

**TERRITORY OF NEW MEXICO, Appellee,  
vs.  
FRANK RIVELL, Appellant**

No. 1047

SUPREME COURT OF NEW MEXICO

1905-NMSC-006, 13 N.M. 110, 79 P. 1133

January 25, 1905

Appeal from the District Court of San Juan County, before John R. McFie, Associate Justice.

**COUNSEL**

Granville Pendleton and A. B. Renehan, for appellant.

George W. Prichard, Solicitor General, for appellee.

**JUDGES**

Parker, J. William J. Mills, C. J., Wm. H. Pope, A. J., Edward A. Mann, A. J., and Ira A. Abbott, A. J., concur. McFie, J., having tried the case below did not participate in this decision.

**AUTHOR: PARKER**

**OPINION**

{\*110} OPINION OF THE COURT.

{1} Appellant was tried and convicted of an assault with intent to commit rape. Not a single exception was saved in the court below. We have, however, examined the record, and find the evidence sufficient to support the verdict, and the instructions are free from error of which the appellant can complain.

{2} The judgment of the lower court will be affirmed, and it is so ordered.