

Reg. No. *607813*
Judgment No. *81579*

IN THE
CIRCUIT COURT
OF THE
STATE OF OREGON
FOR
MULTNOMAH COUNTY

September Term, 19*20*

JUDGMENT

Rendered *September 13th* 19*20*

Docketed _____ 19____

State of Oregon

vs.

F J Rogers

JUDGMENT

Inside

Filed *September 21st* 19*20*

JOS. W. BEVERIDGE, Clerk

By *Algo. E. McLaughlin* Deputy

In the Circuit Court of the State of Oregon

FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON

vs.

F. J. Rogers,

INDICTMENT. For Violation of

Section 1996 L. O. L.

Defendant.

F. J. Rogers

is accused by the Grand Jury of the County of Multnomah and State of Oregon, by this indictment of the crime of

FORGERY,

committed as follows:

The said F. J. Rogers

on the 16th day of September, A. D. 1919, in the County of Multnomah and State of Oregon, then and there being, did then and there unlawfully, feloniously and falsely, with intent to injure and defraud, make, forge and counterfeit a certain bank draft for the payment of money, which said false, forged and counterfeit bank draft was then and there in words and figures as follows, to wit:

" Portland, Oregon, Sep 16 1919 \$200.00
----- At Sight ----- Pay to the
Order of THE UNITED STATES NATIONAL BANK 24-11
Two Hundred and no/100 ----- Dollars
value received, and charge the same to account of (Book
#1656 mislaid)
To Melson's Bank,)
Edmonton, Alta. Canada) Mrs. Bessie L. Rogers "

contrary to the Statutes in such cases made and provided, and against the peace and dignity of the State of Oregon.

Dated at the City of Portland, in the County aforesaid, this 1st day of June, A. D. 1920.

Witnesses examined before the Grand Jury:

James E. Craib

Jay Fordyce Wood

A. R. Munger

WALTER H. EVANS,

District Attorney.

By

Deputy.

407 *Secret*

ORIGINAL

File

No. *67813*

In the Circuit Court

of the

STATE OF OREGON

County of Multnomah

STATE OF OREGON

vs.

F. J. Rogers

INDICTMENT

a True Bill

W. Davidson
Foreman of the Grand Jury

FILED OF COUNTY CLERK day of

MULTNOMAH COUNTY, OREGON A. D. 19

FILED

JUN 3 1920

JOS. W. BEVERIDGE, Clerk

By *W. Davidson* Deputy

STATE OF OREGON,
County of Multnomah, } ss.

The within defendant named may
be admitted to bail in the sum of

\$ *1000.00*

Let a warrant issue.

John McConell
Circuit Judge.

Be It Remembered, That at a regular term of the Circuit Court of the State of Oregon, for the County of Multnomah, begun and held at the County Court House in the City of Portland, in said County and State, on Monday, the 7th day of June, A. D. 1920, the same being the first Monday in said month, and the time fixed by law for holding a regular term of said Court.

Present: Hons. J. P. Kavanaugh, Robert G. Morrow, Robert Tucker, G. W. Stapleton, W. N. Gatens, and ~~C. C. Coffey~~ John McCourt and George Tazwell, Judges

WHEREUPON, on this Thursday, the 21st day of July, A. D. 1920, the same being the 39th Judicial day of said term of said Court, among other proceedings the following was had, to-wit:

STATE OF OREGON, Plaintiff,

vs.

F. J. Rogers

Defendant.

No. G-7813

JUL 22 1920

Now at this time comes the State of Oregon, by S. H. Pierce, Deputy District Attorney, and the defendant appearing in person in custody of the Sheriff, and having waived presence of counsel, and an indictment having been heretofore, to-wit: on the 3d day of June, 1920, duly presented and returned into this Court by the Grand Jury of the County of Multnomah, State of Oregon, and filed with the Clerk, charging said defendant with the crime of Forgery

Said defendant now duly arraigned by the District Attorney under the Court's direction, reading said Indictment to the defendant, and delivering to said defendant a certified copy of said Indictment, and the endorsements thereon, including the list of witnesses endorsed on said Indictment: Defendant states that he is correctly named in said indictment.

