

Corrected
COPY

att. Hampstead

IN THE SUPREME COURT OF UTAH

February term, 1923.

State of Utah,

Respondent,

No. 3851

vs.

APPELLANT'S BRIEF.

C. G. Monroe and Frank Angle,

Appellants.

ASSIGNMENT OF ERRORS.

Come now the defendants and appellants and assign the following errors appearing on the face of the record in said cause, and upon which said appellants will rely for a reversal of the judgment herein upon this appeal.

I

The evidence is insufficient to sustain or justify the verdict or judgment in the following particulars, to-wit:

There was no sufficient identification of the wheat found in the possession of the defendants as being the same or similar wheat as the wheat the complaining witness, Walter B. Glenn, claimed to have had stolen.

II

The evidence is insufficient to sustain or justify the verdict or judgment in the following particulars, to-wit:

There was no sufficient identification of the defendants as being the persons who stopped a truck near the wheat pile of the complaining witness and carried off some of his wheat.

III

The evidence is insufficient to sustain or justify the verdict or judgment in the following particulars, to-wit:

There were no measurements taken or shown of the tracks made by the defendants' truck, nor was there any comparison made between the tires on the defendants' truck and the truck tracks in the road near the wheat pile of the complaining witness.

IV

The evidence is insufficient to sustain or justify the ver-