

UNITED STATES *v.* SPINTZ.¹*Circuit Court, S. D. Georgia, W. D.*

October Term, 1883.

1. JOINDER OR OFFENSES.

Counts in an Indictment under sections 3922 and 3924 of the Revised Statutes may be properly joined, under section 1024, although the former be a misdemeanor and the latter a felony.

2. IDEM SONANS.

Spintz and Sprinz are not *idem sonant*.

Demurrer, Plea of misnomer.

S. A. Darnell, Dist. Atty., for the United States.

Hill & Harris, for defendant.

Before Hon. JAMES W. LOCKE, D. J., presiding by designation.

The defendant demurred to the indictment for misjoinder. The court overruled the demurrer, as stated in head-note 1. See *U. S. v. Wentworth*, 11 FED. REP. 52; *U. S. v. Malone*, 9 FED. REP. 900; *U. S. v. Stone*, 8 FED. REP. 252; *U. S. v. Ancarola*, 1 FED. REP. 677.

Defendant pleaded misnomer; that he was indicted as Joseph Spintz, and that his true name is Joseph Sprinz; and that he was known only by his true name. The district attorney demurred to the plea, but the demurrer was overruled, as stated in head-note 2. See Archb. Crim. Pl. & Pr. 82; *Lynes v. State*, 30 Amer. Dec. 557; 39 Amer. Dec. 457; 28 Amer. Rep. 439, note.

¹ Reported by W. B. Hill, Esq., of the Macon bar.

This volume of American Law was transcribed for use
on the Internet
through a contribution from [Price Benowitz LLP](#).