

THE COURT: And you, Mr. Moe?

DEFENDANT MOE: Yes.

THE COURT: Mr. Gordon, I believe I will ask you to make a statement as to the facts in this case. Just be seated, gentlemen. You make your recommendation and statement now, Mr. Gordon.

MR. GORDON: If your Honor please, in the case of State of Utah v. Chris Hammer and Pete Moe, this crime was committed at Wendover in Tooele County, and I think they went from there to Idaho Falls. One of them was discovered there, discovered by the officers, Mr. Hammer, and waived his preliminary hearing and was willing to take a sentence then, the same as he is now. Mr. Moe spoke to me about his wife. He had been married just two months and she had got run over by an automobile and her leg was broken and she was in a very destitute condition financially. I went up to see her, 44 South 77th East, and found that what Mr. Moe said was true in every particular. While it is a very serious offense on both of them, I take it that there should be some difference in the punishment on account of this woman in her destitute condition. I asked her to come to Tooele. She said she hadn't a dollar to pay her fare, nor buy a meal and for that reason she couldn't come. I will just ask to make my recommendation in writing to the Court afterwards -- I would rather, than at the present time.

THE COURT: What do you know about the offense itself, Mr. Gordon? What were the circumstances with reference to the offense?

MR. GORDON: Well, he just merely went into this store and issued a check in the name of so and so and