ORDERED, that the cause be continued until Friday, the 23d day of July, 1920, when the defendant shall move or plead to said indictment.

(Signed)

Judge.

COMPLAINT.

C-7813

State of Oregon

VS.

F. J. ROGERS,

Defendant

Arraignment

2/2
3/10

2/2
3/10

Levin

PLEADING.

Be it Remembered, That at a regular term of the Circuit Court of the State of Oregon, for the County of Multnomah, began and held at the County Court House in the City of Portland, in said County and State, on Monday, the 7th day of June²² A. D. 191²⁰, the same being the first Monday in said month, and the time fixed by law for holding a regular term of said Court.

Present: Hons. J. P. Kavanaugh, Robert G. Morrow, Robert Tucker, G W Stapleton, George Tazwell and John McCourt, W. N. Gatens and G. C. Gantenbein, Judges.

WHEREUPON, on this Saturday 24th day of July A. D. 1920, the same being the 41st Judicial day of said term of said Court, among other proceedings the following was had, to-wit: JUL 23 1920

STATE OF OREGON, Plaintiff,

vs.

F. J. Rogers,

Defendant

No. C-7813

Now at this time comes the State of Oregon, by George C. Graham, Deputy District Attorney, and the defendant appearing in person in custody of the Sheriff, and by John H. Stevenson, his attorney,

and the defendant having been heretofore duly arraigned upon this Indictment, the defendant plead Not Guilty that he is of the crime charged in this Indictment.

ORDERED that said plea of Not Guilty be entered of record herein. ORDERED further that this cause be continued for trial to a later date yet to be determined by the court.

ORDERED further that the bail heretofore fixed in the sum of \$2000.00 be and is hereby reduced and fixed in the sum of \$500.00.

(Signed)

Judge.

C-7813

STATE OF OREGON

VS

F. J. Rogers.

PLEADING.

225-
312

COMPARED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
COUNTY OF MULTNOMAH

In the Name of the State of Oregon:

TO ANY SHERIFF OR HIS DEPUTY OF THIS STATE, GREETING: An indictment having been found on the 1st day of June, A. D. 19 20 On the Circuit Court for the County aforesaid, charging F J Rogers with the crime of FORGERY

This is to command you forthwith to arrest the above named F J Rogers and bring him before this Court to answer the indictment, or, if the Court has adjourned for the term, that you deliver him into the custody of the Jailor of the County of Multnomah, or if he require it, that you take him before any magistrate in this County, or in the county in which you arrest him, that he may give bail to answer the indictment.

By order of the Court.

Witness my hand and the seal of said Court hereto affixed, this

4th day of June, 19 20

JOS. W. BEVERIDGE, County Clerk

L. A. Naylor Deputy.

I, T. M. Hurlburt Sheriff of Multnomah County, Oregon, hereby return that I
have executed the within Warrant, by arresting the within named defendant F. J. Rodgers

T. M. Hurlburt Sheriff, Multnomah County.
By Stanley MacDonald Deputy.

Secret

No. C-7813

IN THE

CIRCUIT COURT

OF THE

STATE OF OREGON

COUNTY OF MULTNOMAH

vs.

F J Rogers

Return Warrant

OFFICE OF COUNTY CLERK
MULTNOMAH COUNTY, OREGON
FILED

AUG 13 1920

[Signature]
County Clerk

Defendant is to be admitted to Bail in the

sum of \$ 1000.00

O. S. W. BEVERIDGE, County Clerk

[Signature]
Deputy.

Be It Remembred, That at a regular term of the Circuit Court of the State of Oregon, for the County of Multnomah, begun and held at the County Court House in the City of Portland, in said County and State on ~~Tuesday~~ ~~Monday~~, the 7th ~~Monday~~ ^{Tuesday} day of Sept A. D., 19 20, the same being the FIRST ~~Monday~~ in said month, and the time fixed by law for holding a regular term of said Court.

