

STATE V. SCHULTZ, 1929-NMSC-058, 34 N.M. 214, 279 P. 561 (S. Ct. 1929)

**STATE
vs.
SCHULTZ**

No. 3359

SUPREME COURT OF NEW MEXICO

1929-NMSC-058, 34 N.M. 214, 279 P. 561

July 24, 1929

Appeal from District Court, Union County; Kiker, Judge.

Theodore W. Schultz was convicted of embezzlement, and he appeals.

SYLLABUS

SYLLABUS BY THE COURT

1. Not error to refuse instruction, the subject-matter of which is covered by instructions given.
2. Inquiry may be permitted of accused person on cross-examination as to specific acts of wrongdoing affecting his credibility.

COUNSEL

H. B. Woodward, of Clayton, for appellant.

Robert C. Dow, Atty. Gen., and Frank H. Patton, Asst. Atty. Gen., for the State.

JUDGES

Watson, J. Bickley, C. J., and Parker, J., concur. Catron and Simms, JJ., did not participate.

AUTHOR: WATSON

OPINION

{*214} {1} OPINION OF THE COURT Appellant was convicted of embezzlement.

{2} We find no merit in the contention based upon the refusal of requested instructions. Their subject-matter was sufficiently included in instructions given. {215} On cross-examination the court permitted appellant to be asked whether he had not taken mortgaged property out of the state. The ruling was no doubt made on the authority of State v. Bailey, 27 N.M. 145, 198 P. 529, which seems to justify it.

{3} The judgment must be affirmed, and it is so ordered.