



IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF UTAH WITHIN
AND FOR THE COUNTY OF CARBON.

THE STATE OF UTAH,
Plaintiff,

vs.

BYRON G. FOSS,
Defendant.

STATEMENT TO THE BOARD OF
PARDONS.

Hon. State Board of Pardons,
Salt Lake City, Utah.

Gentlemen:

I am herewith submitting to you a report on the proceedings
and facts shown in the above-entitled cause.

The defendant in this case was arraigned in this Court on
October 14th, 1924, upon the charge of carnal knowledge of a
female under the age of 18 and over the age of 13 years, and
entered a plea of not guilty. The case came on for trial on the
9th day of December, 1924, and a jury was duly empanelled and on
the 10th day of December, 1924, the said jury returned a verdict
of guilty with recommendation of leniency. On the 12th day of
December, 1924, the defendant appeared for judgment and was by
this Court sentenced to an indeterminate period of imprisonment in
the State Prison of the State of Utah not to exceed five years.
A strong plea for leniency, on account of the age of the defendant,
he being but 19 years old at the time the offense was committed
and the fact that he had been incarcerated in the County Jail of
Carbon County for more than five months, was made by counsel for
the defendant, and the District Attorney also joined in a recommend-
ation of extreme leniency in this case.

The evidence in the case disclosed the fact that the de-
fendant, in company with an older man who is still at large un-
apprehended, on the night of the 4th of July, 1924, took the com-
plaining witness, a buxom girl of 14, and a girl companion of the
age of fifteen, for an automobile ride, and upon returning from
the said ride the car was stopped in a cluster of bushes near
the side of the road and the offense committed. The complaining
witness testified that she resisted the defendant as far as she
could. The defendant contended that he did not commit the offense
charged, but simply took liberties with the person of the complain-
ing witness. It further appeared from the evidence that the
parties had all been drinking somewhat.

In view of the circumstances in the case and the strong recom-
mendations of both prosecuting and defending counsel, the Court
hereby recommends that the defendant be imprisoned in the State
Prison of the State of Utah for a period of three months, which
recommendation, of course, is conditioned upon the proper and
commendable conduct of the defendant while in custody.

The defendant was admitted to bail, and his case is being
appealed to the Supreme Court of the State of Utah.

Respectfully, submitted,

George Christensen
District Judge.

Dated January 12th, 1925.