

State of Colorado }
County of El Paso } os

In the District Court.

The People etc.

vs
Antonio Benedict

John Benedict, of lawful age, being duly sworn on oath according to law, deposes and says: That he is the brother of the defendant Antonio Benedict. That the trial of the defendant took place in said Court on 7.40 the 20th & 21st days of June, 1894; that immediately prior to the commencement of said trial, the Hon. Clayton B. Becker Judge of said Court, ordered the public excluded from the Court room during said trial, that nobody, excepting members of the bar, Officers of the Court, students at law, and the witnesses testifying should be permitted in the Court room during said trial; that in pursuance of said instructions or order, the Sheriff of said County, kept the door of the said District Court room locked most of the time during said trial and excluded all persons there 7.41 from, except those hereinbefore mentioned, and that during this small portion of time when said Court room door was not locked during said trial, that no one was permitted to enter and remain in said Court room during said trial except those hereinbefore mentioned, and that the public was absolutely prohibited and prevented from entering into or remaining in the District Court room, or Court during the trial of

two days.

And deponent further says, that the defendant has and had many friends and acquaintances in said Gilpin County who were desirous of and who would have attended the trial of said cause had they not been prevented from so doing by said order and instruction, and the action of said Sheriff and deputy Sheriff in excluding the public from said Court and room during said trial,

And further deponent with name
John Benedetto,

Subscribed and sworn to before me this 30th
day of June A.D. 1894.

[Signature]

Justice of the Peace
Gilpin County, Colorado

State of Colorado }
County of Gilpin } ss.

In the District Court.

The People etc. }
vs }
Antonio Benedict }

John Eilmann of a lawful
age, being duly sworn on oath according
to law, deposes and says: That he was
one of the jurors on the trial of the
above entitled action; that from the
evidence adduced on the trial of said
case and from the appearance and demeanor
of the defendant on the witness stand
he, deponent believed and believes that
the defendant is an idiot or verging
or bordering on idiocy, and deponent
seriously doubted and doubts, from the
evidence in the case and the appearance
and demeanor of the defendant on the
witness stand, that the defendant at the
time of the alleged commission of the crime
of sodomy knew what he was doing or was
capable of knowing right from wrong.

And further deponent saith not.

John Eilmann

Subscribed & sworn to before me this

31th day of June A.D. 1894.

H. R. Hicks, County Judge

Gilpin County, Colorado.



State of Colorado } ss.
Gilpin County }

In District Court.

The People etc }
vs }
Antonio Benedict }

William Williams, of lawful age, being duly sworn on oath according to law, deposes^{and} says:
That he is^{ed} has been under Sheriff of said Gilpin County for about five years last past; that he was present most of the time during the trial of defendant charged with sodomy; that said
¶ 45. trial took place in the District Court room at Central City, Colorado, before Hon. Clayton F. Becker Judge of said Court and occupied nearly two days the 20th and 21st days of June 1894; that by the order of said Judge just before the beginning of said trial the public was excluded^{ed} kept from said Court^{ed} Court room during the ~~whole~~ time of the trial of said cause; that no persons excepting the members of the bar, officers of the Court, students at law^{ed} witnesses when testifying were permitte^d ed or allowed in said Court room during
¶ 46. said trial; that during most of the time of the trial of said cause the door of said District Court room was kept closed^{ed} and no one permitted to enter or remain except those hereinbefore mentioned.

William Williams

Subscribed & sworn to before me this 30th day
of June 1894. J. S. Updegraph

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County Clerk
By H. H. Haw - Deputy.

State of Colorado }
Gilpin County } ss

In the District Court.

The People etc }
vs }
Antonio Benedict }

Thomas Hooper, of lawful age being duly sworn on oath according to law deposes and says:
¶ 47 That he is and has been for about five years past the Sheriff of said Gilpin County; that the trial of said defendant, Antonio Benedict, charged with sodomy, took place in the District Court room at Central City, Colorado, before Honorable Clayton F. Becker, Judge; said trial commencing about 10 A.M. of June 20th 1894, and ending about 5th o'clock P.M. of the 21st day of June 1894: that just prior to the commencement (just before the calling of a jury in said case) of said trial the said Judge ordered deponent to clear said Court room of
¶ 48. the spectators and not to permit any person excepting the members of the bar, officers of the Court, students at law and the witnesses testifying to be or remain in said Court or Court room during the trial of said cause; that deponent acting under said order excluded the public from said Court and Court room during the whole time of said trial; that the door of said Court room was kept locked most of the time during said trial and that when said door was not locked it was kept closed or shut and that no one except those herein
¶ 49. before mentioned was permitted to enter or remain in said Court room during said trial: that the
20. public under said order of the Judge during