

supp 219 for motion in arrest of judgment

State of Oklahoma

Lula Anderson

In Circuit Court, Baldwin County
Fall Term 1923

Comes the defendant, by her attorney, in this cause and
moves the Court to set aside the verdict rendered in
this cause and grant her a new trial in said cause
and for grounds says: 1st That the record shows that there
was but one count in the indictment for forgery and
that at the trial no evidence was offered by the State showing
that the Anderson to any ^{Bank} upon which bank the alleged
check was drawn, which said check was alleged to
have been altered, forged or counterfeited, was
an incorporated bank or banking company, which
fact was necessary to have been proved to constitute
a crime in the first degree under section 6909 of
the Criminal Code and because the Court
erred in giving the law, when it instructed the jury
in its general charge as follows: 1, That if the jury
believe from the evidence in this case beyond reasonable
doubt that the defendant did alter, forge or counterfeit
the check offered in evidence and knowing it to
be altered, forged or counterfeited, she should find
the defendant guilty of forgery in the 1st degree.
Because the Court erred in its general charge in giving the
law when it instructed the jury as follows: (The nature of the offense is
here to be used in to this motion on which Court instructs the
jury on the subject of the check as offered in evidence the
check admitted in the indictment, and in connection with forgery
in the first degree.)

- 4th Because the Court erred in its general charge in not instructing the jury fully as to what constitutes property in the 2nd degree as under the indictment and proof offered by the State the defendant is guilty of it all, was guilty of Forgery in the 2nd degree a copy of said indictment is hereto attached marked Exhibit "H" and made a part of this plea and copy of the Court's general charge to the jury attached hereto marked Exhibit "B" and a copy of the Verdict rendered by the jury is hereto attached and marked Exhibit "C"
- 5th Because of newly discovered evidence since the trial of this case, which evidence is set out in affidavits hereto attached and marked ~~Exhibits~~ Exhibits "D" + "E" - none of which said evidence was known to defendant's Counsel before the trial of this case and was not had owing to gross negligence on the part of either the Plaintiff or her Counsel or by my fault of either.
- 6th Because the Court erred in refusing defendant her request to bring forth the affirmative charge.
- 7th Because the Court erred in the admission of the check offered in evidence over the objection of the defendant - the giving of a variance between the front and the back as described in the indictment.
- 8th Because the verdict was contrary to the law as given by the Court in the subject of Forgery in its general charge - the plea of not guilty charge 7th Exhibit is full for slingshot note issued by him.

S. C. [Signature], Attorney for
Defendant