

**Case No. 14,714.** UNITED STATES V. CAMPBELL ET AL.  
[4 Cranch. C. C. 658.]<sup>1</sup>

Circuit Court, District of Columbia.

Nov. Term, 1835.

WITNESS—ONE JOINTLY INDICTED—ACQUITTAL.

If two be jointly indicted for robbery, and if one be acquitted, and the other convicted, the latter may have a new trial without the other who may be examined as a witness upon the new trial.

John Campbell and Thomas Turner were jointly indicted for the robbery of Mrs. Queen. Turner was acquitted, but Campbell was convicted, and moved for a new trial on the ground that Turner was now a good witness for Campbell, and that other evidence also had been discovered. A doubt was suggested whether a new trial could be granted to one without setting aside the verdict as to the other also, but upon the authority of Mawbey's Case, 6 Term R. 619-640, and 1 Chit. Cr. Law, 659, 660.

THE COURT (nem. con.) granted Campbell a new trial, without disturbing the verdict as to Turner, and permitted Turner to be examined as a witness for Campbell, who was thereupon acquitted also.

<sup>1</sup> [Reported by Hon. William Cranch, Chief Judge.]