

Evans Vs. United States

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Court : US Supreme Court

Decided On : May-14-1894

Appeal No. : 153 U.S. 608

Appellant : Evans

Respondent : United States

Judgement :

Evans v. United States - 153 U.S. 608 (1894)

U.S. Supreme Court Evans v. United States , 153 U.S. 608 (1894)

Evans v. United States (No. 2)

No. 923

Submitted April 17-18, 1894

Decided May 14, 1894

153 U.S. 608

ERROR TO THE DISTRICT COURT OF THE UNITED STATES

FOR THE EASTERN DISTRICT OF PENNSYLVANIA

SYLLABUS

Evans v. United States, No. 922, *ante*, [153 U. S. 584](#) , followed.

This case was argued with No. 922, *ante*, [153 U. S. 584](#) . It was also an indictment against Evans for a willful misapplication of the funds of the Spring Garden National Bank. The indictment originally contained 152 counts, upon all of which except 57 a *nolle pros.* was entered. The same proceedings were had as in the former case. The defendant was convicted upon all the counts and sentenced to imprisonment for two years at and from the expiration of such imprisonment as he might undergo by reason of the sentence in the prior case. He subsequently sued out this writ of error. A reargument was ordered upon the fifth to the eleventh counts inclusive, and upon the fourteenth, fifteenth, sixteenth, and twentieth counts.

MR JUSTICE BROWN delivered the opinion of the Court.

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As the verdict of guilty was rendered upon all the counts, and the sentence did not exceed that which might properly have been imposed upon conviction under any single count, such sentence is good if any such count is found to be sufficient. As the fourteenth, fifteenth, and sixteenth counts of this indictment are the same as the eighth, ninth, and tenth of the other indictment, which were held to be good, except that the defendant is charged with aiding and abetting the President, instead of the cashier, in the fraudulent misapplication of the Nettleton notes, and the twentieth bears the same resemblance to the fourteenth of the other, it follows that these counts are also good, and the judgment of the court below is therefore

Affirmed.

MR. JUSTICE FIELD dissented for the reasons stated in his dissenting opinion in *Evans v. United States*, *ante*, [153 U. S. 584](#) .

