

to withdraw a plea of guilty and to enter a plea of not guilty to a charge of murder in the first degree may be made even after judgment has been pronounced. It would be well, in such a case, for the Governor to grant the defendant a reprieve to a day before which the court is likely to pass upon the motion.

September 10, 1936.

Hon. Elmer Holt
Governor of Montana
The Capitol

I have before me your request for an opinion regarding the propriety of granting a second reprieve to Pedro Casaras under sentence of death for the murder of one Pedro Gonzales on or about the 25th day of June, 1936, in Richland County, Montana.

It appears from the correspondence accompanying the request that Casaras has moved the court for leave to withdraw his plea of guilty and to enter a plea of not guilty to the crime charged, that of murder in the first degree. In *State ex rel. Foot v. District Court*, 81 Mont. 495, and *State v. McAllister*, 96 Mont. 348, the court held that such an application may be made even after judgment has been pronounced.

Whether there be merit in the motion of the defendant as made or not, it would be well, I think, to grant him a respite to a day before which the court is likely to pass on said motion.

Opinion No. 347.

**Crime and Criminal Procedure—Murder—Plea, Leave to Withdraw
—Governor Reprieves.**

HELD: An application for leave