Present, Hons. John P. Kavanaugh, Robert C. Morrow, Robert Tucker, G. W. Stapleton, William N. Gatens, John McCourt and George Tazwell, Judges.

Whereupon, on this Wednesday the 8th day of Sept A. D., 19 20, the same being the 2nd Judicial day of said term of said Court, among other proceedings the following was had, to-wit:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR MULTNOMAH COUNTY

STATE OF OREGON,

vs.

F. J. Rogers,

Defendant.

No. C-7813

SEP 8 1920

ORDER ENTERING PLEA OF GUILTY.

Now at this time this matter coming on to be heard, the State of Oregon appearing by Sam'l. H. Pierce, deputy district attorney, the defendant appearing in person and in custody of the sheriff, and having waived presence of counsel; and it appearing to the Court from the record herein that the defendant was indicted on the 3rd day of June, 1920, and thereafter, namely, on the 21st day of July, 1920, was arraigned on said indictment and thereafter, namely, on the 23rd day of July, 1920, pleaded that he was not guilty of the crime charged in said indictment, whereupon defendant now having first obtained permission of the Court withdraws his said plea of not guilty, and having waived time to plead further, defendant pleads that he is guilty of the crime charged in the indictment, namely, of the crime of forgery, committed in this said county and state on the 26th day of September, 1919, it is

ORDERED that said plea of guilty be entered of record and that the cause be continued for sentence until Friday the 10th day of September, 1920, at the hour of 2 o'clock P. M. of said date.

Dated Sept. 8th, 1920.

Sam'l. H. Pierce
JUDGE

~~SECRET~~

TOPIC: "The Role of the State in the Development of the Economy" (1980-1985)

[illegible]

