

17. PLEIGER—ORDER AND MEMORANDUM OF THE TRIBUNAL

ORDER

On 10 May 1949 defendant Pleiger filed a memorandum claiming errors in the judgment with respect to the Tribunal's findings against him in counts six and seven of the indictment, and a motion praying that said defendant be declared not guilty on the charges under counts six and seven and that he be released from prison, or that if the conviction is upheld in full or in part that the penalty be reduced. To the foregoing memorandum and motion the prosecution on 16 June 1949 filed an answering brief, and on 30 June 1949 the defendant filed a rejoinder to the prosecution's answering brief.

It appears also that the defendant, prior to the date of his filing the aforesaid memorandum and motion, joined in a petition for plenary session of the Tribunal for the purpose of examining "the judgment passed on 14 April 1949 by Military Tribunal IV in Case 11."

The Tribunal having considered the memorandum and motion of defendant, the answer of prosecution thereto, the defendant's rejoinder to said petition for plenary session insofar as pertinent herein,

IT IS ORDERED that said defendant's memorandum and motion be, and the same are, hereby, in all respects, denied.

Memorandum hereto attached is made a part of this order.

Dated 12 December 1949.

[Signed] WILLIAM C. CHRISTIANSON
WILLIAM C. CHRISTIANSON
Presiding Judge

[Signed] ROBERT F. MAGUIRE
ROBERT F. MAGUIRE

Judge

MEMORANDUM

It does not appear that the defendant has been able to refer to any errors or discrepancies of such materiality or substance as to justifiably require a change or modification of the conviction of defendant under counts six and seven, or in a reduction of the sentence imposed.

Defendant has for the most part reargued what was already argued and briefed by his counsel before the preparation and rendition of the judgment in this case.