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United States Vs. Jones

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Court : US Supreme Court

Decided On : Apr-13-1953

Appeal No. : 345 U.S. 377

Appellant : United States

Respondent : Jones

Judgement :

United States v. Jones - 345 U.S. 377 (1953)
U.S. Supreme Court United States v. Jones, 345 U.S. 377 (1953)

United States v. Jones

No. 556

Decided April 13, 1953

345 U.S. 377

APPEAL FROM THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF FLORIDA

SYLLABUS

Invoking the Criminal Appeals Act, 18 U.S.C. 3731, the Government appealed directly to this Court from the District Court's dismissal of an information charging appellee with violations of the Civil Rights Act, 18 U.S.C. 242. The initial issue -- and a critical issue raised by the Government's appeal involved questions relating to the District Court's construction of the information, and not to that court's interpretation of the scope of the Civil Rights Act.

Held: this Court is of the opinion that the appeal should have been taken to a court of appeals; and, in exercise of the power conferred upon it in such circumstances by 18 U.S.C. 3731, this Court remands the appeal to the Court of Appeals for further proceedings in that court. Pp. 345 U. S. 377 -378.

108 F.Supp. 266, remanded to the Court of Appeals.

PER CURIAM.

Invoking the Criminal Appeals Act, 18 U.S.C. 3731, the Government appeals from a dismissal of a two-ount information charging appellee with violations of the Civil Rights Act, 18 U.S.C. 242.

The District Court construed the information to charge that appellee, an officer in a Florida state prison, whipped certain prisoners entrusted to his custody "for the purpose and with the intent of disciplining said prisoners." The District Court held that mere disciplinary action by state prison officials is no offense under the Civil Rights Act, *supra,* and dismissed the information. 108 F.Supp. 266.

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On appeal, the Government predicates its argument for reversal upon the assumption that the information charges for more than the District Court found it charged. The Government construes the information to charge that appellee willfully extorted confessions of violations of prison rules from the prisoners and willfully inflicted illegal summary punishment upon them, in violation of the laws of Florida and the Constitution of the United States. Thus, the Government's appeal -- the theory of the prosecution -- is based upon a construction of the information

which differs significantly from the construction which the District Court has placed upon it.

The Criminal Appeals Act, *supra,* strictly limits the scope of our jurisdiction over this appeal. We may only entertain questions relating to the construction of the Civil Rights Act, *supra,* and its applicability to this information. We cannot reexamine the information and construe it *de novo,* for we are bound by the District Court's construction. *United States v. Borden Co.,* 308 U. S. 188 (1939).

Under the Criminal Appeals Act, we have the power to remand this case to the Court of Appeals if we are of the "opinion" that the appeal "should have been taken to a court of appeals." 18 U.S.C. 3731. We think this case is appropriate for the exercise of the power which Congress has entrusted to our discretion. The initial issue -- and a critical issue -- raised by the Government's appeal obviously involves questions relating to the correctness of the District Court's construction of the information, and not to that court's interpretation of the scope of the Civil Rights Act, *supra.* Those questions cannot be resolves in a direct appeal to this Court, but they can be reviewed should the case be remanded to the Court of Appeals for the Fifth Circuit. Accordingly, we remand this appeal to the Court of Appeals for further proceedings in that court.

It is so ordered.

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