

January 1927

Recent Trial Court Decisions

Denver Bar Association Record

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cemetery. Referring to his coming to Denver and addressing our Bar, he said that he made no pretenses to public speaking but came to us as a fellow-lawyer because he felt that every man should do his part and his level best in helping to work out our American destiny.

The Three Houses, Again

If you and I, he declared in con-

clusion, are loyal and true to the church-house, the school-house and the court-house, we will transmit this government until God sees fit to call his children home and this Republic will go moving on until all nations will be gathered under the American flag and thus fulfill the angels' promise of "Glory to God in the highest and on earth Peace and Good Will to Men."

Recent Trial Court Decisions

(*Editor's Note.*—It is intended in each issue of the Record to note interesting current decisions of all local Trial Courts, including the United States District Court, State District Courts, the County Court, and the Justice Courts. The co-operation of the members of the Bar is solicited in making this department a success. Any attorney having knowledge of such a decision is requested to phone or mail the title of the case to Victor Arthur Miller, who will digest the decision for this department. The names of the Courts having no material for the current month will be omitted, due to lack of space.)

Denver District Court

DIVISION VII

JUDGE FRANK McDONOUGH, SR.

Facts: Motion to set aside a verdict of guilty of "uttering a forged instrument." The jury in convicting on this, the second count of the indictment, had failed to return a verdict on the first count charging forgery of the same instrument. Defendant bases her motion on the grounds that the failure to return a verdict on the first count is in effect a verdict of not guilty so as to bar a verdict of guilty on

the second count on the ground of *autrefois acquit*.

Held: Motion denied.

Reasoning: Conceding the failure to return a verdict to be in effect a verdict of not guilty on the "forgery" count it was nevertheless no bar to a prosecution on a second count, or by a future indictment, for "uttering" because the evidence which will support an indictment on uttering will not be sufficient for a conviction on an indictment for forgery and vice versa.

People vs. Webb, No. 28933

Pro Bono

Denver, Colo.,
March 23, 1927.

Mr. Luke Kavanaugh,
Chairman, Bar Association
Committee.

E. and C. Bldg.

Dear Sir:

As I am heartily in favor of the amendment concerning additional Justices of the Peace, and am willing to do my "bit", I gladly donate the cost of printing the petitions.

Respectfully,
SIDNEY EASTWOOD.