COMPARABLE

ORDER ENTERING PLEA OF
GUILTY

STATE OF OREGON

ST 915-20

78-030633 0*

SECRET

1967 1968 1969 1970 1971 1972 1973 1974 1975 1976 1977 1978 1979 1980 1981 1982 1983 1984 1985 1986 1987 1988 1989 1990 1991 1992 1993 1994 1995 1996 1997 1998 1999 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095 2096 2097 2098 2099 2100 2101 2102 2103 2104 2105 2106 2107 2108 2109 2110 2111 2112 2113 2114 2115 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127 2128 2129 2130 2131 2132 2133 2134 2135 2136 2137 2138 2139 2140 2141 2142 2143 2144 2145 2146 2147 2148 2149 2150 2151 2152 2153 2154 2155 2156 2157 2158 2159 2160 2161 2162 2163 2164 2165 2166 2167 2168 2169 2170 2171 2172 2173 2174 2175 2176 2177 2178 2179 2180 2181 2182 2183 2184 2185 2186 2187 2188 2189 2190 2191 2192 2193 2194 2195 2196 2197 2198 2199 2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223 2224 2225 2226 2227 2228 2229 2230 2231 2232 2233 2234 2235 2236 2237 2238 2239 2240 2241 2242 2243 2244 2245 2246 2247 2248 2249 2250 2251 2252 2253 2254 2255 2256 2257 2258 2259 2260 2261 2262 2263 2264 2265 2266 2267 2268 2269 2270 2271 2272 2273 2274 2275 2276 2277 2278 2279 2280 2281 2282 2283 2284 2285 2286 2287 2288 2289 2290 2291 2292 2293 2294 2295 2296 2297 2298 2299 2300 2301 2302 2303 2304 2305 2306 2307 2308 2309 2310 2311 2312 2313 2314 2315 2316 2317 2318 2319 2320 2321 2322 2323 2324 2325 2326 2327 2328 2329 2330 2331 2332 2333 2334 2335 2336 2337 2338 2339 2340 2341 2342 2343 2344 2345 2346 2347 2348 2349 2350 2351 2352 2353 2354 2355 2356 2357 2358 2359 2360 2361 2362 2363 2364 2365 2366 2367 2368 2369 2370 2371 2372 2373 2374 2375 2376 2377 2378 2379 2380 2381 2382 2383 2384 2385 2386 2387 2388 2389 2390 2391 2392 2393 2394 2395 2396 2397 2398 2399 2400 2401 2402 2403 2404 2405 2406 2407 2408 2409 2410 2411 2412 2413 2414 2415 2416 2417 2418 2419 2420 2421 2422 2423 2424 2425 2426 2427 2428 2429 2430 2431 2432 2433 2434 2435 2436 2437 2438 2439 2440 2441 2442 2443 2444 2445 2446 2447 2448 2449 2450 2451 2452 2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463 2464 2465 2466 2467 2468 2469 2470 2471 2472 2473 2474 2475 2476 2477 2478 2479 2480 2481 2482 2483 2484 2485 2486 2487 2488 2489 2490 2491 2492 2493 2494 2495 2496 2497 2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512 2513 2514 2515 2516 2517 2518 2519 2520 2521 2522 2523 2524 2525 2526 2527 2528 2529 2530 2531 2532 2533 2534 2535 2536 2537 2538 2539 2540 2541 2542 2543 2544 2545 2546 2547 2548 2549 2550 2551 2552 2553 2554 2555 2556 2557 2558 2559 2560 2561 2562 2563 2564 2565 2566 2567 2568 2569 2570 2571 2572 2573 2574 2575 2576 2577 2578 2579 2580 2581 2582 2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594 2595 2596 2597 2598 2599 2600 2601 2602 2603 2604 2605 2606 2607 2608 2609 2610 2611 2612 2613 2614 2615 2616 2617 2618 2619 2620 2621 2622 2623 2624 2625 2626 2627 2628 2629 2630 2631 2632 2633 2634 2635 2636 2637 2638 2639 2640 2641 2642 2643 2644 2645 2646 2647 2648 2649 2650 2651 2652 2653 2654 2655 2656 2657 2658 2659 2660 2661 2662 2663 2664 2665 2666 2667 2668 2669 2670 2671 2672 2673 2674 2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685 2686 2687 2688 2689 2690 2691 2692 2693 2694 2695 2696 2697 2698 2699 2700 2701 2702 2703 2704 2705 2706 2707 2708 2709 2710 2711 2712 2713 2714 2715 2716 2717 2718 2719 2720 2721 2722 2723 2724 2725 2726 2727 2728 2729 2730 2731 2732 2733 2734 2735 2736 2737 2738 2739 2740 2741 2742 2743 2744 2745 2746 2747 2748 2749 2750 2751 2752 2753 2754 2755 2756 2757 2758 2759 2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774 2775 2776 2777 2778 2779 2780 2781 2782 2783 2784 2785

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NO. 1, 015

[illegible]

LOT 1122/1087 COBLES

IN THE DISTRICT COURT OF THE STATE OF OREGON

County of Multnomah, begun and held at the County Court House, in said County and State, on Tuesday the 7th day of Sept A. D. 19120, the same being the first ~~Monday~~ Tuesday in said month, and the time fixed by law for holding a regular term of said Court.

Present, Hons. J. P. Kavanaugh, Robert G. Morrow, Robert Tucker, Geo. W. Stapleton, William George Tazwell and John McCourt, N. Gatens ~~and G. E. Gantenbein~~, Judges.

Whereupon, on this Saturday, the 11th day of September, A. D. 1920, the same being the 5th judicial day of said term of said Court, among other proceedings the following was had, to-wit:

STATE OF OREGON,

vs.

Plaintiff,

F. J. Rogers.

No

C-7813

Defendant.

