

the charge, or any other fact or circumstance which might bear upon the question of mitigation. Mr. Hepler, on behalf of the defendants represented to the court the fact of the youth of the defendants, and asked for lineancy upon that ground;. However the exact ages of the defendants were not given ; but from appearances I judge that the defendants were somewhere near the age of 21 years, perhaps more or less. But the evidence showed from a statement of the District Attorney that the defendants had wilfully and forcibly broken into the said store, and supplied themselves with certain articles of merchandise, and that they had also stolen a car at Richfield in which they attempted to make their way to California, but were apprehended in Clear Creek Canyon in Sevier County, by the Sheriff and his deputies just after the car had been abandoned by reason of breaking down in some particular, in possession of fire arms from which it appeared they were intending to hold the next driver of a car who happened to come along, in order that they might continue on their way..

The defendant, Jean Devoesse , admitted in open court that he had served time in the State Penitentiary of Iowa. And from all the information that could be obtained, it appears that both of the defendants were what might be called "toughs", and undoubtedly have a criminal record..

Inquiry was made also as to their relations, but each of them refused to make any statement as to where or who their parents or other relatives were.

My recommendation is that each of the defendants be required to serve a term of five years in the State Prison as . in my judgment it will take that time to teach them that honesty in the acquisition of peroprty is the best policy for them to pursue.

Respectfully submitted.

Joseph H. Erickson

Judge.
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