

## John D. Lee, Second Trial

Rogerson Transcript and *Mormonism Unveiled*  
Summaries of Trial End

**RT****MU***[Trial 2 Bk 1 143 cont.]*

THE CASE WAS THEN ARGUED FOR THE PROSECUTION BY HOWARD AND DENNY AND FOR THE DEFENDANT BY FOSTER AND BISHOP, AFTER WHICH THE COURT INSTRUCTED THE JURY AT LENGTH. AFTER A FEW HOURS DELIBERATION THE JURY RETURNED WITH A VERDICT OF GUILTY OF MURDER IN THE FIRST DEGREE. A MOTION WAS AFTERWARDS MADE AND ARGUED, FOR A NEW TRIAL. THE COURT OVERRULED THE MOTION AND DENIED THE APPLICATION FOR A NEW TRIAL AND LEE WAS SENTENCED TO BE SHOT. THE CASE WAS APPEALED TO THE SUPREME COURT OF UTAH TERRITORY AND ARGUED IN THAT COURT BY HON.FRANK TILFORD AND SUMNER HOWARD FOR THE PEOPLE AND W.W.BISHOP FOR LEE. THE SUPREME COURT SUSTAINED THE JUDGMENT AND SENTENCE OF THE DISTRICT COURT AND ORDERED THE DISTRICT COURT TO FIX A DAY FOR CARRYING THE SENTENCE INTO EFFECT. JUDGE BOREMAN AGAIN SENTENCED JOHN D. LEE TO BE SHOT TO DEATH AND FIXED THE DAY FOR EXECUTION ON MARCH 23RD 1877.

THE CASE WAS THEN ARGUED FOR THE PROSECUTION BY HOWARD AND DENNY, AND FOR THE DEFENDANT BY FOSTER AND BISHOP. THE COURT INSTRUCTED THE JURY AT LENGTH. THE JURY, AFTER A FEW HOURS' DELIBERATION, RETURNED A VERDICT OF "GUILTY OF MURDER IN THE FIRST DEGREE." A MOTION WAS AFTERWARDS MADE AND ARGUED FOR A NEW TRIAL. THE COURT OVERRULED THE MOTION, DENIED THE APPLICATION FOR A NEW TRIAL, AND SENTENCED LEE TO BE SHOT. THE CASE WAS APPEALED TO THE SUPREME COURT OF UTAH TERRITORY, AND ARGUED IN THAT COURT BY HON. FRANK TILFORD AND SUMNER HOWARD FOR THE PEOPLE, AND BY WM. W. BISHOP FOR LEE. THE SUPREME COURT SUSTAINED THE JUDGMENT AND SENTENCE OF THE DISTRICT COURT, AND ORDERED THE DISTRICT COURT TO FIX A DAY FOR CARRYING THE JUDGMENT INTO EFFECT. THE DISTRICT COURT AGAIN SENTENCED JOHN D. LEE TO BE SHOT TO DEATH, AND FIXED THE DAY FOR EXECUTION ON MARCH 23D, 1877.