

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. W. C. BOYER, DEFENDANT AND APPELLANT.

G. R. NO. 9481. September 09, 1914

Ponente: CARSON, J.

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CARSON, J.:

THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. W. C. BOYER, DEFENDANT AND APPELLANT. body { font-family: Verdana, Geneva, Arial, helvetica, sans-serif; font-size:80%; background-color:#FFFFFF; margin:0 2% 0 2%; text-align: justify; } h1 { font-family:times; } h2 { background-color:#cccccc; padding:10px 0 10px 0; font-weight: bold; text-align: center; } h3 { font-weight: bold; text-transform: uppercase; text-align: center; } div#footer { font-size:9px; }The Attorney General in his brief filed in thin case on appeal recommends the acquittal of the defendant and appellant, on the ground that the evidence is not sufficient to sustain a conviction beyond a reasonable doubt.

We agree with tha Attorney-General that the manifest contradictions and inconsistencies in tha testimony of the witnesses for the prosecution put in doubt the truth of some of the material facts as to which they testified, and that on the whole record a conviction cannot be maintained.

There can be no question that the husband of the complaining witness was enraged to a degree, as a result of the insistent demands of the accused for the payment of a debt which the accused claimed to be due him. This is shown by the undisputed fact that while the parties were discussing the alleged indebtedness, this man suddenly drew his bolo, rushed at his own dog which seemed to anger him by its loud barking, and killed it.

There seems to be no reason to doubt that the struggle described by the various witnesses occurred as this man was returning to the house after killing the dog, and we think that the weight of the evidence maintains the contentions of the accused that all that occurred thereafter was the result of the justifiable attempt on the part of the accused and his companions to disarm the infuriated man.

The complaining witness in attempting to aid her husband, and to prevent the accused from securing the weapon appears either to have slipped or fallen on the ground or to have been pushed over in the melee. In neither case do we think the accused can be held criminally responsible for the slight injuries she received as a result of the fall. Giving the accused the benefit of any doubt which may be raised by the conflicting testimony of the eye-witnesses, we are satisfied that there was a reasonable necessity for all that he did in his attempt to disarm the husband ofthe complaining witness.

The judgment entered in the court below, convicting and sentencing the accused should be reversed, and he should be acquitted and his bond exonerated, with the costs of both instances de oficio.

It is so ordered.

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