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Abstracts of Recent Cases

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Right of Defendant to Inspect His Alleged Confession Before Trial—In *State v. Leland*, 227 P. 2d 785 (Ore. 1951), the defendant's attorney attempted, unsuccessfully, to obtain a copy of his client's confession in the custody of the prosecution. After a refusal from the state's attorney, counsel requested an order from the trial court which would require production and disclosure of the document. The trial judge refused the order despite a claim that the defendant was insane and thus unable to assist in the preparation of his defense. The Supreme Court of Oregon affirmed the lower court's ruling holding that the granting of such a motion is discretionary with the trial judge and thus his ruling is not reversible unless there has been a clear abuse of discretion. This court's position is the majority rule and in but few states is the view taken that the defendant has an unequivocal right to inspect his confession prior to its introduction.

(For a complete discussion of defendant's right to data in the hands of the state, see "The Right of Defendant to Inspect Results of State Conducted Tests and Experiments," Vol. 51, page 64 of this *Journal*.)

Habeas Corpus in Federal Courts: Exhaustion of Remedies—A further extension of *Darr v. Buford*, 339 U.S. 200 (1950) is found in *Ross v. Middlebrooks*, 19 U.S.L. Week 2514 (U.S. May 8, 1951). The realtor in the *Middlebrooks* case was a fugitive from Georgia and had sought refuge in California. He filed a petition for habeas corpus in the Federal District Court in California after having exhausted all remedies available in the California state courts. On appeal, the Circuit Court of Appeals for the Ninth Circuit dismissed the petition because the realtor had failed to exhaust his remedies in the courts of Georgia. The court stated that the maintaining of a proper Federal-State relationship transcended any substantial inconvenience suffered by the prisoner. The opinion does, however, intimate that allegations of mistreatment in route, or the like might provoke an opposite ruling.

(For a discussion of the exhaustion of state remedies as affecting habeas corpus writs in the federal courts, see Vol. 39, Page 357 of this *Journal*.)

Admission of Results of Hypnotic Examination—An admittedly competent psychologist placed the defendant in a hypnotic trance and questioned him about the murder he was charged with committing. The prosecution was invited to attend the examination, but refused the offer. The results of the examination tended to prove the innocence of the defendant but were rejected by the trial court. This action was approved in *State v. Pusch*, 46 N.W. 2d 508 (N.D. 1951), on the grounds of lack of authority for the introduction of such testimony and also because on principle the evidence was "clearly inadmissible." Only two earlier cases, *State v. Ebanks*, 117 Cal. 652, 49 P. 1049, 40 L.R.A. 269 (1898); *Rex v. Booher* (1928), 4 D.L.R. 795, have considered the problem and both hold as the *Pusch* case does. Apparently, hypnotic examinations still lack the reliability requisite to acceptance by the judiciary.