

Q Then, to the information of the District Attorney, charging you with burglary in the second degree, which counsel for the State and your own attorney have agreed you may plead to as embodying the charge of burglary in the third degree, what is your plea, guilty or not guilty?

A I plead guilty to burglary in the third degree.

THE COURT: Let the plea be entered.

MR. TOBIN: Now, if the Court please, I can make this statement for the record and for the benefit, if you may put it in that language, of the Board of Pardons. As I understand from talking to the defendant, and I think Mr. Gordon will bear me out in this, this man has been in the State of Utah about eight months. He has been in the city of Tooele about five months. He was intimately acquainted with the woman from whom these articles mentioned by Mr. Gordon were taken, and has been on friendly terms with that woman for several months; and I might say that I take it there would not be any contention on the part of the State that there was any forcible entry in this case. The most that could be said on behalf of the State would be that the defendant in this case gained access to this house with the permission of the occupant. I think it is only proper to make that statement. I don't think in this case that any great punishment should be inflicted. While it is not a trivial matter; I don't mean to say that; but at the same time it is not in any sense an aggravated case. I think that is a correct statement, isn't it, Mr. Gordon, as far as this particular case goes?

MR. GORDON: In answer to Judge Tobin, I will merely