

Nancy Depezzio

No. 86CR0627 **CRIMINAL** Docket Folio

CIRCUIT COURT FOR BALTIMORE COUNTY

STATE OF MARYLAND
Vs

ATTY.
Gary Bernstein
534-6500

HARRY JOINES ²⁹
(BAIL)

~~Gerald Shipley~~
1010 St. Paul St.

265-5551

²⁻²⁴⁻⁸⁷
Chester Cohen Esq.

No. 86CR-0627

No.

CHARGE	2-4-86	ROBBERY DEADLY WEAPON	IF
ARRAIGNED		JUDGE	
TRIAL	12/7/87	JUDGE	John Mason Turnbull
PLEA	6 1st ct Nol Pro Bal	VERDICT	6 1st
SENTENCE	6 yrs DOC - Consecutive to sentence now serving - 5/26/87 - Costs Waived		
REPORTER		STATES ATTY.	
DATE	CLERK'S MEMORANDUM		NO.
3/5/86	WRB - FTA - moved your B/W no bail see notes in 86CR0626		
5/5/86	Hon. D.M.S. presiding. A/W/O/C + Adv. of rights under Md. rules 4-215, 4-242		
5/11/86	Notice of Post Conv Pet received from clark [initials]		
3/5/90	From WRB's Ifo dated 1/16/90 to the Court indicates that B. Murphy will not beg for D. D Remanded Doc		

State of Maryland a Baltimore County, to wit:

The State of Maryland Vs HARRY (NMN) JOINES

charged with the crime of ROBBERY WITH DANGEROUS AND DEADLY WEAPON, ETC.

IN THE CIRCUIT COURT FOR BALTIMORE COUNTY
CRIMINAL INFORMATION

The above entitled case having been referred to Sandra A. O'Connor, the State's Attorney for Baltimore County, and the said State's Attorney for Baltimore County having fully investigated the said case after it had been referred to ~~her~~ as aforesaid, now comes into the said Court and for and on behalf of the State of Maryland gives the Court here to understand and be informed that HARRY (NMN) JOINES

late of Baltimore County aforesaid, on the 17th day of December in the year of our Lord nineteen hundred and eighty-five at Baltimore County aforesaid, feloniously with a dangerous and deadly weapon, did rob Debra Ann Bradburn,

and violently did steal from ~~(him)~~ (her) one purse, Two Hundred Dollars current money of the United States (\$200.00)

contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

(Robbery with dangerous and deadly weapon - Art. 27 Secs. 488, 489)

SECOND COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said _____

on the said day, in the said year, at the County aforesaid, feloniously did attempt, with a dangerous and deadly weapon, to rob _____

and violently did attempt to steal from (him) (her) the goods and chattels, monies and properties of the said _____

contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

(Attempted Robbery with dangerous and deadly weapon - Art. 27, Secs. 488, 489)

SEC D

~~THIRD~~ COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said _____
HARRY (NMN) JOINES

on the said day, in the said year at the County aforesaid, feloniously did rob _____
Debra Ann Bradburn
and violently did steal from (~~him~~) (her)

one purse, Two Hundred Dollars current money of the United States (\$200.00)

contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.
(Robbery - Common Law and Art 27, Secs. 486, 487)

FOURTH COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said _____

on the said day, in the said year, at the County aforesaid, feloniously did make an assault upon one _____

_____, with intent then and there feloniously to put (him) (her) in bodily fear and danger of (his) (her) life and violently to steal, take and carry away from the person and against the will of the said _____

(his) (her) goods and chattels, monies and properties, contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

(Assault with intent to Rob - Art. 27 Sec. 12)

THIRD

~~FIFTH~~ COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said _____

HARRY (NMN) JOINES

on the said day, in the said year, at the County aforesaid, unlawfully did make an assault upon _____
Debra Ann Bradburn

against the peace, government and dignity of the State.

(Assault - Common Law)

FOURTH COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said

HARRY (NMN) JOINES

on the said day, in the said year, in the County aforesaid, did steal

one purse

Two Hundred Dollars current money of the United States
\$200.00

being the property and services of

Debra Ann Bradburn

having a value of less than Three Hundred (\$300.00) dollars, an act constituting Theft, in violation of Art. 27, Sec. 342, of the Annotated Code of Maryland; contrary to the form of the Act of Assembly in such case made and provided, and against the peace, government and dignity of the State.

(Theft - Art. 27, Sec. 342)

Seventh
~~SIXTH~~ COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said HARRY (NMN) JOINES on the said day, in the said year, in the County aforesaid, unlawfully did batter the said Debra Ann Bradburn, against the peace, government and dignity of the State.

(Battery - common law)

Seventh
~~SEVENTH~~ COUNT

And the State's Attorney aforesaid, with power and authority as aforesaid, gives the Court here to understand further that the said HARRY (NMN) JOINES on the said day, in the said year, in the County aforesaid, feloniously did attempt to rob Debra Ann Bradburn and violently did attempt to steal from her goods, chattels, monies and properties of the said Debra Ann Bradburn, against the peace, government and dignity of the State.