Now at this time comes the State of Oregon, by Samuel H. Pierce, Deputy District Attorney, and the Defendant appearing in person in custody of the sheriff and waiving presence of counsel. and said defendant having been heretofore duly indicted by the Grand Jury of Multnomah County, State of Oregon, on the 3rd day of June, 1920, for the crime of FORGERY committed in said County and State, on the 16th

day of September, 1919, and said Defendant having heretofore in said Court ~~been~~ pleaded guilty to the crime of forgery committed in this said county ~~convicted of the crime of and state on the 16th day of September, 1919, as~~ appears of record herein, and having been convicted on said plea, by ~~by the verdict of the jury empanelled to try said case as appears of record herein~~ order of this court, and this being the time for sentence, and there being no good reason why sentence should not be pronounced at this time,

IT IS THEREFORE ORDERED and adjudged by the Court that the Defendant F. J. Rogers be imprisoned in the penitentiary of the state of Oregon, for an indeterminate term of not more than twenty (20) years, and that the State do have and recover its costs and disbursements taxed at \$

(Signed)

Wm. George Tazwell

Judge.

STATE OF OREGON.
COUNTY OF MULTNOMAH } ss.

I, JOS. W. BEVERIDGE, Clerk of the Circuit Court of the State of Oregon for the County of Multnomah, do hereby certify that the foregoing copy of judgment order has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original judgment order as the same appears of record at my office in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said

Court this _____ day of _____ A. D., 191 _____

JOS. W. BEVERIDGE,

Clerk of the Circuit Court.

By _____ Deputy.

No. 9-7813--

In the Circuit Court

OF THE

STATE OF OREGON

FOR THE

COUNTY OF MULTNOMAH

STATE OF OREGON,

Plaintiff,

VS.

F. J. ROGERS,

Defendant.

COMMITMENT

WM. J. CLARKE PTJ. CO., PORTLAND, ORE.

SEP 11 1920

275
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3

IN THE CIRCUIT COURT OF THE STATE OF OREGON,
FOR THE COUNTY OF MULTNOMAH.

STATE OF OREGON

vs.

F. J. ROGERS,

67813 MOTION.

Comes now the defendant, F. J. Rogers, by counsel, and moves the court for leave to change his plea of guilty heretofore entered in this cause to a plea of not guilty, and in support of said motion submits herewith his affidavit, attached hereto and made a part hereof.

Nels Jacobson

Attorney for Defendant.

State of Oregon,)
County of Multnomah.) ss.

Due service of the within motion and attached affidavit by the delivery of a duly certified copy thereof as provided by law, at Portland, Oregon, this 13th day of September, 1920, is hereby admitted.

Samuel H. Pierce

District Attorney.

IN THE CIRCUIT COURT OF THE STATE OF OREGON,

FOR THE COUNTY OF MULTNOMAH.

STATE OF OREGON

vs.

AFFIDAVIT.

F. J. ROGERS.

STATE OF OREGON,

COUNTY OF MULTNOMAH.

} ss.

I, F. J. ROGERS, being first duly sworn say that I am the defendant in the above entitled original action; that in said action I am charged with the crime of forgery; that while confined in the county jail of Multnomah County awaiting trial I was visited by George Mowry, Deputy District Attorney, who discussed with me the facts regarding my case; that said Mowry advised me to plead guilty and stated that it would be useless to employ counsel to represent me; that he stated to me that if I plead guilty I would be extended leniency by the court; that subsequently I was called to the District Attorney's office and interviewed by said Mowry and one Sam Pierce, also a Deputy District Attorney, and was assured by them that if I would plead guilty to the charge against me I would be extended leniency by the court; that relying upon their statements I consented to enter a plea of guilty; that such plea was entered in ignorance of my legal rights, and as the result of persuasion on the part of said Deputy District Attorneys; that the sentence imposed upon me by the court upon such plea of guilty indicates that no recommendation of leniency was made, or was any leniency shown me, and my plea of guilty was procured wholly through misrepresentation as to the judgment that would be pronounced against me, and said judgment is vindictive and based upon charges other than those charged in the indictment to which I entered said plea; that I desire to change my plea to that of not guilty, to be represented by counsel and stand trial in said action.

Subscribed and sworn to before me this 13th day of September, 1920.

My Commission expires,

Aug 30, 1924

Nelson R. Jacobson
Notary Public for Oregon.

PARTS OF INSTRUMENT LACKS CONTRAST
NECESSARY FOR GOOD PRODUCTION

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON,)
)
vs.)
)
F. J. Rogers,)
)
Defendant.)

