

4 Phil. 501

[G.R. No. 2057. April 29, 1905]

**THE UNITED STATES, PLAINTIFF AND APPELLEE, VS. ADRIANO CONCEPCION,
DEFENDANT AND APPELLANT.**

D E C I S I O N

CARSON, J.:

Adriano Concepcion, the appellant in this case, was convicted of the crime of brigandage in the Court of First Instance of Surigao and sentenced to death and to the payment of one-half of the costs of the trial.

We find no error in the proceedings prejudicial to the rights of the accused, and the evidence adduced at the trial sustains the findings of the trial court and establishes the guilt of the appellant beyond a reasonable doubt.

It was proven that the accused, Adriano Concepcion, organized the band of dangerous and desperate brigands of which he was a member, and was accepted and recognized by the said band as its chief; and further that he took a direct part in the killing of one Lewis Clark, a Constabulary officer, on the 23d of March, 1903, when the said band attacked and robbed the Constabulary quarters in the town of Surigao.

The sentence of the trial court should be, and is hereby, affirmed, with the costs of this appeal against the appellant. So ordered.

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

