United States may respond to the M/Transfer filed by defendant to and including April 28, 1975, Orig. & 1 copy. DUPREE, J. (2 cert. copies to US Atty.
3/27/75	Fil. & Ent. Short Form Deed of Trust of STEPHEN ROBERT SHEA, 4242 Calhoun St., Huntington Beach, California, in the amount of \$17,000.00 to be used as security in lieu of cash bail for deft. MacDonald, Central District of California's Number MG75-3024M. Receipt/Of Deed acknowledged to Mr. Edward M. Kritzman, Clerk, Central Dist. of Calif., U.S. Court House, Los Angeles, California 90012.
3/31/75	Fil. & Ent. Short Form Deed of Trust of WILLIAM C. & CAROLYN G. HURST as sureties, 5441 Las Lomas St., Long Beach, Calif., in the amount of \$15,000.00 submitted as partial justification to secure replacement bond for deft. MacDonald; received by Cert. Mail #780663 and receipt acknowledged to Edward M. Kritzman, Clerk, central Dist. of Calif.
4/8/75 11.	Fil. & ent, NOTICE OF MOTION: SUPPRESS EVIDENCE OBTAINED AS A RESULT OF UNLAWFUL SEARCH AND SEIZURES AND TO DISMISS THE INDICTMENT: Orig.
4/8/75 12.	Fil. & ent, NOTICE OF MOTION: SUPPRESS EVIDENCE PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 41, Orig.
4/8/75 13.	Fil. & ent, NOTICE OF MOTION: INSPECTION, REPRODUCTION AND COPYING OF THE RECORDS AND PAPERS IN THE CUSTODY OF THE CLERK OF THE COURT PURSUANT TO 28 U.S.C. 1867(a)(d) and (f) Orig.
4/8/75 14.	Fil. & ent, NOTICE OF MOTION: INSPECTION AND COPYING OF GRAND JURY TESTIMONY: Orig.
4/8/75 15.	Fil. & ent, DEFENDANT'S PRELIMINARY MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR INSPECTION AND COPYING OF GRAND JURY TESTIMONY: orig.
4/8/75 16.	Fil. & ent, NOTICE OF MOTION: DISMISS THE INDICTMENT FOR DEFECTS IN THE GRAND JURY PROCEEDINGS AND PROSECUTORIAL MISCONDUCT BEFORE THE GRAND JURY. Orig.
4/8/75 17.	Fil. & ent, NOTICE OF MOTION: DISCOVERY AND INSPECTION OF DOCUMENTS, ETC. PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE, 16. Orig.
4/8/75 18.	Fil. & ent, NOTICE OF MOTION: DISMISS THE INDICTMENT BECAUSE OF DOUBLE JEOPARDY, COLLATERAL ESTOPPEL, Orig.

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D. C. 110 Rev. Civil Docket Continuation

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DATE	PROCEEDINGS	Date Order or Judgment Note
4/8/75	19. Fil, & ent, NOTICE OF MOTION: DISMISS THE INDICTMENT BECAUSE OF DISCRIMINATION IN THE SELECTION OF THE GRAND JURY, Orig.	
4/8/75	20. Fil, & ent, NOTICE OF MOTION: DISMISS THE INDICTMENT FOR DENIAL OF RIGHT TO SPEEDY PROSECUTION AND TRIAL: Orig. C se file to J Dupree in Raleigh, 4/24/75	
4/25/75	21. Fil. & ent. RESPONSE TO MOTION FOR INSPECTION AND COPYING OF GRAND JURY TESTIMONY w/CS (2 CC to U.S.A. & cy. to J. Dupree)	
	22. Fil. & ent. GOVERNMENT'S ANSWER TO DEFENDANT'S MOTION TO DISMISS INDICTMENT FOR DENIAL OF RIGHT TO SPEEDY PROSECUTION AND TRIAL w/Attachments & C/S (2 CC to U.S.A. & 1 cy. to Judge)	
	23. Fil. & ent. GOVERNMENT'S RESPONSE TO MOTION TO SUPPRESS EVIDENCE PURSUANT TO FEDERAL RULE OF CRIM. PROCEDURE 41 w/CS (2 CC to U.S.A. & cy. to Judge)	
	24. Fil. & ent. GOVERNMENT'S RESPONSE TO MOTION TO DISMISS INDICTMENT BECAUSE OF DOUBLE JEOPARDY, COLLATERAL ESTOPPEL w/CS (2 CC to U.S.A. & cy. to Judge)	
	25. Fil. & ent. REPLY MEMORANDUM IN RESPONSE TO DEFENDANT'S "MOTION TO DISMISS INDICTMENT FOR DEFECTS IN THE GRAND JURY PROCEEDINGS AND PROSECUTORIAL MISCONDUCT BEFORE THE GRAND JURY" w/CS (2 CC to U.S.A. & cy. to Judge)	
	26. Fil. & ent. GOVERNMENT'S RESPONSE TO MOTION TO SUPPRESS EVIDENCE OBTAINED AS A RESULT OF UNLAWFUL SEARCH AND SEIZURE AND TO DISMISS THE INDICTMENTS w/CS (2 CC to U.S.A. & Cy. to Judge)	
