

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. BEN RICE, DEFENDANT AND APPELLANT.

G.R. No. 9049. December 20, 1913

Ponente: CARSON, J.

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CARSON, J.:

The guilt of the defendant and appellant in this case of the offense of which he was convicted in the court below is conclusively established by the evidence of record, if the testimony of the principal witnesses for the prosecution can be accepted as true. The trial judge, who saw and heard these witnesses testify, was of opinion, beyond a reasonable doubt, that these witnesses told the truth, and that the testimony of the witnesses called for the defense is not worthy of credence in so far as it tends to put in doubt the truth of the testimony of the witnesses for the prosecution. After a careful review of all the evidence of record, we find nothing which would justify us in disturbing the findings of the trial judge in this regard. The somewhat unusual conduct of the witnesses Schaofer and Walker just preceding the arrest of the accused, and the alleged inconsistencies and apparent improbabilities in their account of the incidents, which are made so much of in the brief of counsel for the appellant, may well be accounted for by the fact that they had laid a trap for the accused, and were convinced that no precaution should be neglected in order to prevent him from receiving any intimation of their plans. However this may be, the record clearly discloses that the attention of the trial judge was directed to all these matters and that he was keenly alert to the necessity for careful and painstaking scrutiny of the conduct and testimony of these witnesses in view of the line of defense relied upon by counsel for the accused—and yet he had no hesitation in accepting their statements as true and in holding it sufficient to establish the guilt of the accused beyond a reasonable doubt.

The judgment entered in the court below, convicting and sentencing the defendant, should be and is hereby affirmed, with the costs of this instance against the appellant.

Arellano, C. J., Torres, Moreland and Trent, JJ., concur.

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