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Albert E. Sheets Jr.

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6-22-1920

**Letter to Asst. Atty. General Sheets to Fred J. Traynor in response
to State v. Stepp Supreme Court Decision**

Albert E. Sheets

June 22, 1920.

Mr. Fred Traynor,
Attorney at law,
Devils Lake, N.D.

My dear Mr. Traynor:

In re. State v. Stepp.

I have your favor of the 19th inst., with reference to the above entitled case.

Upon reading the decision in that case, I note that the Court does not pass upon the question as to whether or not the defendant's taking the stand cured the statements made by counsel in argument with reference to the defendant's character. The decision is based almost entirely upon the subject of the trial and I do not apprehend that the question which we discussed is decided one way or the other.

If you wish to have an application made for a modification of the opinion with reference to the term of "misconduct" there used, I shall be glad to do this for you. Would you submit some authorities upon the meanings of these two terms if you have any?

I am sure the Court will be perfectly willing to send the record back to the District Court immediately to facilitate a new trial. I shall speak to Mr. Newton with respect to both matters.

With kind regards to yourself and the other members of the firm, I am

Sincerely yours,

Asst. Attorney General.

AFS:P