

11-1-49

SUPPLEMENT

Supplement in support of petitioners sworn affidavit to petitioners affidavit with marked exhibits. In support of petitioners application for Writ of Habeas Corpus.

I, Constantino V. Riccardi, being duly sworn, depose and state: The complaint in the Court question on Page 745 of the Trial Record; the charge in the Indictment referring to the household furniture and the jewelry; all transactions pertaining to household furniture transported from Morristown, New Jersey, to petitioner's ranch in Phoenix, Arizona, and the jewelry transaction on the 2nd day of August, 1945, at which time the 28 - carat marquis ring was given to petitioner to sell, and the proceeds of said sale used in the defense of complainant's tax case, said furniture and jewelry alleged in the indictment were given to the petitioner because of promise of future marriage, to take place when petitioner would be free to marry, it being specificall understood that, when petitioner met complainant's boy, FIRSTLY - would come said boy's happiness; SECONDLY, -- his compatibility with the idea of marriage between complainant and petitioner; THIRDLY, -- said boy's given approval and consent; only then would complainant consent to marriage.

Petitioner states upon oath that the above testimony by complainant at the time of petitioner's trial, was given with the knowledge by complainant that such statement was false and untrue, and thereby perjured herself.

The petitioner is prepared to prove: the boy referred to by complainant, which boy is her stepson, the petitioner met for the first time in the latter part of August, 1945, at which time the young man referred to by complainant as her boy was already a full-grown young man. This was long after August 1st, when the Bill of Sale of household furniture was given to petitioner, and after the agreement of jewelry, and after the 28-carat ring had been given to petitioner on August 2nd, 1945, at Phoenix, Arizona.

Petitioner was advised, at that time, by complainant in her home, and again at petitioner's hotel, a few days later, that said young man, sometime in October, 1945, he expected to be discharged from the Army, and contemplated immediate marriage with a nurse, a young lady in some way associated with medicine, with whom he had been keeping company.

First name of said young lady, who came from Minnesota, was Corky. The complainant's stepson planned to study under the G.I. Bill of Rights, and after marriage moved to Boston, and there continue his course at college which had been interrupted when he entered the U. S. Army. His plans also included the young lady continuing to work after marriage, and with her earnings, the money he had saved while in the Army, plus his discharge pay, complainant's stepson stated that he and his intended wife could get along until his graduation from college.

The complainant stated to the petitioner, that she did not approve the contemplated marriage of her boy, -- young man, and stepson, -- to Corky; nor did complainant approve of the young lady herself, on the grounds that she was not fit to be the wife of her stepson, who was of royal blood, -- a titled Prince; because the girl came from a very common, ordinary Minnesota family. Complainant appealed to petitioner for aid in preventing said contemplated marriage: of her stepson and Corky.

Petitioner states, that complainant's cited disapproval was the reason for inviting the stepson to California for possible entrance into Pasadena School of Technology, -- all in the hope of thereby estranging him from Corky, and preventing the contemplated marriage.

The petitioner further states that on the property of the complainant at Morristown, New Jersey; the consideration mentioned in the form of services in behalf of complainant's tax

case, was given on August 1st, 1945, the same date the Bill of Sale was given, to petitioner; additional services were rendered after the Bill of Sale was given, which was stated as being in consideration for the furniture charged in the Indictment. The complainant, and witnesses for the Government, testified at the trial; there was no evidence during the entire trial that the petitioner ever claimed anything for his services in assisting complainant in her tax case, -- other than stated in Exhibit 2 hereto attached to petitioner's affidavit. Petitioner now stands convicted.

The petitioner further states; he is prepared to produce three (3) witnesses who have knowledge of office copy Exhibit 3, which the complainant testified to signing, but which was not produced in evidence at the trial...200a.

Also, Mr. August Merrill, of Utica, New York, Attorney for the complainant was given a copy of the said agreement shortly after it was made, said agreement was discussed a short time after, at complainant's home in Morristown, New Jersey, -- the reason being: according to the written agreement testified to, on Page 200a, all of the monies to defer attorney fees, court cost, etc., were to come from petitioner. Mr. Merrill, being Attorney in charge of tax case for complainant, was fully advised of said agreement, marked Exhibit 3 (office), attached to petitioner's affidavit.

In Phoenix, Arizona, on August 2nd, 1945, at the office of petitioner, the complainant met Ralph Murane, who witnessed signature on that date, to which complainant testified on Page 183a.

The petitioner further states: He will produce, in person or by deposition, the secretary and stenographer who drew said agreement on August 2nd, 1945 at the mining office of petitioner, complainant testified to having met said secretary and

stenographer on August 2nd, 1945, at the office of petitioner...

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Petitioner further states: he is prepared to prove that all terms and conditions stated in said agreement of Exhibit 3, were carried out in full compliance with all terms related therein.

*Constantin v. Research.*

In propis persona

Sworn to and subscribed

before me this 24 day

of October, 1949.

*George Pearce*

A Notary Public of New Jersey.

*an attorney at law*