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## Notes

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**Sentence**—Petitioner, upon his plea of guilty, was convicted of unlawfully entering the United States and was sentenced to six months' imprisonment. On appeal he contended that he did not understand the nature of the charges against him when he entered his plea. The government contended that the only reason petitioner raised this issue on appeal was that he received an unexpectedly severe sentence. The United States Court of Appeals for the Second Circuit upheld the conviction, holding that the petitioner had no grounds for changing his plea. The court viewed the appeal as an attempt to persuade them to revise a sentence within statutory limits, a power which they do not possess under the Federal Rules of Criminal Procedure. *United States v. Lo Duca*, 274 F.2d 57 (2d Cir. 1960).

**Epilepsy Does Not Constitute Legal Insanity**—Petitioner was convicted, upon his plea of guilty,

of transporting stolen goods, securities, money or other articles used in counterfeiting. He then made a motion for relief from the sentence imposed on him, claiming that the district court had reasonable cause to believe that he was mentally incompetent at the time he entered his plea. He contended that no inquiry was made relative to his mental capacity before his plea was accepted. The district court denied the motion, and the United States Court of Appeals for the Tenth Circuit affirmed the disposition. It held that although the district court was aware of petitioner's history of epilepsy, such disease does not constitute legal insanity. The court did not abuse its discretion in finding that petitioner was mentally competent to enter a plea of guilty despite his symptoms of epilepsy. *Ellis v. United States*, 274 F.2d 52 (10th Cir. 1959).

(For other recent case abstracts see pp. 279-80.)

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## NOTES

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### THE INSTITUTE FOR THE STUDY OF CRIME AND DELINQUENCY

Organization of the Institute for the Study of Crime and Delinquency has been announced by Richard A. McGee, Director, California Department of Corrections. Purpose of the Institute will be to initiate and conduct research in the correctional field, with emphasis on inquiries which cannot be undertaken by public agencies. Officers are: McGee, president; Herman G. Stark, Director, California Youth Authority, vice-president; J. Douglas Grant, Chief, Division of Research, California Department of Corrections, secretary; John V. Lemmon, attorney, treasurer. Offices are at 605 Crocker-Anglo Bank Building, Sacramento 14, California.

First project of the Institute is the International Survey of Correctional Practice and Research, funds for which have been granted by the Ford Foundation. The staff now assigned under the direction of Mr. McGee are Clyde E. Sullivan, Project Director, and John P. Conrad, Associate Director. Dr. Sullivan has been Director of Guidance and Research for the Alameda County (California) Probation Department since November

1957. Mr. Conrad has been Supervisor of Classification, California Department of Corrections, since August 1955. During 1958-59 he was a Fulbright Senior Fellow at the London School of Economics.

The Survey will be conducted in the following phases:

(1) Collection and annotation of ideas, references, and information concerning current practice and research in the correctional field.

(2) Analysis and organization of this information into a systematic total statement of research efforts and strategy in corrections.

(3) Organization of a correctional research symposium to exchange ideas and evaluate significant trends in correctional practice and research.

(4) Publication of a final report presenting the findings of the research and describing important developments and trends in the field of corrections.

Offices of the Survey will be located at 300 Mercantile Building, 2082 Center Street, Berkeley 4, California. Communications and inquiries should be directed to Dr. Sullivan at that address.