

IN THE DISTRICT COURT OF THE UNITED STATES
For the District of New Jersey

THE UNITED STATES OF AMERICA,)
)
 vs.) Ind. 4178c - Sentence
)
CONSTANTINO VINCENT RICCARDI.)

Newark, N.J., Monday, June 21, 1948

Before The Honorable GUY L. FAKE, U.S.D.J.

APPEARANCES:

CHARLES J. TYNE, Esq., Assistant U.S. Attorney, for the Government.

FREDERIC M.P. PEARSE, Esq., for the Defendant.

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MR. PEARSE (Following rendition of verdict of guilty by the jury): If the Court please, I now ask that the defendant be enlarged on bail until the announcement of sentence.

MR. TYNE: If the Court please, the Government moves that the defendant be remanded to jail and that his bail be taken up.

MR. PEARSE: Well, now, if your Honor please, I don't see why he does that.

THE COURT: I don't see why, with the knowledge of this defendant I have in this case, I should take any further time in considering a sentence; I don't know why I shouldn't sentence him now.

MR. TYNE: Well, then, the Government moves the imposition of sentence at this time, if the Court please.

MR. PEARSE: Well, I object, if the Court please.

THE COURT: On what ground?

MR. PEARSE: I would like to have an opportunity to--don't you want a probation report or anything of that kind?

THE COURT: I don't think I need one. I think I have this man's record from the testimony in the case. That is why I am ready to sentence him now. I don't think a probation report would enlarge any upon the testimony that has been adduced in this case.

THE COURT: Well, if the Court please, there are certain things that I would like to say.

THE COURT: You may say them now.

MR. PEARSE: In chambers or now. But after all, this has been a long trial. I have got to collect my thoughts at least.

THE COURT: I don't see any reason why I shouldn't sentence him now. I won't know any more about him later than I know now. I am quite willing, however, Mr. Pearse, to give you say a half hour to think matters over, and I will give you fifteen minutes to talk to the Court on the subject before sentencing.

MR. PEARSE: You know, this is the most unusual procedure I have ever experienced in this Court.

THE COURT: Why should the Court take any time when the Court already has the man's record, and knows what he has done in this case?

MR. PEARSE: Well, may I confer with you and counsel for the Government for a few moments?

THE COURT: You may, you may; and the defendant in the meantime will remain in custody.

[Informal conference in Chambers, off the record.]

MR. TYNE: If the Court please, the Government again moves the imposition of sentence upon the defendant.

THE COURT: Mr. Pearse, have you anything to say?

MR. PEARSE: If the Court please, I have already expressed myself to you in Chambers and I don't think it would avail me anything to add anything more.

THE COURT: I am ready to impose sentence.

MR. TYNE: Will the defendant step forward.

THE COURT: Riccardi, you have been found guilty by a Federal jury of the crime of having purloined, taken, with intent to steal, the property of a woman. In the progress of this trial I have been informed from your own lips as well as from the testimony of Government witnesses concerning your entire active career. Considering the evidence that has been adduced in this case and your prior criminal record, I am of the opinion that you are one of the most despicable and contemptible criminal characters that I have ever had anything to do with in this court during the many years of my service. The sentence of the Court in this case is ten years and ten thousand dollars on the first count, ten years on the second count, to run concurrently with the ten years on the first count.

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