(Attempted robbery - common law)

STATE OF MARYLAND

*

IN THE CIRCUIT COURT

V.

*

FOR BALTIMORE COUNTY

HARRY (NMN) JOINES

*

STATE'S AUTOMATIC DISCOVERY
AND REQUEST FOR DISCOVERY

Now comes Sandra A. O'Connor, State's Attorney for Baltimore County, and ~~xxxxxxx~~ David Moore Assistant State's Attorney, and in compliance with Rule 4-263(a) of the Maryland Rules of Procedure, say the following:

1. Any information known to the State at this time which tends to negate the guilt of the Defendant as to the offense charged or which tends to reduce his punishment therefore is attached hereto. If no such attachment is included, no such information is known to the State at this time.

2. Any relevant material or information regarding whether the State used a search and seizure, wire tape or eavesdrop in gathering evidence in this case is attached hereto.

3. The Defendant made no statements or confessions, oral or written, which are known to the State at the present time.

The Defendant made a written statement or confession, the copy of which is attached hereto.

The Defendant made an oral statement or confession, the substance of which is as follows:

4. The Defendant has not, at this time, been identified by a pre-trial ~~ident~~ identification procedure.

The Defendant was identified (at lineup/by photograph/
other _____) by the following witnesses:

(Name)

(Date)

5. Upon notice to the State, the Defendant may inspect the contents of the State's file in this case, excluding those items otherwise privileged by law.

The State requests that the following discovery be provided by the Defendant in accordance with Rule 4-263(d):

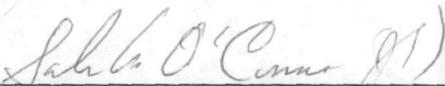
1. That the State be allowed to inspect and copy all written reports made in connection with this case by each expert which the Defendant intends to call as a witness at trial and that the Defendant furnish the State with the substance of any oral report and conclusion made in connection with this case by an expert the Defendant intends to use at trial.

2. That the Defendant furnish the State with the name and address of any alibi witness the Defendant intends to call as a witness. The crime occurred on the 17th day of December, 1985 at 319 hours at _____ Baltimore County Maryland.

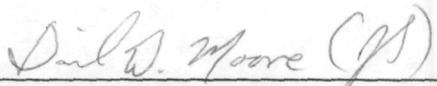
3. Upon request of the State, the defendant shall:

- (a) Appear in a line-up for identification;
- (b) Speak for identification;
- (c) Be fingerprinted;
- (d) Pose for photographs not involving reenactment of a scene;
- (e) Try on articles of clothing;
- (f) Permit the taking of specimens of material under his fingernails;
- (g) Permit the taking from his body of samples of blood, hair and other material involving no unreasonable intrusion upon his person;
- (h) Provide specimens of his handwriting;
- (i) Submit to reasonable physical or mental examination;

as provided for in Rule 4-263(d).

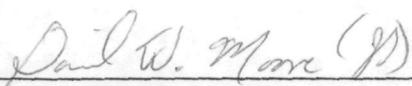


SANDRA A. O'CONNOR
State's Attorney for Baltimore County



David W. Moore
Assistant State's Attorney

I HEREBY CERTIFY that a copy of this foregoing State's Automatic Discovery and Request for Discovery was attached to the above indictment when delivered to the Defendant.



David W. Moore
Assistant State's Attorney



DISTRICT COURT OF MARYLAND FOR

Balto City/County 00716100

Located at Court Address

TR CR Case No.

STATE OF MARYLAND

VS

Charge: Armed Robbery Main

Defendant: Jones, Harry (NMN) Jr. 11 A. Wheeler Ave.

Hearing or Trial Date: 1/2/86 @ 1:15 pm

Address: 21234 Telephone

BAIL BOND

E662990

KNOW ALL PERSONS BY THESE PRESENTS:

That I/we, the undersigned, jointly and severally acknowledge that I/we, our personal representatives, successors and assigns are held and firmly bound unto the State of Maryland in the penalty sum of Five Thousand Dollars (\$5,000.00)

per pledge with Shirley Jones + aunt, Gaiuse Myers

- without collateral security; with collateral security equal in value to the greater of \$25.00 or with collateral security equal in value to the full penalty amount; with the obligation of the corporation. Alleging Mutual which is an insurer in the full penalty amount.

- To secure payment the Defendant Surety has, deposited by cash certified check the amount of \$ pledged the following intangible personal property:

86-627 [Signature]

encumbered the real estate described in the Declaration of Trust filed herewith, or in a Deed of Trust dated the ... day of ..., 19... from the undersigned Surety to ... to the use of the State of Maryland.

THE CONDITION OF THIS BOND IS that the Defendant personally appear as required, in any court in which the charges are pending, or in which a charging document may be filed based on the same acts or transactions, or to which the action may be transferred, removed, or, if from the District Court, appealed.

IF, however, the Defendant fails to perform the foregoing condition, this bond shall be forfeited forthwith, for payment of the above penalty sum in accordance with law.

