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PARTE OFICIAL

AN ACT

Concerning PROCEDURE IN JURY TRIALS.

(Continuation.)

Section 101.—The jury may find the defendant guilty of any offense, the commission of which is necessarily included in that with which he is charged, or of an attempt to commit the offense.

Section 102.—On an accusation information or indictment or information against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment must be entered accordingly, and the case as to the others may be tried by another jury.

Section 103.—When there is a verdict of conviction, in which it appears to the Court that the jury have mistaken the law, the Court may explain the reason for that opinion, and direct the jury to reconsider their verdict, and if, after the reconsideration, they return the same verdict, it must be entered; but when there is a verdict of acquittal, the Court cannot require the jury to reconsider it. If the jury render a verdict which is neither general nor special, the Court may direct them to reconsider it, and it cannot be recorded until it is rendered in some form from which it can be clearly understood that the intent of the jury is either to render a general verdict or to find the facts specially, and to leawe the judgment to to the Court.

Section 104.—If the jury persist in finding and informal verdict, from which, however, it can be clearly understood that their intention is to find in favor of the defendant upon the issue, it must be entered in the terms in which it is found, and the Court must give judgment of acquittal. But no judgment of conviction can be given unless the jury expressly find against the defendant upon the issue, or judgment is given against him on a special verdict.

Section 105.—When a verdict is rendered, and before it is recorded, the jury may be polled, at the request of either party, in which case they must be severally asked whether it is their verdict, and if any one answers in the negative, the jury must be sent out for further deliberation.

Section 106.—When the verdict given is such as the Court may receive, the clerk must immediately record it in full upon the minutes, read it to the jury, and inquire of them whether it is their verdict. If any juror disagree, the fact must be entered upon the minutes, and the jury again sent out; but if no disagreement is expressed, the verdict is complete, and the jury must be discharged from the case.

Section 107.—If judgment of acquittal is given on a general verdict, and the defendant is not detained for any other legal cause he must be discharged as soon as the judgment is given, except where the acquittal is because of a variance between the pleading and proof, which may be obviated by a new accusation information or indictment the Court may order his detention, to the end that a new accusation information or indictment may be preferred.

Section 108.—If a general verdict is rendered against the defendant, or a special verdict is given, he must be remanded, if in custody, or if on bail, he may be committed to the proper officer of the county to await the judgment of the Court upon the verdict. When committed, his bail is exonerated, or if money is deposited instead of bail, it must be refunded to the defendant.

Section 109.—If the jury render a verdict of acquittal on the ground of insanity, the Court may order a jury to be summoned from the jury list of the district or County, to inquire whether the defendant continues to be insane. The Court may cause the same witnesses to be summoned who testified on the trial, and other witnesses, and direct the district attorney to conduct the proceedings, and counsel may appear for the defendant. The Court may direct the sheriff or officer of the Court to take the defendant and retain him in custody until the question of continuing insanity is determined. If the jury find the defendant insane, he shall be committed by the sheriff or officer of the Court to the Insular insane asylum. If the jury find the defendant sane, he shall be discharged.

The Judgment.

Section 110.—After a plea or verdict of guilty or after a verdict against the defendant on plea of former conviction or acquittal, if the judgment be not arrested or a new trial granted, the court must appoint a time for pronouncing sentence, which must be at least two days after the verdict.

Section 111.—Upon a plea of guilty of a crime divided into degrees, the Court must, before passing sentence, determine the degree.

Section 112.—The defendant must be personally present when sentence is pronounced.

Section 113.—When the defendant is in custody, the Court may direct the officer in whose custody he is to bring him before it for judgment, and the officer must do so.

Section 114.—If the defendant has been discharged on bail, or has deposited money instead thereof, and does not appear for judgment when his personal appearence is necessary, the Court, in addition to the forfeiture of the undertaking of bail, or of the money deposited, may direct the clerk to issue a warrant for his arrest.

Section 115.—The clerk, on the application of the district attorney shall, whether court be sitting or not, issue a warrant into one or more districts or counties.

Section 116.—The warrant must be substantially in the following form:.....District ind and for the district or County of.... The Island of Porto Rico to any sheriff, constable, marshal, or policeman in this island: A. B. having been on the..... day of..... A. D. nineteen hundred and..... duly convicted in the district court of the county of..... of the crime of..... (designating it generally), you are therefore commanded forthwith to arrest the above named A. B. and bring him before that Court for judgment. Given under my hand with the seal of said court affixed, this .....day of..... A. D. nineteen hundred and..... By order of the Court.

..... (Seal) Clerk.

Section 117.—When the defendant appears for judgment, he must be informed by the court or by the clerk, under its direction, of the nature of the charge against him, and of his plea, and the verdict, if any thereon, and must be asked whether he has any legal cause to show why judgment should not be pronounced against him.

