

STATE V. DOUTHITT, 1927-NMSC-072, 33 N.M. 5, 261 P. 808 (S. Ct. 1927)

**STATE
vs.
DOUTHITT**

No. 3141

SUPREME COURT OF NEW MEXICO

1927-NMSC-072, 33 N.M. 5, 261 P. 808

October 28, 1927

Appeal from District Court, Chavez County; Brice, Judge.

Elgin Douthitt was convicted of maiming and disfiguring cattle, and he appeals.

SYLLABUS

SYLLABUS BY THE COURT

A verdict of a jury which is supported by substantial evidence will not be disturbed on appeal.

COUNSEL

J. G. Osburn, of Roswell, for appellant.

R. C. Dow, Atty. Gen., and F. H. Patton, Asst. Atty. Gen., for the State.

JUDGES

Bickley, J. Parker, C. J., and Watson, J., concur.

AUTHOR: BICKLEY

OPINION

OPINION OF THE COURT

{1} The appellant (defendant), Elgin Douthitt, was convicted upon the charge of unlawfully, wilfully, and maliciously maiming and disfiguring two head of neat cattle.

{2} Appellant has raised, and relies upon, the single point that there was not sufficient evidence to sustain the verdict. We have carefully examined the record, and are unable to agree with this contention. The issues of fact were contested, but their determination was for the jury. There is substantial evidence in the record to support the verdict; and, under the uniform holding of this court, it will not be set aside.

{3} The judgment will therefore be affirmed, and it is so ordered.