IT IS AGREED AND UNDERSTOOD that this bond shall continue in full force and effect until discharged pursuant to Rule 4-217.

AND the undersigned Surety covenants that the compensation chargeable in connection with the execution of this bond consisted of a fee premium service charge for the loan of money other (describe) in the amount of \$ 500

The undersigned Surety hereby certifies that he has read and understands the Notice to Surety on the reverse side of this form.

IN WITNESS WHEREOF, these presents have been executed under seal this 17 day of 85

Harry Jones (SEAL) Defendant

[Signature] (SEAL) Personal Surety

[Signature] (SEAL) Personal Surety Attorney-in-Fact

216 E [Signature] (SEAL) Surety-Insurer Power of Attorney No. 12-26678

Print or Type Name & Address of Personal Surety (1) & Telephone No.

FILED FEB 5 1986

Zip

Print or Type Name & Address of Personal Surety (2) & Telephone No.

Zip

Print or Type Name & Address of Surety-Insurer & Telephone No.

Zip

Print or Type Name & Address of Attorney-in-Fact & Telephone No.

Zip

SIGNED, sealed, and acknowledged before me:

12/17/85 Date

[Signature] 8033 Commissioner/Clerk Judge



DISTRICT COURT OF MARYLAND FOR

Located at _____
 Court Address _____
 STATE OF MARYLAND
 Charge _____
 Defendant _____
 Hearing or Trial Date _____
 BAIL BOND

IMPORTANT NOTICE TO SURETY POSTING BAIL

YOUR OBLIGATION ON POSTING BAIL

You have pledged bail for the release of another person. This makes you responsible for seeing that the Defendant appears in Court at the time and place specified on the Bond.

RETURN OF BAIL BY SURRENDERING DEFENDANT

If you believe that the Defendant may not appear or if he is planning to leave the State of Maryland, you may surrender him to a commissioner prior to trial and be relieved of the obligation.

YOUR LOSS IF DEFENDANT DOES NOT APPEAR FOR TRIAL

Failure of the Defendant to appear will result in the forfeiture of the bail. You may get back all or part of the bail if you surrender the Defendant within 90 days after the date of forfeiture. (Note: A judge may, for good cause, extend this to 180 days.)

EXTENSION

If you have posted a percentage of the full bail, you will have 90 days (possibly extended to 180 on application) to surrender the Defendant or pay the balance remaining of the full bail. Failure to pay the forfeiture will result in the entry of a Court Judgment against you and could result in the seizure and sale by the Court of your house, car or other personal property.

RETURN OF BOND AFTER DEFENDANT APPEARS FOR TRIAL

If you have posted cash bail and the Defendant has been found not guilty, or the charges were dismissed, nol prossed or stotted, or if imposition of sentence was suspended, the amount refunded to you will be returned by check.

If an appeal is filed, the bail will continue in effect until trial in the higher court. However, the bail may be immediately released if the Defendant personally appears to sign a release of the bail and a statement that he understands that a new bail must be posted if he does file an appeal. This release can be signed only by the Defendant in the presence of a Court official. The refund will then be made to you.

 Personal Surety (SEAL)
 Defendant (SEAL)
 Personal Surety (SEAL)
 Attorney-in-Fact (SEAL)

Print or Type Name & Address of Personal Surety (1) & Telephone No. _____
 Print or Type Name & Address of Personal Surety (2) & Telephone No. _____
 Print or Type Name & Address of Attorney-in-Fact & Telephone No. _____
 Print or Type Name & Address of Attorney-in-Fact & Telephone No. _____

SIGNED, sealed, and acknowledged before me _____
 Notary Public
 (This form requires CX 104)
 BENCH & REC. 1/84
 (See Reverse Side)
 (73-28-Md Rules)

It is unlawful to print this form without written consent of home office.

POWER OF ATTORNEY
ALLEGHENY MUTUAL CASUALTY COMPANY
Bond Department
24 Commerce Street, Newark, New Jersey 07102

Power No. **XC 126678**
THIS POWER OF ATTORNEY NULL AND VOID UNLESS USED BEFORE 12/31/86

KNOW ALL MEN BY THESE PRESENTS, that ALLEGHENY MUTUAL CASUALTY COMPANY, a corporation duly organized and existing under the laws of the State of Pennsylvania has constituted and appointed, and does hereby constitute and appoint,

Its true and lawful attorney-in-fact, with full power and authority to sign the company's name and affix its corporate seal to, and deliver on its behalf as surety any and all obligations as herein provided, and the execution of such obligations in pursuance of these presents shall be as binding upon the company as fully and to all intents and purposes as if done by the regularly elected officers of said company at its home office in their own proper person; and the said company hereby ratifies and confirms all and whatsoever its said attorney-in-fact may lawfully do and perform in the premises by virtue of these presents.

THIS POWER OF ATTORNEY IS VOID IF ALTERED OR ERASED, THE OBLIGATION OF THE COMPANY SHALL NOT EXCEED THE SUM OF FIVE THOUSAND FIVE HUNDRED DOLLARS (\$5,500.00) AND MAY BE EXECUTED FOR RECOGNIZANCE ON CRIMINAL BAIL BONDS ONLY.