No. C-7813
AFFIDAVIT.

STATE OF OREGON,)
County of Multnomah,) ss.

I, Samuel H. Pierce, being first duly sworn, upon oath,
depose and say:

That I am a deputy district attorney for Multnomah county, Oregon; that during the month of August I was assigned to the trial of the above entitled cause; that said cause was then on the calendar for trial on the 8th day of September, 1920; that my information at that time was that the said F. J. Rogers, defendant, was represented by attorney John H. Stevenson; that preparation for the trial was begun by me, but that, some five or six days before the date of said trial, I was informed by John Mowry, special agent, that he had talked to Rogers, in response to a letter written by him, and that Rogers had determined to plead guilty; that thereupon, on the 3rd day of September, 1920, I requested the sheriff to send the said F. J. Rogers to the district attorney's office; that this request was complied with, the defendant being brought down in the custody of Roy Kendall, deputy sheriff; that the said John Mowry also was present at the interview which followed; that I at once informed the defendant that his case was on the docket for trial on the 8th of the month and asked him his intentions in the matter; that he informed me that Mr. Stevenson, attorney, had sometime previously withdrawn from the case and that Dan Powers, attorney, had come to talk with him but had also withdrawn; I then informed him that if he intended to go to trial we would proceed immediately to the court of the presiding judge and would secure an attorney for him by appointment; that if it was then found that he could not go to trial upon the date on which the case had been set we would also secure an order granting him additional time; Rogers thereupon declared that he did not wish to go to trial, but that he had determined to plead guilty and to take whatever was coming to him; that in discussing the case he declared that he was in bad shape with tuberculosis and that he had left his cot in the jail that morning for the first time in four days; that he admitted forging his wife's name to the check set out in the indictment and to other checks aggregating \$731.00; that he further admitted securing this amount of money upon the checks and said that a large portion of said money had been spent by him in treatment for the malady with which he was suffering; that he at that time exhibited a certificate from Dr. East of this city, which indicated that he had tuberculosis; that he went into detail to a considerable extent as to his movements since the commission of the crime charged in the indictment, exhibiting a card from his employer in Oakland, California, which indicated that he

could receive his position back at any time that he appeared to claim it; that he declared he was anxious to be at work in order to repay the amount of his defalcations;

That I expressed the opinion that he had gone the limit in his criminal conduct and told him that under the circumstances the district attorney's office could not recommend leniency in his case, but proposed that, if he was determined not to go to trial and wished to plead guilty, he go before the presiding judge and lay all matters before him including all evidence which he had upon his physical condition, and that it would then be up to the court to decide what should be done with his case; that he would thus be throwing himself upon the mercy of the court without recommendation either way from the district attorney's office;

That this arrangement was carried out; that the said F. J. Rogers, on the 3rd day of September, 1920, pleaded guilty before the Honorable George Tazwell, presiding judge, in the above entitled court; that the court then continued said cause for sentence for a week and instructed me to communicate with the warden of the state penitentiary to learn whether or not a man suffering from tuberculosis would be received at that institution; that according to the court's instructions I so communicated with said warden and received a communication which was at once submitted to the court for his instructions; that upon the morning sentence was pronounced the defendant was brought into court and all matters pertaining to his cause were stated by myself; that I exhibited at that time the discharge of the said F. J. Rogers from the U.S. army, the certificate of health signed by Dr. East, as before mentioned, and also a report from Dr. Hess, deputy county health officer, to the effect that he had examined defendant Rogers and had determined that he was tubercular;

That at no time was any misrepresentation made to the said F. J. Rogers or any promise made to him to induce his plea of guilty, but that, as has been stated, he was offered a chance to secure an attorney and, further, to secure a postponement of his case until he would be prepared for trial; that the affidavit submitted by the defendant in this case is incorrect in all particulars in which it is inconsistent with the within affidavit; that he is particularly in error in stating that George Mowry, deputy district attorney, interviewed him and gave him a promise of leniency should he plead guilty; that, to my personal knowledge, the said George Mowry was not in any manner connected with the case of the defendant after the indictment had been returned and, in fact, was out of the city at the time he was alleged to have made said promise of leniency.