	27. Fil. & ent. RESPONSE TO MOTION FOR INSPECTION, REPRODUCTION AND COPYING OF THE RECORDS AND PAPERS IN THE CUSTODY OF THE CLERK OF THE COURT PURSUANT TO 28, U.S.C., Section 1867(a),(d) & (f) w/CS (2 CC to USA & cy. to Judge)	
	28. Fil. & ent. GOVERNMENT'S MOTION FOR DISCOVERY w/CS (2 CC to USA & cy. to Judge)	
	29. Fil. & ent. RESPONSE TO MOTION FOR DISCOVERY AND INSPECTION OF DOCUMENTS, ETC., PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 16 w/CS (2 CC to USA & Cy. to Judge)	
	30. Fil. & ent. RESPONSE TO MOTION TO DISMISS THE INDICTMENT BECAUSE OF DISCRIMINATION IN THE SELECTION OF THE GRAND JURY w/CS (2 CC to USA & Cy. to Judge)	
See pg.3		
For 4/26/3	Fil. & ent. RESPONSE TO MOTION FOR TRANSFER w/CS (2 CC to USA & cy. to Judge)	
filing)31	31. Fil. & ent. SUPPLEMENT TO DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER UNDER FEDERAL RULE OF CRIMINAL PROCEDURE 21(b) w/Attachment (Official Airline Guide)	
4/28/75	32. Fil. & ent. MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO SUPPRESS EVIDENCE PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 41(e) (Judge has copy)	
	35. Fil. & ent. MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION FOR DISCOVERY AND INSPECTION OF DOCUMENTS, ETC., PURSUANT TO FEDERAL RULE OF CRIM. PROCEDURE P.16 (Judge has copy)	
	36. Fil. & ent. DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER UNDER FEDERAL RULE OF CRIMINAL PROCEDURE 21(b) (Judge has copy)	
	37. Fil. & ent. MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THE INDICTMENT DUE TO PROSECUTORIAL MISCONDUCT BEFORE THE GRAND JURY and AFFIDAVIT OF MICHAEL J. MALLEY and JEFFREY R. MACDONALD	
	38. Fil. & ent. DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR INSPECTION AND IN SUPPORT OF MOTION TO DISMISS INDICTMENT BECAUSE OF DISCRIMINATION IN THE SELECTION OF THE GRAND JURY and AFFIDAVIT OF MICHAEL J. MALLEY and RUTH ASTLE(Second Affidavit)	
Vol. II 38A	Fil. w/Judge Dupree: DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE AND MOTION TO DISMISS THE INDICTMENT AGAINST DEFENDANT	
		jw

DATE	PROCEEDINGS	Date Ord Judgment
38. (4/26/75)	Fil. w/Judge Dupree: MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THE INDICTMENT AS BARRED BY THE DOUBLE JEOPARDY CLAUSE OF THE CONSTITUTION	
<del>4/26/75</del>	<del>FIL. &amp; ENT. DEFENDANT'S PRELIMINARY MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR INSPECTION AND COPYING OF GRAND JURY TESTIMONY</del>	jwt
39. 5/2/75	Fil. & ent. DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER UNDER FEDERAL RULE OF CRIMINAL PROCEDURE 21 (a) (Sur Prejudicial Publicity) w/Appendices 1,2 & 3 (Judge has copy)	
40.	Fil. & ent. DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS INDICTMENT FOR DENIAL OF RIGHT OF SPEEDY PROSECUTION AND TRIAL	jwt
41. (see pg. 3a for additional 5/5/75 Filings)	5/5/75 Fil. & ent. SUPPLEMENTARY REPLY MEMORANDUM IN RESPONSE TO DEFENDANT'S "MOTION TO DISMISS INDICTMENT FOR DEFECTS IN THE GRAND JURY PROCEEDINGS AND PROSECUTORIAL MISCONDUCT BEFORE THE GRAND JURY" w/CS	
42. 5/6/75	* Fil. & ent. DEFENDANT'S SUPPLEMENTARY MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR INSPECTION AND COPYING GRAND JURY TESTIMONY	
5/5-7/75	Hearing on Motions at Raleigh 5/5/75 = 10:00 a.m. - 1:20 p.m./3:00 p.m. - 5:00 p.m. = 5 Hrs. 20 min. 5/6/75 = 10:00 a.m. - 12:25 p.m./2:00 p.m. - 5:00 p.m. = 5 Hrs. 25 min. 5/7/75 = 10:00 a.m. - 1:00 p.m./2:00 p.m. - 3:35 p.m. = 4 Hrs. 35 min.	
