

THE UNITED STATES, COMPLAINANT AND APPELLEE, VS. DOMINGO BERRY, DEFENDANT AND APPELLANT.

G.R. No. 1259. July 24, 1903

Ponente: WILLARD, J.

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WILLARD, J.:

The Solicitor-General and the attorney for the defendant have joined in a petition that the defendant be included in the amnesty of July 4, 1902.

There is evidence in the case that the defendant was participating against the United States in the insurrection in December, 1900, when the crime was committed; that he had been ordered by his chief to kill all spies of the Americans; that he believed that the deceased was such a spy and that the defendant killed him for that reason. If this evidence can be believed the petition should be granted. Although the evidence is conflicting and is not entirely satisfactory, we have decided that it is more probable than otherwise that the story of the defendant is substantially true. The petition is accordingly granted and, on filing in this court the oath required by the proclamation, an order will be entered dismissing the case. It is so ordered.

Arellano, C. J., Torres, Cooper, Mapa, and McDonough, JJ., concur.

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