

February 1960

Masthead Volume 62, Issue 2

Follow this and additional works at: <https://researchrepository.wvu.edu/wvlr>

Recommended Citation

Masthead Volume 62, Issue 2, 62 W. Va. L. Rev. (1960).

Available at: <https://researchrepository.wvu.edu/wvlr/vol62/iss2/1>

This Prefatory Matter is brought to you for free and open access by the WVU College of Law at The Research Repository @ WVU. It has been accepted for inclusion in West Virginia Law Review by an authorized editor of The Research Repository @ WVU. For more information, please contact ian.harmon@mail.wvu.edu.

West Virginia Law Review

Published by the College of Law of West Virginia University. Official
publication of The West Virginia Bar Association.

STUDENT BOARD OF EDITORS

Thomas Joseph Whyte, *Editor in Chief*
Gary Herndon Athey, *Associate Editor*
Larrick Bruce Stapleton, *Associate Editor*
Merl Donald Wright, Jr., *Associate Editor*

Frederick Luther Davis, Jr.	John James McKenzie
Michael Joseph Foley	Wallace Everett Maloney
Charles Harold Haden, II	John Joseph Patch
Anthony George Halkias	Audy Michael Perry
Lee O'Hanlon Hill	Herbert Shelton Sanger
Eugene Paul Kopp	John George Van Meter
John Franklin Wood, Jr.	

Contributing Editor
Orton Alan Jones

Willard D. Lorensen, *Faculty Editor in Charge*
Agnes A. Furman, *Business Manager*

STUDENT NOTES

FEDERAL AND STATE PROSECUTIONS FOR SAME OFFENSE

There is no principle better established in the common law, or more fully recognized in the federal and state constitutions than that a person shall not be twice put in jeopardy for the same offense.¹ The problem presented is whether a defendant, who, by committing a single act violates both a state and a federal statute designed to punish the actor for such offense, is protected by the constitutional prohibitions against double jeopardy. The situation occurs when the state and the federal government each has made the act committed an offense punishable under its laws and (1) the defendant subsequent to a state conviction or acquittal is involved in a federal prosecution under the federal law or, (2) the defendant is being tried by a state court after he had either been acquitted or convicted by a federal court. In two recent cases before the Supreme Court of the United States, which involved these situations, it was

¹ U. S. CONST. amend. VI; W. VA. CONST. art. 3, § 5; *Green v. United States*, 355 U.S. 184, 187 (1957). All states, either expressly in their constitutions or as part of their common law prohibit double jeopardy.