

*Put in calendar for
March 1924.*

BEFORE THE STATE BOARD OF PARDONS OF THE STATE OF UTAH.

THE STATE OF UTAH PLAINTIFF

VS

APPLICATION FOR A PARDON AND FOR A
RE-HEARING.

JOSEPH ORMOND AND PETE ROBERT
JOHNSON DEFENDANTS

STATE OF UTAH SS
COUNTY OF SALT LAKE

JOSEPH ORMOND AND PETE ROBERT JOHNSON, BEING FIRST DULY SWORN, EACH
FOR HIMSELF AND NOT ONE FOR THE OTHER, SAYS;

That they are defendants in the above entitled cause; that they were
arrested in July 1923 on a charge of Burglary in the third degree; they
were tried and, as affiants are informed, the jury voted seven for "not
guilty" and one for "guilty". That as affiants are informed the juror ~~xxx~~
voting "guilty" stated to the other seven jurors that if they would also
vote "guilty" to make an example, that he would see the Judge with whom
he was acquainted and get them off. That thereupon the jury returned a
verdict of "Guilty" and "We recommend all the leniency the court can
grant".

The District Judge then on October 11th 1923 wrote to the State
Board of Pardons as follows "In view of the circumstances, and the verdict
of the jury, I am inclined to recommend to the Board of Pardons that
sentence be terminated at the expiration of six months, being the full
minimum sentence; and in this connection I desire to say that the
defendants were in the County Jail here three months waiting trial; and
if their conduct at the State Prison justifies it, would suggest that ~~xxx~~
they be allowed credit for the three months spent in the County Jail
here at Brigham City, where I am advised by the sheriff they were model
prisoners."

Affiants further say that the warrants of arrest show the
arrest and imprisonment to have begun July 27th 1923 and that the
six months period will expire January 27th 1924.

Affiants are informed that their application for a pardon was
denied without the facts having been fully presented to the Board of
Pardons, and unless a re-hearing is granted, as affiants are informed,
they will be confined for a period of time exceeding nine months.

Affiants further say that as stated by the trial Judge in his
letter to the Board they were employed by the O.S.L. Railroad, and that
they occupied "bunk cars" which were provided by the Company in which
"Bunk Cars" there was no bedding provided for the employee's. That the
gang of workmen instead of sleeping on the bare boards sought to obtain
bedding. That thereupon these defendants purchased from other employee's
a mattress and an old blanket and quilt which they used in the Bunk Cars
each and every night thereafter.

These defendants further say that they never at any time broke
or entered any railroad car as alleged in the information. But the
inference seems to have been drawn that they aided or abetted, not being
present, from the fact that the mattress, blanket, etc. was found and
was used by affiants in the O.S.L. Railroad "Bunk car". The market value
of each piece was about \$1.00, and the articles were purchased for a
similar price. The court instructed the jury in substance that if the
defendants aided or abetted, not being present etc. etc. (Ins. 4).

We invite attention of the Board of Pardons to the fact that
the entire jury recommended as follows: "We recommend all the leniency
the Court can grant." and to the letter of the juror now on file, who
first voted "guilty". We invite attention to the letter of the District
Judge dated Oct. 11th 1923, and to the letter of the District Attorney
dated January 3rd 1924 recommending Pardon as we are informed, and we
submit this application and ask that a re-hearing be granted and
that our application for a pardon be allowed if it meets the approval
of the Honorable State Board of Pardons.

Subscribed & sworn to before me this
4th day of January A.D. 1924.
Notary Public, Com. ex. Nov. 27th 1926
Residence Brigham City, Utah

Joseph Ormond
Pete R. Johnson