43. 5/16/75	Fil. & ent. ORDER that deft.'s motion pursuant to 28 U.S.C., Sec. 1867(a)(d) & (f) for inspection of certain records and papers in custody of Clerk is denied. (DUPREE, J.) (CR.O.B.#11, P.300) (Ent. 5/16/75) Cert. cy. to Atty Segal - Air Mail & 1 Cert. Cy. to Atty. Stroud, Asst.U.S.Atty.	jwt
44. 5/20/75	Fil. & ent. MEMORANDUM OF DECISION as to order denying deft.'s request for discovery. (DUPREE, J.) (CR.O.B.#11, P.301) (Ent. 5/20/75) Cert.Cy. to Atty. Segal via Air Mail & Cert.Cy. to Asst. U.S.Atty. Stroud	jwt
45. 5/21/75	Fil. & ent. SUPPLEMENTAL MEMORANDUM IN SUPPORT OF GOVERNMENT'S REPLY TO MOTION TO DISMISS FOR DOUBLE JEOPARDY w/Attachments (Cy. to Judge Dupree)	jwt
46. *5/5/75	Fil. & ent. AFFIDAVIT OF BRIAN M. MURTAGH relative to wire tapping w/attachments Fil. & ent. AFFIDAVIT OF FRANZ JOSEPH GREBNER, CO of Det.B, 3rd Military Police Group, Ft. Bragg, N.C., in 1970.	"
47. 5/22/75	Fil. & ent. SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS THE INDICTMENT BECAUSE OF DISCRIMINATION IN THE SELECTION OF THE GRAND JURY	
48. 5/22/75	Fil. & ent. AFFIDAVIT of William F. Ivory, Spec.Agt., U.S.A.Crim.Invest.Command, Hqs., 2nd Reg., USACIDC, Heidelberg, Germany.	
49. 5/22/75	Fil. & ent. AFFIDAVIT IN SUPPORT OF MOTION TO DISMISS INDICTMENT BECAUSE OF DISCRIMINATION IN THE SELECTION OF THE GRAND JURY and IN SUPPORT OF MOTION FOR INSPECTION SUR THE SAME MOTION (Third Affidavit) - Ruth Astle	
50. 5/23/75	Fil. & ent. SUPPLEMENTAL MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR DISCOVERY OF RECORDS OF THE CLERK PURSUANT TO 28 U.S.C. 1860 et seq. SUR MOTION TO DISMISS INDICTMENT BECAUSE OF DISCRIMINATION IN THE SELECTION OF THE GRAND JURY	
51. 5/23/75	Fil. & ent. MOTION FOR SANCTIONS AGAINST THE GOVERNMENT	
52. 5/22&23/75	Hearing on Motions at Raleigh 5/22/75 = 10:00 a.m. - 12:30 p.m./2:00 p.m. - 3:45 p.m. = 4 hrs. 15 min. 5/23/75 - 10:00 a.m. - 12:30 p.m. = 2 hrs. 30 min.	
53. 5/23/75	Fil. & ent. NOTICE OF APPEAL by deft. of Order entered 5/16/75 denying deft.'s Motion for Discovery of Jury Selection Records made pursuant to 28 U.S.C. 1867. Cy. to Segal & U.S.ATTY. w/cy. of rules governing appeals. Cy. to Ct.Rptr. & 4th Cir & J.Dupree	jwt

DATE	PROCEEDINGS	Date Order of Judgment Noted
5/5/75	42. Fil. & ent. AFFIDAVIT OF MAJOR DAVID B. REED, III, Hqs. U.S.A. Crim. Invest. Commd Washington, D.C.	
43.	Fil. & ent. AFFIDAVIT OF COL. JACK G. PRUETT, Chief, Office of Safety & Security/Provost Marshal, Hqs., Military Traffic Mgmt. Commd., Washington, D. C.	
44.	Fil. & ent. COPY OF TELETYPE from U.S.A.CID C. Heidelberg, Germany TO: RUEA DUA/COMUSACIDC Washington, D.C./CIJA	
45.	Fil. & ent. SUPPLEMENTAL REPLY TO DEFENDANT'S MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO SUPPRESS EVIDENCE PURSUANT TO FEDERAL RULES OF CRIMINAL PROCEDURE 41(e). w/attachments & Affidavit of Paul M. Stombaugh, Special Agt., FBI, Chief, Chemistry Branch, Physics & Chemistry Sec., FBI Laboratory.	
46.	Fil. & ent. SUPPLEMENTAL REPLY TO DEFENDANT'S MEMORANDUM IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS THE INDICTMENT AS BARRED BY THE DOUBLE JEOPARDY CLAUSE OF THE CONSTITUTION. w/attachments	
47.	Fil. & ent. GOVERNMENT'S REPLY TO DEFENDANT'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO DISMISS INDICTMENT FOR DENIAL OF RIGHT TO SPEEDY PROSECUTION AND TRIAL. w/attachments	jwt
<del>6/12/75</del>	<del>48. Fil. &amp; ent. ADDITIONAL MEMORANDUM OF LAW WITH REGARD TO JURY SELECTION PROCESS AND OBJECTION, w/Attachments of Service, copy</del>	
	<del>See 6/12/75 entry on page 4</del>	bbp