

10-1-1958

Criminal Law—Validity of Plea Made on Sunday

Buffalo Law Review

Follow this and additional works at: <https://digitalcommons.law.buffalo.edu/buffalolawreview>



Part of the [Criminal Procedure Commons](#)

Recommended Citation

Buffalo Law Review, *Criminal Law—Validity of Plea Made on Sunday*, 8 Buff. L. Rev. 126 (1958).

Available at: <https://digitalcommons.law.buffalo.edu/buffalolawreview/vol8/iss1/69>

This The Court of Appeals Term is brought to you for free and open access by the Law Journals at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in Buffalo Law Review by an authorized editor of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

essential ingredient of this crime and therefore proof that defendant authorized the operator to drive his car, without more, will not suffice.

The dissent took issue with the majority on the ground that the legislative intent would be undermined by placing such a burden on the prosecution since the aim of the statute is to impose criminal responsibility upon the owner whenever an unlicensed person operates the motor vehicle with the authorization of the owner. It argued that the majority, in holding it incumbent upon the People to establish that the owner knew the person he had permitted to operate his motor vehicle was unlicensed, attributed to the legislature the enactment of a self-defeating measure.

In the light of traditional interpretation of penal statutes, the majority's position seems a sound and reasonable expression of the common law maxim that mens rea is an essential ingredient of a crime.¹⁰⁸ Unless the legislature expressly provides otherwise, the burden of proof of such intent is on the prosecution.¹⁰⁹ So-called public welfare offenses have been held punishable without regard to any mental element, but these have been offenses of a merely regulatory nature, involving monetary fines rather than imprisonment.¹¹⁰

Validity of Plea Made on Sunday

Section 5 of the Judiciary Law prohibits, with certain exceptions, the transacting of any business by the courts on Sunday. The exception upon which the case of *People v. Reedy*¹¹¹ turned was added by amendment in 1930 and reads: "except . . . for the receipt by a court of special sessions of a plea of guilty and the pronouncement of a sentence thereon in any case in which such court has jurisdiction."

The defendant was arrested on Saturday for driving while intoxicated and was brought before the court the following day when he pled guilty to the charge and was fined. On appeal, the Court rejected the contention that section 5 had been violated. The facts came within the express language of the exception.

Absence of Exit Speed Signs Not Fatal to Conviction for Speeding Where Reasonable Notice of Speed Limit Given — Per Curiam

A village ordinance proscribed traffic within the village at a speed greater than twenty-five miles per hour, imposed a fine for violation of the ordinance, and

108. See *People v. D. H. Ahrend Co.*, 308 N.Y. 112, 123 N.E.2d 799 (1954); *People v. McHugh*, 271 App.Div. 135, 63 N.Y.S.2d 319 (3d Dep't 1946); compare *People v. Rosenthal*, 197 N.Y. 394, 90 N.E. 991 (1910), aff'd, 226 U.S. 260 (1912).

109. *People v. Pieri*, 269 N.Y. 315, 199 N.E. 495 (1936).

110. See Sayre, *Public Welfare Offenses*, 33 COLUM. L. REV. 55 (1933).

111. 4 N.Y.2d 123, 173 N.Y.S.2d 1 (1958).