

Case No. 15,529. UNITED STATES v. KIERMAN.
[3 Cranch, C. C. 435.]¹

Circuit Court, District of Columbia.

May Term, 1829.

ASSAULT—POINTING GUN.

Cocking and raising a gun and threatening to shoot a person is an assault in law, although there should be no attempt to shoot or injure the person.

Indictment [of Hugh Kierman] for an assault by cocking a gun and threatening to shoot Henry Jackson.

Mr. Coxe, for the defendant prayed the court to instruct the jury that it was not an assault in law, unless there was an attempt to shoot or injure the witness.

THE COURT (nem. con.) said that if, under all the circumstances, the act indicated an intention to shoot or injure the witness, it was an assault, although the attempt was not actually made.

¹ [Reported by Hon. William Cranch, Chief Judge.]