Amount of Bond 5,000
Defendant (Name) Harry Jones
Defendant Address 11 N Wheeler Ave
City and State PA 170, MD
Court Towson Br 1-2-86
Offense Armed Robbery
Date of Execution 12-17-85
Attorney-in-fact [Signature]
Signature



IN WITNESS WHEREOF, ALLEGHENY MUTUAL CASUALTY COMPANY, by virtue of authority conferred by its Board of Directors, has caused these presents to be sealed with its corporate seal, signed by its President and attested by its Secretary, this 2nd day of December, 1981.

J. Floyd Smith
President
Maria A. Ferricone
Secretary

1. A separate Power of Attorney must be attached to each bond executed.
2. Powers of Attorney must not be returned to attorney-in-fact, but should remain a permanent part of court records.



DISTRICT COURT OF MARYLAND FOR

BAH

Located at

Court Address

Case No.

City/County

00716100

STATE OF MARYLAND

VS

Defendant

HARRY Joines

AFFIDAVIT OF BAIL BONDSMAN (4-217(d)(3))

STATE OF MARYLAND: CITY/COUNTY OF

BAH

I, the undersigned, respectfully submit that I:

- A. Am duly licensed in the jurisdiction in which the charges are pending, if that jurisdiction licenses bail bondsmen;
- B. Am authorized to engage the Surety Insurers shown on the attached bail bond, as surety on that bail bond, pursuant to a valid general or special power of attorney.
- C. Hold a valid license as an insurance broker or agent in this State and the Surety Insurer is authorized by the Insurance Commissioner of Maryland to write bail bonds in this State.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information and belief.

Date:

12-17-85

Signature of Bail Bondsman

Allen Cohen

Address

216 E Sixth

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. You have the right to have a lawyer.
4. A lawyer can be helpful to you by:
 - (A) explaining the charges in this paper;
 - (B) telling you the possible penalties;
 - (C) helping you at trial;
 - (D) helping you protect your constitutional rights; and
 - (E) helping you to get a fair penalty if convicted.
5. Even if you plan to plead guilty, a lawyer can be helpful.
6. If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
7. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
8. DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

Sal A. O'Connor JD

The State's Attorney for Baltimore County

STATE OF MARYLAND

VS

HARRY (NMN) JOINES (bail by A. Cohan)
BCI 137956
dob 11/10/58
11 N. Wheeler Avenue, 21223

86CR-0627

CHARGE: Robbery with a dangerous and deadly weapon, etc

CRIMINAL INFORMATION

WITNESSES:

Debra Ann Bradburn
8072 Delhaven Rd., 21222
off. Quinn #1575
PC #11
Off. Booz #2340
PC #12
Det. Folio #2167
CID PERS

FILED FEB - 4 1986

The State's Attorney for Baltimore County

How Bang
Held Back Co
DET Center



DISTRICT COURT OF MARYLAND FOR

Located at Court Address

City/County

Case No.

00716100

STATE OF MARYLAND

VS

Defendant

JOINES, HARRY

INITIAL APPEARANCE QUESTIONNAIRE

Present Offenses Mainly Robbery D/W. CC #
Name _____ Alias _____
Address 11 N. WHEELER AVE 21223 low. Phone # NONE
Previous Address 1315 N. EDEN ST. ZIP 21223 How Long _____
State of Maryland (Residence) How Long 12 yrs - D.O.B. 11/10/58
Marital Status 8 No. of Dependents _____ Children _____
With whom are you living Mother. Relationship _____
Parents Living _____ Where _____ Phone # _____
Employer M & M Massey Length of Time 4 yrs.
Address BALTO Zip Code _____
Phone # _____ Approx. Income 6.00 hrs. S.S. # _____
Income from other sources: Amount _____ Source _____
Unemployed _____ How Long _____ Last Employer _____
Address _____ Phone # _____

CRIMINAL CONVICTIONS:

Charge _____ Date _____
Attacks

AWAITING TRIAL ON OTHER CHARGES:

Charge Att Rape / Att Robbery Trial Date Portland Where PeCA. Bail 20,000

PRESENTLY ON PAROLE/PROBATION:

Charge ASSAULT P.O. Probation Agent BARTON. Term 2 yrs -

ASP client during past 12 months? Yes _____ No _____
Defendant appears to have _____, has _____, admits _____, denies _____ an alcohol _____, drug _____ problem? No _____
ASP Referral _____

[Signature] _____
Commissioner/Judge _____ Date _____



DISTRICT COURT OF MARYLAND FOR

#8
City/County
Case No. 00716100

Located at
Court Address

STATE OF MARYLAND

VS

Defendant JONES, HARRY
Address 11 N. WHEELER AVE
E-662990 21223
Telephone

COMMITMENT PENDING HEARING

TO: Det. Carter

YOU ARE HEREBY COMMANDED to receive from any officer the body of the above-named Defendant who is charged with the offense(s) of Armed Robbery/ Maim.

