

the defendant testified to these facts as against Edwards and testified on behalf of the State. In view of the fact that he has done this we are more or less disposed to show a little leniency towards this defendant, and also in view of the fact, although the defendant was operating with Edwards at that time, he never struck the man; he never used any force upon him, and he testified for the State, that he attempted to persuade Edwards to leave the man alone. He also claimed, when testifying for the State, that he did not realize the purpose Edwards had in mind at the time they took that walk on that particular evening. So in view of that fact the State would recommend that, if the defendant so desires, the court accept a plea of guilty to the first count in the Information, that of grand larceny.

MR. TOBIN: Yes.

THE COURT: Has the defendant been arraigned?

MR. HUTCHINSON: Yes, your Honor, I think the record shows that. Yes, the defendant was arraigned on December 18th, 1922, and plead Not Guilty.

THE COURT: You have investigated the facts, of course?

MR. HUTCHINSON: Yes, your Honor. I may say Mr. Rogers tried the case of the State of Utah Vs Edwards and used Van Nixon as his main witness. I called Mr. Rogers' attention to the situation, and he advised me to accept a plea of Guilty to the first count.

THE COURT: What property was taken?

MR. HUTCHINSON: I think a watch, as I remember.

MR. TOBIN: A watch of the value of \$44. and \$7. in cash.