Sam'l H. Pierce

Subscribed and sworn to before me on the
day of September, 1920.

Fredrick M. Dupuy
Notary Public for Oregon

My Commission Expires Feb. 3, 1924

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH.

STATE OF OREGON

vs.

F. J. Rogers,

Defendant.

AFFIDAVIT

C-7813

State of Oregon,

County of Multnomah.

ss.

I, John Mowry, being first duly sworn, on oath
depose and say:

That I am the special agent employed in the
office of Walter H. Evans, District Attorney for Multnomah County,
Oregon; that early in the month of September, 1920, a letter was re-
ceived by Walter H. Evans, District Attorney, from F. J. Rogers,
who was confined in the Multnomah County Jail on a forgery charge;
that in the said letter the said F. J. Rogers asked for an interview
with the District Attorney; that upon being instructed to do so, by
District Attorney Evans, I visited the said F. J. Rogers in the
Multnomah County Jail; that the said F. J. Rogers informed me that
he was suffering from tuberculosis and that he desired to get his case
over with as soon as possible; that I asked him if he had an attorney
and he informed me that he had had an attorney, but that he was not
represented by counsel at the time and that as he desired to plead
guilty, he did not think it necessary for him employ another attorney;
that he suggested that should he be released he considered that he
would be able to repay the amount of his alleged defalcations within
a short time; that I informed him that I did not know the amounts
involved in his case and that I did not know whether or not the
court would entertain such a proposition; that I informed him that

Affidavit of John Mowry--Page--1.

I personally had no authority to make him any promises whatsoever, and that I did not know what recommendation, if any, the District Attorney's office would be willing to make in his case; that I informed him further that should he enter a plea of guilty to the charge against him, the matter of what sentence he should receive would be entirely in the hands of the court; that I informed the said F. J. Rogers that I would notify the District Attorney of his physical condition, and that if an examination by a physician bore out his assertion that he was tubercular, the court would be advised of this fact before the passing of sentence; that some days later the said F. J. Rogers was brought down to the District Attorney's office from the Multnomah County Jail at the request of Samuel H. Pierce, Deputy District Attorney, and in the presence of Mr. Pierce, Roy Kendall, Deputy Sheriff, and myself, the said F. J. Rogers again expressed himself as being desirous of pleading guilty; that he stated that he did not wish to employ an attorney and stand trial; that Rogers was informed at this time by Mr. Pierce that if he did wish the case to go to trial, but had no attorney, that the court would see that he was properly represented by counsel; that Rogers stated that he preferred to plead guilty to the charge against him; that during this interview there was no promise of leniency whatsoever made to the defendant in order to induce him to plead guilty, and it was explained to him that should he enter such a plea, he would be throwing himself upon the mercy of the court; that Mr. Pierce informed the said F. J. Rogers that his statement that he was tubercular would be investigated, and that the result of the investigation would be reported to the court.

John Mowry
Subscribed and sworn to before me on the 18th day
of September, 1920.

Frederick J. [Signature]
Notary Public for Oregon
My Commission expires

My Commission Expires Feb. 3, 1924

STATE OF OREGON, }
County of Multnomah, } ss.

I, _____ being first duly
sworn, depose and say that I am the _____
in the above entitled _____; and that the foregoing
is true as I verily believe.

Subscribed and sworn to before me this _____

day of _____ A. D. 19 _____

Notary Public for the State of Oregon

STATE OF OREGON, }
County of Multnomah, } ss.

I, _____
Attorney for _____, do hereby
certify that I have prepared the foregoing copy of _____
and have carefully compared the same with the original thereof; and that it is a correct transcript therefrom
and of the whole thereof.

_____, Oregon, dated this _____ day of _____ 19 _____

STATE OF OREGON, }
County of Multnomah, } ss.

