

night before persued him and threatened to take his life.

At the time of the homicide the defendant and his brother were partners in a grocery business which did not survive long after the homicide. The business was closed out, the defendant was sentenced September 28, 1922, and his brother found work as a laborer.

The defendant has suffered far beyond the usual measure of punishment for involuntary manslaughter or even of voluntary manslaughter. His fortunes were ruined as well as those of his brother. His father nearly 80 years of age was deprived of the support formerly given him and required aid from Salt Lake County and we may easily conceive the torture of mind suffered by the defendant. Furthermore, the defendant by his own act although unwittingly, had taken the life of a faithful and beloved friend.

It is true that the defendant upon his preliminary examination ~~was~~ was held for trial on the charge of voluntary manslaughter and upon the trial in District Court the jury failed to agree and thereafter, defendant for some reason I have been unable to ascertain, plead guilty to the charge of voluntary manslaughter. The defendant realizing what the consequences were that followed the homicide endeavored to take his own life.

His record was a citizen before the homicide is that of a kindly, peaceable and lawabiding citizen, never charged with any offense and reputed to be exemplary in his conduct. All through his period of sentence so far served, he has been an exemplary prisoner except as to his attempted suicide, has been faithful to the rules of the prison and has shown in his conduct a most remarkable, kind and inoffensive disposition.