

HAVE THEIR LIBERTY THROUGH LAW DELAYS

Huff, Tibbets and Dupree Cases in Superior Court Hang on for Months.

TECHNICALITIES ARE HELP

Shoplifting Verdict of Guilty Is a Sample of Way Time May Be Gained.

Criticisms of courts and American court procedure have been very common during the last few years with the criticism growing more and more outspoken in recent months. The delays in bringing offenders to justice, the resort to technicalities in frustrating the proper exercise of the law and its punishment have been pointed out in newspapers, in magazines and from the lecture platform as showing the need of radical reform.

In the Superior court of this city can be found examples which may be taken as showing in a measure at least how delays can be secured and manipulated, every one within the law and possibly every one unavoidable under existing conditions.

In March, 1911, the Police court report of the shoplifting case against Anna and Veronia Huff was filed in Superior court. It was not until the following October that Anan Huff was arraigned, entered a plea of guilty and her trial began. The following day the jury returned a verdict of guilty. An immediate motion was made by Attorney E. N. Barnard requesting a stay of proceedings which was granted.

Huff Case Drags Along.

No more was heard of the case until Jan. 11, 1912, when the court granted a further stay of thirty days in which to settle upon a bill of exceptions to be presented to the Supreme court. Mrs. Huff had been released on bail after the verdict was returned. Feb. 5 still another thirty-day stay was secured and the next entry in the records of the court is dated May 18, when the bill of exceptions was filed. This bill of exceptions was forwarded to the Supreme court May 25. Thus the case dragged from March, 1911, when the records first were filed in the court until May 25 before the beginning of the appeal proceedings were taken. The Supreme court still has to pass upon the case, which probably will mean months more of waiting. In the meantime Mrs. Huff, who was found guilty, is at liberty and her daughter has not been tried.

In October, 1911, a case was begun in Superior court against Harry Segal, charging him with securing money under false pretenses. The trial occurred Nov. 17 and the jury found the respondent guilty. In this case, too, there was the appeal with the continual delays and the record was transmitted to the Supreme court May 25 of this year. Segal has his liberty and it may be a year before the case finally is settled. In this as in the Huff case some of the delay may be attributed to Attorney Barnard's illness during recent months.

Tibbets Case Is Another.

Katie Tibbets was arrested last December for maintaining a disorderly house on North Division avenue. Jan. 2 she was arraigned and pleaded guilty, the trial being begun immediately. A verdict of guilty was returned Jan. 8. Immediately her attorneys, Dunham & Dunham, moved for a new trial. The motion was based largely upon the fact that there had been error in the case because the court allowed the jury to receive a list purporting to be a telephone call list of names of girls kept by Mrs. Tibbets. The motion was argued and submitted April 20, and Judge Stuart today announced that he denied the new trial.

There is little doubt the case will be appealed and the end of the litigation in that event will be a long way off. Mrs. Tibbets is at liberty.

In September, 1911, the papers in the case of John Dupree, charged with a statutory offense against a little girl, were filed in Superior court. Month after month went by and Mr. Dupree was not arraigned. His physical condition and other excuses were put forward to secure this delay and it was not until April 9 of this year that the arraignment was possible.

May Win on Technicality.

The plea was not guilty and April 20 the trial began. The trial lasted four days and April 3 the jury found the respondent guilty of taking improper liberties with a child. Attorneys Dunham and McKenna for the defense filed a motion May 13 asking for an arrest of judgment. In other words, they asked that their client be discharged in that the verdict was not in line with the testimony of the case. The contention was that the testimony of the people had not tended to show assault with intent to commit a statutory crime and the jury had no right to bring in the verdict of improper liberties; that the respondent was guilty of the more serious offense or innocent.

This motion is being considered by Judge Stuart. Should he grant it Mr. Dupree will be given his liberty on a technicality. Should he deny the motion

the case will be appealed to the Supreme court undoubtedly. Mr. Dupree is at liberty.

Respondents at Liberty.

The question of sentencing prisoners found guilty of criminal offense rests with the presiding judge. He has the right to pass immediate sentence if he so chooses and this is the usual policy of Judge McDonald in Circuit court.

Then if an appeal is desired, the attorneys for the respondent usually make every effort to get the records before the Supreme court and have the matter settled as speedily as possible. With the respondent at liberty the same need for haste does not appear. Judge Stuart, however, has taken the position that with an appeal of a motion for a new trial pending it is but fair to withhold sentence.