

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH
IN AND FOR THE COUNTY OF SEVIER.

STATE OF UTAH,)
vs.)
Herschel Akers.)

Richfield, Utah. Dec. 31, 1923.

To the Honorable State Board of Pardons,
Salt Lake City, Utah.

Gentlemen;

On the 20th of December, of this year in the District Court of Sevier County,, State of Utah, a young man by the name of Herschel Akers was brought before me in court upon the charge of forgery. I instructed him fully of his rights to have counsel, and that he could not plead until he had been fully advised in the matter; but he waived his right to counsel and for further time to plead and entered a plea of guilty to the charge.

The charge was for having made and uttered a fictitious check in the sum of \$5.00, which he passed to the Southern Hotel of Richfield. Before pronouncing judgment in the case I inquired from the officers as to any information which they might have concerning the young man, who is only 22 years of age; but the officers stated they had no information concerning him or the case except the matter had been presented in court. I questioned the young man and learned from him that his home was in the State of Ohio, where his parents live; also that he had never been arrested before. He informed me also that he had worked for Leo. Bowman at or near Nolans in Wayne County, on a ranch at different times, aggregating about three years. His last employment there being only about a year or so ago. That since that time he had wandered around in different parts of the State. At this particular time he was on his way back to the ranch of Mr. Bowen where he expected to be employed again. While at Richfield, he being short of money to pay his hotel bill, and being a stranger in Richfield he took this course of paying his bill, but apparently did not realize the seriousness of the offense.

He informed me also that a man by the name of James Lanning was foreman at the ranch where he had been working, had lived in the same town where he also had resided in the Ohio, and that I could inquire from Lanning as to the character and reputation of the defendant.

I was very reluctant to pronounce judgment at that time, because it seemed I could not get any definite information, and the officers were apparently anxious to dispose of the case at that time; so the defendant was sentenced for an indeterminate period in the State Prison to not less than one nor more than the maximum term for forgery.

Since that time I have followed up this matter and have communicated with prominent people from Wayne County, who seemed to be quite well acquainted with the young man. And I also had word from Mr. James Lanning, the foreman, and they were all very much surprised at the trouble that the young man had gotten into; and they informed me that during all their acquaintance with him he had proved himself to be a really fine honest, upright and industrious young man with no bad habits; and expressed themselves to the effect that they would like to see if executive clemency could not be exercised in his behalf immediately.

Mr. Lanning is willing to take him back to the ranch and give him employment, and will also pay his fare from Salt Lake to the ranch.

And I feel that the punishment in this case, considering all the facts and circumstances is entirely too severe; but it seems as though I had no other alternative and did not have