

## CHAPTER 627

## JURISDICTION

## 627.01 PLACE OF TRIAL; CHANGE OF VENUE.

**HISTORY.** R.S. 1851 c. 124 s. 138; P.S. 1858 c. 110 s. 1; G.S. 1866 c. 113 s. 1; 1870 c. 75 s. 1; G.S. 1878 c. 113 s. 1; G.S. 1894 s. 7313; R.L. 1905 s. 5354; G.S. 1913 s. 9196; G.S. 1923 s. 10701; M.S. 1927 s. 10701.

1. Place of trial
2. Change of venue

## 1. Place of trial

Counties attached for judicial purposes constitute a single trial district, and a person charged with the commission of crime in any one of the counties, may legally be tried in any other. A law changing the place of trial from one to the other, is not as to crimes committed before its passage, repugnant to Minnesota Constitution, Article 1, Section 6. *State v Gut*, 13 M 341 (315).

It is for his acts that defendant is responsible. They constitute his offense. The place where the acts are committed must be the place where the offense is committed, and therefore the place where he should be indicted and tried. *State v Gessert*, 21 M 369; *State v Smith*, 78 M 362, 81 NW 17; *State ex rel v Justus*, 85 M 114, 88 NW 415.

The evidence of the receipt of the money in Hennepin county by defendant from his employer and his unexplained failure to account for it is at least prima facie evidence that the offense was committed in Hennepin county. *State v New*, 22 M 76.

Where all appearances indicate that the crime must have been committed at a particular place, the judgment of conviction will not be reversed because of formal proof of the place of commission of the crime. *State v Tosney*, 26 M 262, 3 NW 345.

Proof of venue, while loosely made, was sufficient. *State v Grear*, 29 M 221, 13 NW 140.

Venue was proven though indirectly and circumstantially. *State v Cantieny*, 34 M 1, 24 NW 458.

A person who receives game into his possession at his place of residence or business in violation of the game laws, and ships it therefrom to a customer commits the crime at the place from which the shipment is made. He is not subject to prosecution in a county through which the shipment passes unless he accompany the shipment. *State v Giller*, 138 M 369, 165 NW 132.

The venue in a prosecution under Laws 1923, Chapter 120, (section 32.11), forbidding discrimination in the price of milk, cream or butterfat, between localities may be laid in the place where the lower price is paid. *State v Fairmont Cr'y*, 162 M 146, 202 NW 714.

Conviction of extortion in the county where the victim was induced to pay is sustained. *State v McKenzie*, 182 M 513, 235 NW 274.

Defendant deposited checks to establish a credit and drew money on the basis of the deposited worthless checks. The crime was committed in Dakota county where the defrauded bank was located. *State v Scott*, 190 M 462, 252 NW 225.

The evidence sustains the jury's findings that an insurance policy was "issued" by defendant in Ramsey county, and as such the offense charged in the indictment was properly triable there. *State v Bean*, 199 M 16, 270 NW 918.

Defendant received possession of the money in Anoka county and deposited it in his bank in Hennepin county. So far there was no crime. He checked it out