

DENIED BY TOP COURT

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Marcello's Tax Appeal Rejected

The U.S. Supreme Court today refused to hear an appeal by Jefferson Parish rackets figure Carlos Marcello in an income tax case against him and his wife.

In denying certiorari, the court affirmed a decision of the U.S. Tax Court and the Fifth Circuit Court of Appeals.

The Tax Court in November, 1964, ruled that Marcello should pay taxes on attorney's fees paid in connection with his deportation proceedings in 1957-58, and also on the sale of his Metairie residence.

THE INTERNAL Revenue Service says the attorney's fees were \$8,708.27 and the profit on the real estate transaction was \$59,462.

In the attorney fees matter, the court ruled out a claim that they represented ordinary and necessary business expenses.

On the property matter, the high court said the lower courts were not required to accept as proof of Marcello's ownership an affidavit that his mother executed, but never recorded.

THE COURT RULING had

the effect of saying Marcello failed to adequately prove that he was the real purchaser of the Woodvine home.

In 1938, Carlos Marcello was indicted and convicted of selling marijuana. On the basis of this conviction, he became subject to deportation proceedings. He successfully fought deportation until April 4, 1961, when he was deported to Guatemala by the U.S. Immigration Service. But the Internal Revenue Service brought him back three days later, declaring that he owed about \$800,000 in back taxes, including taxes on attorneys' fees and on the home sale.

The Immigration Service contends that Marcello is an Italian citizen, but the Italian government will not accept him. No other country will receive him.