Due and legal service of the within AFFIDAVITS is hereby
accepted in MULTNOMAH County, Oregon, this 18th day
of SEPT. 1920; by receiving a copy thereof, duly certified to as such
by S. H. PIERCE

Attorney for STATE OF OREGON.

W. Jacobson
Attorney for _____

No. C-7813

In the Circuit Court

OF THE

STATE OF OREGON

FOR THE

COUNTY OF MULTNOMAH

STATE OF OREGON

Plaintiff

vs.

F. V. ROGERS

Defendant

OFFICE OF COUNTY CLERK

MULTNOMAH COUNTY, OREGON

Filed FILED, 19

SEP 20 1920

ICE & OVERIDER Clerk

By [Signature] Deputy

OFFICE OF

WALTER H. EVANS

DISTRICT ATTORNEY

PORTLAND - OREGON

Attorney for STATE OF

OREGON

BOYER PRINTING CO., PORTLAND, ORE.

Multnomah, begun and held at the County Court House in the City of Portland, in said County and State on ~~Tuesday~~ ~~MORNING~~, the ~~5th~~ ~~Tuesday~~ day of ~~Sept~~ A. D. 19 ~~20~~, the same being the ~~FIRST~~ ~~day~~ in said month, and the time fixed by law for holding a regular term of said Court.

Present, Hons. John P. Kavanaugh, Robert G. Morrow, Robert Tucker, G. W. Stapleton, William N. Gatens, ~~John McCourt~~ ~~and George Tarwell~~, Judges.

Whereupon, on this ~~Wednesday~~ the ~~22nd~~ day of ~~Sept~~ A. D., 1920, the same being the ~~14th~~ Judicial day of said term of said Court, among other proceedings the following was had, to-wit:

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

STATE OF OREGON,

vs.

F. J. Rogers,

Defendant.

No. C-7813

ORDER OF SENTENCE AND COMMITMENT.

This matter coming on to be heard, on motion of the defendant for an order revoking the order of sentence heretofore made and entered in the within cause, the State of Oregon appearing by Samuel H. Pierce, deputy district attorney, the defendant appearing in person in the custody of the sheriff and by his attorney, N. R. Jacobsen;

And it appearing to the court that heretofore, to wit: on the 7th day of September, 1920, the defendant pleaded guilty to the crime of forgery, committed in said county and state on the 16th day of September, 1919, and thereafter, to wit: on the 11th day of September, 1920, was sentenced by this court to be imprisoned in the penitentiary of the state of Oregon for an indeterminate term of not more than twenty years; and it now appearing to the court, upon further consideration of the said cause that the order of sentence heretofore made should be set aside, revoked and annulled, it is therefore

ORDERED that the order of sentence heretofore made and entered by this court in the above entitled cause on the said 11th day of September, 1920, be and is hereby set aside, revoked and annulled; and it is further

ORDERED that said defendant, F. J. Rogers, be imprisoned in the penitentiary of the state of Oregon for an indeterminate period of not more than two (2) years.

Done in open court this 22. day of September, 1920.

Henry Tagwell
.....
Judge.

81579

C-7813

In the Circuit Court of
the State of Oregon
County of Multnomah

STATE OF OREGON

vs.

F. J. Rogers.

ORDER OF SENTENCE AND
COMMITMENT.

SEP 23 1930

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PARTS OF INSTRUMENT LACKS CONTRAST
NECESSARY FOR GOOD PRODUCTION

STATE OF OREGON,)
County of Multnomah,) ss.

I, JOS. W. BEVERIDGE, Clerk of the Circuit Court of the State of Oregon,
for the County of Multnomah, do hereby certify that the foregoing copy of JOURNAL ORDERS has ~~been~~
been compared by me with the original, and that they are
correct transcript..... therefrom.; and of the whole of such original JOURNAL ORDERS as the same
appear..... of record in my office and in my custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed

the seal of said Court, this 21st day
of September 21st A. D. 1920

JOS. W. BEVERIDGE, Clerk

By Alga E. McLaughlin Deputy.