

ASSIGNMENT OF ERRORS.

State of Colorado, )  
In the Supreme Court.)SS.

To The September Term, 1894, of said Court.

Antonio Benedict, )  
Plaintiff in Error, )  
vs. ) Assignment of Errors.  
The People of the State of Colorado,)  
Defendants in Error. )

Now comes Antonio Benedict, the Plaintiff in Error, (and Defendant,) by J. McD. Livesay, his attorney, and says that there is manifest error in the record and proceedings in said cause, in the District Court of the First Judicial District of the State of Colorado, in and for the County of Gilpin, as follows, to-wit:

1. The Court erred in not allowing the defendant a public trial.
2. The Court erred in not giving or allowing defendant a trial according to law, that is, in giving defendant a private and not a public trial.
3. Because defendant did not have and was not allowed a public trial.
4. Because the verdict in said cause was returned through a misapprehension or mistake and was not and is not a true or correct verdict, as shown by the affidavits of several jurors filed in support of the motion for a new trial.
5. The Court erred in ordering and permitting the record to be amended after the defendant was sentenced, and without any evidence or affidavits as a basis or reason therefor.
6. Because the evidence showed that the defendant at the time of the alleged commission of said offence was not capable of

forming an intention- did not know the distinction between good or evil,- did not know right from wrong.

7. Because the evidence and the affidavits of several of the jurors showed and show that the defendant was an idiot or verging on idiocy or imbecility to or in such a degree that he was incapable of discriminating between right and wrong, and was not accountable for what he did.

8. The Court erred in denying defendant's motion for a new trial.

9. The Court erred in denying defendant's motion in arrest of judgment.

10. The judgment or sentence of the Court is contrary to the law and the evidence.

11. The Court erred in giving the instructions prayed for by the district attorney, and each and every of them.

12. The Court erred in giving instruction No. 4 prayed for by the district attorney.

13. The Court erred in refusing to give the instructions prayed for by the defendant.

14. The Court erred in refusing to give instructions Nos. 7, 8 and 9 prayed for by the defendant.

15. The verdict is insensible, informal, insufficient and void.

16. The verdict is contrary to the law.

17. The verdict is contrary to the evidence.

By reason whereof the plaintiff in error prays that

