

State Vs Delano #3

his plea here without his having counseled with an attorney. You may go into my chambers or in the other room and talk this matter over with him.

SUBSEQUENT PROCEEDINGS:

MR. HEMPSTEAD: If the Court please, I have had a consultation with this defendant. He has made a very full and frank statement, and he tells me that he is guilty and that he has confessed to the officers; and the girl who was with him has also confessed. He does not desire to put the State to the expense of a trial, because there would be only one outcome of it, because he has confessed, and he said he was willing to plead guilty.

I have looked up the statute, and the penalty for second degree burglary, I find, is one to twenty years. I requested Judge Rogers to recommend the minimum sentence, if the defendant pleads guilty; but he did not agree to that. He said he would not oppose any action that the Board of Pardons might take. I don't know whether I should make a statement to your Honor now, about the facts of the case, because you impose an indeterminate sentence anyway; but if I should make it now, perhaps your Honor would be in better position to make your recommendation on the basis of what the defendant tells you.

THE COURT: I will say this to you, that the statements made at this time, in the event he pleads guilty, will be reduced to writing and become a part of the records and will be sent to the Board of Pardons at the time of the recommendation.

MR. HEMPSTEAD: Do you desire to enter a plea of guilty to this charge, understanding what it is, and what the penalty is?

A Yes sir.