Double Jeopardy in One and the Same Cause

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5 ATENEO L.J. 235 (1955)

Kepner v. United States introduced the doctrine that "there may be more than one jeopardy in one and the same cause." However, such doctrine was not firmly established, was amd constantly criticized and questioned in subsequent cases of the Supreme Court, such as *People v. Pomeroy* and *People v. Arinso* and in particular (i.e., to cases where statutory appeal is granted, especially when the review is concerned with cases where there are errors of law), *Palko v. Connecticut* and *People v. Cabrero*. Holmes in his dissent in the *Kepner* case criticizes the main premise of the doctrine by stating that there is only one jeopardy throughout the entire cause Further, the Solicitor General, in his appellate brief, also argues against the *Kepner* doctrine by stating that it would unduly place in the hands of the judge the "dangerous power of finally acquitting the most notorious criminals." The Author cites other authorities who support a rule identical to Holmes' dissent. Local authorities, however, seem to agree with the *Kepner* doctrine as it is more consistent with the doctrine of double jeopardy as intended by the framers of the Constitution.

Brief for Appellant, People v. Pomeroy (CFI) Manila Br. 5, Crim No, 19166, Aug. 1954, appeal docketed, No. 6990, S. Ct.

5 ATENEO L.J. 244 (1955)

Brief for Appellee, People v. Pomeroy (CFI) Manila Br. 5, Crim No, 19166, Aug. 1954, appeal docketed, No. 6990, S. Ct.

5 ATENEO L.J. 254 (1955)