- In default of \$50,000 bail (100% acceptable).
- Bail review was held by Judge Scholer and Defendant is committed in default of \$5,000 bail (100% acceptable) 12-12-85 Personal pledge by mother & Louise Meyers
- Having been surrendered by bondsman, bond of \$..... to continue.

YOU ARE FURTHER COMMANDED to produce the Defendant as noted below:

- For transfer to the jail or detention center in..... county/city. If the Defendant has not been transferred prior to the next session of court, he is to be brought before court in your county for bail review.
- For further review before a judicial officer of the District Court for..... county/city located at..... Maryland, within 30 60* days if the Defendant has not posted the bail or been arrested on a warrant of the Governor of Maryland on a requisition of the executive authority of the State of.....
- For court appearance as follows:
 - Court Towson
 - Location
 - Date 1/2/86 11:55 am
 - Time
 - Purpose
 - Bail Review
 - Preliminary Hearing/Inquiry
 - Trial
 - Other (describe)

12/11/85
Date

[Signature]
Clerk/Judge/Commissioner I.D.

*Applies to second commitment only



DISTRICT COURT OF MARYLAND FOR

Balto

City/County

Located at

Court Address

Case No.

00716100

STATE OF MARYLAND

VS

Joines, Harry (NMN) Jr.

Defendant

DOB

I.D.

RELEASE FROM COMMITMENT

E662990

TO:

Sheriff Balto Co.

YOU ARE HEREBY COMMANDED to release the above-named defendant.

Bail Review was held and defendant is released on his/her recognizance.

Bond in the amount of \$ 5,000.00 was posted by Allan Cohen

Preliminary hearing was held and charge(s) were dismissed.

Trial was held in the District Court and no further commitment was imposed. Disposition

Defendant having been committed in default of payment of fine of the fine and cost have now been paid.

12/17/85

Date

August J. Bennett 833

Clerk/Judge/Commissioner



DISTRICT COURT OF MARYLAND FOR Baltimore City/County

Located at TOWSON Court Address Case No. 0071100

STATE OF MARYLAND

VS

Henry Jones Defendant

Charge: (1) E-662990

Address

(2)

NOTICE TO STATE'S ATTORNEY

TO THE STATE'S ATTORNEY FOR Baltimore COUNTY:

Please be advised the following action took place in the above entitled case regarding a preliminary hearing.

Defendant affirmatively waived right to a preliminary hearing on 1-2-86 Date

Defendant failed to request a preliminary hearing within 10 days after initial appearance, thereby waiving right to a preliminary hearing on Date

A preliminary hearing was held on, and the Court found probable cause to believe that the Defendant committed an offense.

As a result of the above action, you have 30 days from the above date to comply with the provisions of Maryland District Rule 727 (i). 2-2-86

1-6-86 Date

D. Lowe Clerk

Receipt of the above Notice acknowledged:

..... Date

..... State's Attorney

NOTICE TO STATE'S ATTORNEY

COMPLAINANT				DEFENDANT			
NAME (LAST, FIRST, M.I.)		TITLE		NAME (LAST, FIRST, M.I.)		TITLE	
Folio, Joseph C.		Det.		Joiner, Ha N.M.N.			
AGENCY	SUB-AGENCY	I.D. NO. (POLICE)		I.D. NO.	SEX	HT.	WT.
AE Balto. CO.	Robbery	2167		137956	N	M	5-7 185
WORK TELEPHONE		HOME TELEPHONE		WORK TELEPHONE		HOME TELEPHONE	
() 494-2017		()		()		()	
ADDRESS		APT. NO.		ADDRESS		APT. NO.	
400 Kenilworth DR.				11 N. Wheeler Ave.			
CITY	STATE	ZIP CODE		CITY	STATE	ZIP CODE	
Towson	MD.	21204		Balto.	Md.	21223	
DIST./L.C.	RELATED CASES			TRACKING NUMBER			
8-3	CC# E 662981 and E 662969			007161C0			

INITIAL APPEARANCE

Juvenile Waiver
 Released on own Recog—No probable cause
 Copy of charges provided Copy not provided
 Defendant advised of right to counsel Undecided
 Waived Employ own counsel Public Defender

Advised of right to preliminary hearing
 Preliminary Hearing was was not requested.
 Released on own Recog. Supervised by/Custody of _____
 Bail \$ 50,000 (Full; 100 %; without collateral security)
 Committed
 Hearing/Trial Date 1/2/86 115Pm
 Judge/Comm. Snyder Rullin I.D.# _____ Date 12/11/85

BAIL Posted 12-17-85 Cash Corporate Property
 Date _____ Judge/Comm./Clerk _____ Date _____

BAIL REVIEW

Bail to Remain the Same _____ % Reduced to 5,000 % 100%
 Increased to \$ _____ % ROR _____ Unsecured _____
 Advised def. of Right to Counsel _____ Received copy of charges _____
 Judge W.S. Schaler Date 12/12/85

