

JESSE P. RICH  
ATTORNEY-AT-LAW  
ARIMO BLOCK - PHONE 855  
LOGAN, UTAH

February, 17<sup>th</sup> 1925.

State Board of Pardons,  
State Capitol Building  
Salt Lake City, Utah.

Gentlemen:

In Re: Elmer Calder, Sentenced December, 13, 1924.

The father of Elmer Calder, who was sentenced December, 13, 1924, after having been convicted on a charge of Statutory Rape, tells me that he is applying for a pardon to your honorable board.

At the time this case was tried I was County Prosecuting Attorney, and as the District Attorney was sick the day the case was called in the District Court I was requested to try the case. The evidence was not altogether satisfactory, as it came out in the trial that the girl and her mother had made admissions to reputable parties that the case against the said Elmer Calder was a frame-up and they did not deny at the trial that they had made such admission. However the jury did not seem to take much stock in the admission, but found him guilty.

The girl was pregnant at the time of the trial and was married to another young fellow with whom she had been keeping company, shortly after the case was over. While there was some evidence of force used, yet I think no one took that very seriously, and the jurymen have told me since that they were not convinced that the defendant was the cause of the girl's pregnancy. The only real evidence there was in the case was the girl's evidence, and you realize that in such cases there is always a possibility of a miscarriage of justice.

I have known the family of the defendant for a great many years, and I can truthfully say that I think they are some of the finest people that ever lived. I regretted very much having the case come up, and I feel that it would serve not good purpose to keep the defendant in jail for any extended length of time. I am informed that the judge recommended three months for the defendant. and I feel under all of the circumstances of this case that this will be entirely sufficient, and would recommend that he be released at the end of that time.

I am writing this letter merely in the furtherance of justice as I am in no way connected with the case at this time, and I am informed that this is the only time that any of the family of the defendant were ever in court.

Yours very truly,

*Jesse P. Rich*