

LEROY B. YOUNG
LAWYER
FIRST NATL BANK BLDG.
BRIGHAM CITY, UTAH

Brigham City, Utah.
July 18, 1923.

Mr. David B. Hempstead,
Utah Savings Trust Building,
Salt Lake City, Utah.

Dear Sir:

I am in receipt of yours of the 14th instant in re State of Utah vs Angle. In reply beg to advise that I have taken this matter up with the Attorney General and in the first place I raised the legal question involved and Mr. Clough is quite inclined to agree with me in the matter. That is that there was no suspended sentence law in effect at the time the court sentenced Monroe and Angle to the penitentiary. They appealed to the Supreme Court and the sentence was merely stayed pending the appeal. The Supreme Court reaffirmed the judgment. There was no resentencing like in the case of murder, but the original sentence made some two years ago was affirmed.

I do not see therefore, how the judge has authority to go in and set aside that judgment and suspend sentence. Irrespective of this matter, however, after I talked the matter over with Mr. Clough, I believe he quite agreed with me, that I am taking the right course in this matter, and the last words he said to me were that he was inclined to think that a little term in the penitentiary was the proper thing. That being the case, I have concluded to absolutely close the case in this matter, in so far as any attempt to suspend sentence is concerned.

I feel that I must consider the Sheriff in this matter and he is unalterably opposed to such action. I told Mrs. Angle that I would not oppose a pardon if the Board of Pardons saw fit to grant it. I feel that the Board of Pardons is the proper party to appeal to if Mr. Angle is entitled to consideration.

Yours very truly,

Leroy B. Young
R.H.