PRELIMINARY HEARING

Bond/Waived State's Attorney Notified
 Represented by Counsel _____ Counsel Waived _____
 Probable Cause/Defen. Held _____ Bond/Recog. Continued _____
 Bail Set \$ _____ Full _____ % Committed in Default _____
 No Probable Cause/Dismissed Defendant Released _____
 Judge _____ Date _____
 C.D. Filed in Circuit Court 1-24-86 Papers Forwarded 2-3-86
 DATE DATE
 Amended/New C.D. Filed _____ DATE _____
 Dismissed for Lack of Prosecution _____ DATE _____
 Judge _____ Date _____

PRELIMINARY INQUIRY

Advised def. of Right to Counsel _____ Received copy of charges _____
 Referred to Public Defender _____ Waived Counsel _____
 Will Retain Own Counsel _____
 Judge Schaler Date 1/2/86

No charging document having been filed in Circuit Court, the charges are dismissed.
 After hearing in presence of Defendant and a finding of good cause, the time is extended to _____
 for State's Attorney's action.
 Date _____ Judge _____

PRETRIAL STATUS

FTA	Date	Bond/Recog. Forfeited	Recog. Revoked	Bench War. Issued	Bail \$ Amt.	Def. Sur. by Surety	Forf. Stricken/War. Recalled	Previous Bail Reinstated

Date _____ Judge _____

COURT APPEARANCE

The Court made certain that defendant received a copy of the charging document, informed defendant of right to counsel and importance of assistance of counsel. Advised defendant of nature of charges and allowable penalties including mandatory or minimum, conducted waiver inquiry if defendant wants to waive counsel, and if continued advised defendant that at next appearance, appearing without counsel could be a waiver.
 Date _____ Judge _____

98-2-8

Defense Counsel..... Defendant.....
State's Attorney..... Case No. 00716100

TRIAL

No. of Charges..... 2

- Express Waiver of Counsel. Court determined after examination that defendant knowingly and voluntarily waived right to counsel
- Defendant appeared without counsel. No meritorious reason. Court determined that defendant waived counsel.
- Defendant appeared with counsel. Private Public Defender JTP Jury Trial Waived

Charge #1 ARMED ROBBERY AR: 85-14154 Non-CJIS Art/Sec: 27-488 Code: 8-1
Amended: Art/Sec: Code:
Max Sentence: Plea: NP Stet Verdict: PSI Ordered: Sub Curia Until:
FINE: \$..... COST: \$..... CICF: \$..... SUS: \$..... RESTITUTION: \$..... to.....
Sentence: DOC Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: Supervised Unsupervised
Conditions:

Date Judge
Charge #2 MARI AR: 85-14154 Non-CJIS Art/Sec: 27-384 Code: 8-131
Amended: Art/Sec: Code:
Max Sentence: Plea: NP Stet Verdict: PSI Ordered: Sub Curia Until:
FINE: \$..... COST: \$..... CICF: \$..... SUS: \$..... RESTITUTION: \$..... to.....
Sentence: DOC Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: Supervised Unsupervised
Conditions:

Date Judge
Charge #3 AR: Non-CJIS Art/Sec: Code:
Amended: Art/Sec: Code:
Max Sentence: Plea: NP Stet Verdict: PSI Ordered: Sub Curia Until:
FINE: \$..... COST: \$..... CICF: \$..... SUS: \$..... RESTITUTION: \$..... to.....
Sentence: DOC Local Commencing: Credit time awaiting trial:
Suspended Sentence: Probation time: Supervised Unsupervised
Conditions:

Date Judge
 Defendant Advised of Right of Appeal. Upon Perfecting of Appeal, Sentence to be stayed and Recog. to Continue;
 Present Bond to Continue; Appeal Bond in Amount of \$..... to be Required; Sentence not to be Stayed; Other.....
(If Sentence is Satisfied Prior to Perfecting of Appeal, no Appeal Bond Required.)

Date Clerk
Bond forfeiture entered as judgment in the amount of \$..... Date..... with interest from date of forfeiture and costs and liens filed in Circuit Court. Docket entries forwarded to Bail Bond Commissioner, if any, and to State's Attorney and Chief Clerk.

Date Clerk
Indictment filed. Papers forwarded to Circuit Court..... (Date)

REEL#	DATE	START	END
82912	12-12-85	0002	0620
22931	1-2-86	1971	1911

Defendant Notified of Nolle Pros/Stet..... (Date)
Judgment Recorded in District Court..... (Date)
Notice of Lien filed in..... (Date)
Appeal Noted..... (Date)



DISTRICT COURT OF MARYLAND FOR

Located at Court Address

TR

CR

Case No.

