

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. MIKE BEECHAM, DEFENDANT AND APPELLANT.

G.R. No. 5162. February 26, 1910

Ponente: MORELAND, J.

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MORELAND, J.:

The defendant in this case was charged with murder in causing the death of Edward T. Clark, the information charging said crime being as follows:

"On. the 11th day of May, 1908, at Camp Stotsenberg, in the municipality of Mabalacat, in the Province of Pampanga, Philippine Islands, the accused, Mike Beecham, maliciously, intentionally, and criminally, with premeditation and treachery, discharged a rifle or firearm against a soldier, Edward T. Clark, a member of the said troop of cavalry, causing two wounds, one in the head and another in the abdomen, which wounds caused the death of said Clark on the 14th day of May, 1908 * * *."

The defendant was convicted of murder in the court below and condemned to life imprisonment, indemnification, and costs. From this judgment and sentence the defendant appealed.

The crime above set forth was committed at the same time and with the same weapon as was committed the crime in cause No. 5161,[1]just decided by this court. We make the facts and the reasons set out in that case, and used as a basis for convicting the defendant therein, a part of the decision and opinion in this case, and, upon the facts and for the reasons therein set forth, we find the defendant in this case guilty of the crime of murder, qualified by treachery and attended with the aggravating circumstance of premeditation as defined by law.

The judgment of the court below is hereby reversed and it is adjudged and decreed that the defendant is guilty of the crime of murder, attended by the aggravating circumstance of premeditation, and we hereby impose upon him the penalty of death, with the accessories mentioned in article 53 of the Penal Code, the indemnification of the heirs of the said Edward T. Clark in the sum of P1,000, and the payment of the costs in this action. So ordered.

Arellano, C. J., Torres, Mapa, Johnson, and Carson, JJ., concur.

[1] Page 272, *supra*.

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