(To be continued.)

LEY

Para un Decreto relativo á procedimientos en los juicios por Jurados.

(Continuación.)

Sección 101—El Jurado puede declarar al acusado culpable de cualquier infracción de ley, cuya comisión esté necesariamente implicada en aquella de que se le acusa, ó culpaüle del intento de cometer la expresada infracción.

Sección 102—Si, en una acusación, acusación fiscal ó del Gran Jurado contra varios, los miembros del Jurado no pueden ponerse de acuerdo sobre un veredicto respecto de todas los acusados; pueden dar su veredicto respecto de aquellos acusados acerca de aquella culpabilidad ó inculpabilidad estén de acuerdo; debiéndose en consecuencia fallar de conformidad sobre éstos, y, en cuanto á los demás la causa puede verse por otro Jurado.

Sección 103—Cuando hay veredicto declarando culpable, y el Tribunal es de opinión que el Jurado se ha equivocado en la aplicación de la ley, puede explicar al Jurado sus razones para dicha opinión, y y ordenar al Jurado que vuelva á considerar el veredicto; y si, despues de considerarlo de nuevo dán el mismo veredicto, debe hacerse constar en autos; pero en caso de que el veredicto declare la absolución del acusado, no puede el Tribunal requerir al Jurado para que lo considere nuevamente Si el Jurado emite un veredicto que ni es general ni especial, puede el Tribunal ordenarle que lo vuelva á considerar, y no podrá registrarse el veredicto hasta que esté concebido en tal forma que dé á entender claramente que la intención del Jurado es: ó dar un veredicto general, ó determinar los hechos en especial, dejando al Tribunal el fallo.

Sección 104—Si el Jurado persiste en dar un veredicto informal, del cual, sin embargo, puede claramente deducirse que su intención es dictaminar á favor del acusado respecto del punto en cuestión, debe hacerse constar en autos en los términos en que está concebido, y el Tribunal pronunciará fallo absolutorio. Pero no se puede fallar en el sentido de declarar al acusado convicto, á no ser que el Jurado expresamente aprecie los hechos como contrarios al acusado, respecto del punto que está pendiente de decidirse, ó que se condene al acusado en un veredicto especial.

Sección 105—Cuando se ha dado un veredicto y antes que se consigne en autos, puede, á solicitud de cualquiera de las dos partes, tomarse en voto á los Jurados, en cuyo caso debe preguntársele á cada uno de ellos si aquel es su veredicto; y si alguno contesta negativamente, debe ordenarse al Jurado que se retire de nuevo para que siga deliberando.

Sección 106—Si el veredicto es de tal índole que el Tribunal puede recibirlo, el Secretario lo hará inmediatamente constar íntegro en el acta, lo leerá á los jurados, y les preguntará si es ese su veridicto; si algún jurado no está conforme se hará constar esto en el acta, y se hará retirar nuevamente al Jurado; pero si no se expresa ningún desacuerdo, entonces queda completo el veredicto, y debe despedirse al Jurado, dándose por terminada su intervención en la causa.

Sección 107—Si se pronuncia un fallo absolutorio, fundado un veredicto general, y el acusado no está detenido por algún otro motivo legal, debe ponérsele en libertad tan pronto como se pronuncie el fallo; excepto en el caso de undarse la absolución en haber discrepancia entre la alegación y la prueba; lo que puede obviarse mediante nueva acusación, acusación fiscal ó del Gran Jurado; entonces el Tribunal puede ordenar nuevamente la detención del acusado, á fin de que se formule una nueva acusación, acusación fiscal ó del Gran Jurado.

Sección 108 - Si se emite un veredicto general ó especial en contra del acusado, debe volvérsele á la prisión, si está bajo custodia; ó si está libre bajo fianza personal, puede entregársele al funcionario del condado, á quien corresponda, para que dicho acusado espere el fallo que el Tribunal ha de pronunciar fundado en el veredicto. Al ponérsele preso, queda levantada su fianza; y si en lugar de fianza personal ha depositado dinero el acusado, debe devolvérsele.

Sección 109—Si dá el Jurado un veredicto absolutorio, á causa de la locura del acusado, puede el Tribunal ordenar que se constituya un Jurado, de entre los que forman la lista de jurados del Distrito ó del condado, para que averigüe si persiste la locura del acusado. El Tribunal puede ordenar que se emplacen los mismos testigos que prestaron su testimonio en el juicio, y otros además, y disponer que el Fiscal del Distrito dirija los procedimientos, y el abogado del acusado puede comparecer en representación de éste. El Tribunal puede disponer que el Sheriff ó funcionario del Tribunal se haga cargo del acusado y que le retenga