007161 Co.

STATE OF MARYLAND

VS

Defendant

Address

E-662981

21223

INITIAL APPEARANCE REPORT (Rule 4-213)

I hereby certify that when the above named Defendant was brought before me for his initial appearance, I:

- DETERMINED that Defendant had already been provided with a copy of the charging document.
PROVIDED the Defendant with a copy of the charging document.
ADVISED Defendant that copy of Charging Document is not available, but will be provided to Defendant within 24 hours.
ADVISED Defendant of right to counsel. Defendant desires to proceed without counsel to employ his own counsel counsel, but is indigent to decide later.
ADVISED Defendant that he is charged with a felony that is not within the jurisdiction of the District Court and that he has a right to have a preliminary hearing by a request made now or within ten days and that failure to make a timely request will result in a waiver. Defendant requests preliminary hearing and clerk will notify him of date it is scheduled for. Defendant waives preliminary hearing Defendant defers election.
REQUIRED Defendant to read the Notice to Defendant printed on the charging document.
READ the Notice to Defendant printed on the charging document to the Defendant.
FURNISHED to the Defendant a copy of the Notice to Defendant printed on the charging document since no charging document was available.

Pretrial Release Determination (Rule 4-216)

On the basis of information available to and developed by me I HAVE DETERMINED:

- That Defendant is not eligible for release under Art. 27, Sec. 616 1/2 (c) (h) Art. 27, Sec. 638 A of the Maryland Code.
That he may be released on his personal recognizance because:
He is not charged with an offense for which the maximum penalty is death or life imprisonment.
It will reasonably assure his appearance.
There is a lack of probable cause to believe that the Defendant committed the offense.
That release on personal recognizance will not reasonably ensure the appearance of the defendant as required because.

I imposed the following conditions to ensure his appearance:

- committed him to custody of who agree to supervise him and assist in ensuring his appearance in court.
placed him under the supervision of Probation or Public Officer
subjected him to restrictions travel, association, residence

- required a bail bond in the amount of \$50,000 and on the following condition:
without collateral security.
with collateral security of \$ to be satisfied by depositing the required amount in cash or certified check or the pledging of intangible property approved by the Court.
to be satisfied by encumbering real estate.
with the obligation of a corporation which is an insurer or other surety in the full penalty amount.

Informed the Defendant that a warrant for his arrest will be issued if he violates the conditions of release and informed him that if the recognizance or bail bond is forfeited and he willfully fails to surrender himself within 30 days following the forfeiture, he may be charged and fined not more than \$5,000 or imprisoned for not more than 5 years or both, if given in connection with a charge of felony; or charged and fined not more than \$1,000 or imprisoned not more than 1 year or both, if given in connection with a misdemeanor charge.

- Informed the Defendant that he must notify the Court in writing of any change of address or telephone number.

12/14/85 Date

1020 hr Time

Judicial Officer

Receipt

I have read had read to me the offense with which I am charged, the conditions of release, the penalty for violation of the conditions of release, the Notice of Advice of Right to Counsel, and I acknowledge receipt of a copy hereof. I have been informed that the trial date/preliminary inquiry/preliminary hearing date is p.m. at o'clock or that I will be advised of the date by the clerk. I agree to the conditions of release and agree to appear at trial.

12/14/85 Date

Custodian

Signature of Defendant



Located at

Court Address

STATE OF MARYLAND

vs

CO 1111 CO
Johnes, Harrop
N.M. Whetson Ave
E-662981
51223

INITIAL APPEARANCE REPORT (Rule 4-213)

I hereby certify that when the above named Defendant was brought before me for his initial appearance, I DETERMINED that Defendant had already been provided with a copy of the charging document. PROVIDED the Defendant with a copy of the charging document. ADVISED Defendant that a copy of the Charging Document is not available, but will be provided to Defendant within 24 hours. ADVISED Defendant of right to counsel. Defendant desires to proceed without counsel. I to engage his own counsel. I cannot, but is indigent. I to denote later. ADVISED Defendant that he is charged with a felony that is not within the jurisdiction of the District Court and that he has a right to have a preliminary hearing by a judge made now or within ten days, and that failure to make a timely request will result in a waiver. Defendant waives preliminary hearing and I clerk will notify him of date. I is checked for RECEIVED Defendant to read the Notice to Defendant printed on the charging document. READ the Notice to Defendant printed on the charging document to the Defendant. FURNISHED to the Defendant a copy of the Notice to Defendant printed on the charging document since no charging document was available.

4-216:

In determining which conditions of release will reasonably ensure the appearance of the Defendant as required, the judicial officer, on the basis of information available or developed in a pretrial release inquiry may take into account

- (1) The nature and circumstances of the offense charged, the nature of the evidence against the Defendant, and the potential sentence upon conviction, insofar as these factors are relevant tot he risk of non appearance.
- (2) The Defendant's prior record of appearance at court proceedings or flight to avoid prosecution or failure to appear at court proceedings.
- (3) The Defendant's family ties, employment status and history, financial resources, reputation, character and mental condition, length of residence in the community and length of residence in this State.
- (4) The recommendation of an agency which conducts pretrial release investigations.
- (5) The recommendation of the State's Attorney.
- (6) Information presented by Defendant's counsel.
- (7) The danger of the Defendant to himself or herself and others.
- (8) Any other factor including prior convictions, bearing on the risk of a willful failure to appear.

and on the following condition:

Defendant has posted a bail bond in the amount of \$ 20,000.00
 without collateral security.
 with collateral security of \$ 20,000.00.
 to be satisfied by depositing the required amount in cash or certified check or the paying of intangible property approved by the Court.
 to be satisfied by encumbering real estate.
 with the obligation of a corporation which is an insurer or other surety in the full penalty amount.
I informed the Defendant that a warrant for his arrest will be issued if he violates the conditions of release and informed him that if the requirement of bail bond is forfeited and he willfully fails to surrender himself within 30 days following the forfeiture, he may be charged and fined not more than \$2,000 or imprisoned for not more than 2 years or both. If there is conviction with a charge of felony or charged and fined not more than \$1,000 or imprisoned not more than 1 year or both, it event a conviction with a misdemeanor charge, I informed the Defendant that the most timely the Court a writing of any class of address or telephone number.

[Signature] Date: 12/1/82

Receipt

I have read and had read to me the offense with which I am charged, the conditions of release, the penalty for violation of the conditions of release, the Notice of Right to Counsel, and I acknowledge receipt of a copy hereof. I have been informed that the trial date, preliminary inquiry/preliminary hearing date is: M. at 10:00 a.m. on 12/1/82.

or that I will be advised of the date by the clerk. I agree to the conditions of release and agree to appear at trial.

[Signature] Date: 12/1/82
Department of Defendant (This form replaces CR 706) DC/CR (Rev. 2/82)

Defendant's Name. Joines, Harry n.m.n JR.

Case No. 007161c0

cc# 662990

CONTINUATION SHEET

APPLICATION FOR STATEMENT OF CHARGES/STATEMENT OF PROBABLE CAUSE

defendant then cut the victim on the left hand, from the thumb to the wrist. The victim then fell to the ground and the defendant then kicked the victim in the face. The defendant then took the victim's purse and ran back to his vehicle and drove off. The victim was then taken to the hospital, where she received 25 stitches for her injury.

..... Appox. 0323 hrs. the defendant was stopped at Wise Ave. in front of the Roy Roger Rest. by Off. K. Booz of PG- 12. The location is appox. one mile from the victim's home and it was ~~is~~ less than four min. after the robbery. Off. Booz stopped the defendant because he and his vehicle fit the description of two previous attempt robberies in which woman were assaulted after they got out of their cars. In both robberies the suspect asked for the woman's purses. The victim's in the two attempted robberies were taken to the defendant and both victim's positively identified the defendant as being the one who tried to robb them, All of the robberies took place within a mile radius and within 45mins.

..... The undersigned called Mrs. Bradburn on 12-11-85 and she stated that the subject that robbed her was a B/M dress nice, with short hair, med build, about 30-35 yrs. old 5'-8" to 5'-10". The car the subject got into was a dark big car.

..... The undersigned feels that the defendant is the same man who robbed Mrs. Bradburn because he fits the description, his car fits the description, he was in the area four min. after the robbery and was positively identified by two victims after he tried to take their purses in the exact same way that he took Mrs. Bradburn's purse.

12-11-85

Date

Det. Joseph C. Lolis
Applicant's Signature



DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS)

[Empty box for court address]

DEFENDANT'S NAME (LAST, FIRST, MI.) Joines, Harry N.M.N. JR.		PRIMARY CHARGE Armed Robbery	RELATED CASES 018059C6--013167C6	TRACKING NUMBER 00716100
COMPLAINANT Polio, Joseph C.		DEFENDANT Joines, Harry N.M.N.		
TITLE Det.	NAME (LAST, FIRST, MI.) Joines, Harry N.M.N.	RACE N	SEX M	HT 5-7
DOB 11-10-58	LD. NO. (POLICE) 2167	LD. NO. 137956	WT 185	HAIR blk.
SUB-AGENCY Balto. CO.	CHARGE Robbery	WORK TELEPHONE 8662990	HOME TELEPHONE ()	APR. NO. ()
ADDRESS 400 Kenilworth DR.	CITY TOWSON	STATE MD.	ZIP CODE 21204	ADDRESS 11 N. Wheeler Ave.
CITY TOWSON	STATE MD.	ZIP CODE 21204	CITY Balto.	STATE MD.
ZIP CODE 21204	RELATED CASES 00716100	TRACKING NUMBER 00716100		

STATEMENT OF CHARGES

THE DEFENDANT HAS BEEN ARRESTED UPON THE FOLLOWING INFORMATION OR OBSERVATION: (MAKE A PLAIN, CONCISE AND DEFINITIVE STATEMENT OF ESSENTIAL FACTS CONSTITUTING THE OFFENSE CHARGED)

On 12-07-85 at approx. 0319 hrs. in front of 8068 Delhaven Rd. Balto. CO. 21222, Mrs. Debra Ann Bradburn parked her vehicle at the above location and began walking to her house. The defendant then walked up behind her and grabbed Mrs. Bradburn by the arm. The defendant told the victim to give him her pocket book. The victim said no and the defendant hit the victim in the face with his fists. The victim still would not give up her purse and the

IT IS FORMALLY CHARGED THAT THE DEFENDANT

(CONTINUED ON ATTACHED SHEET CR701A OR DC/CR1A)

MDCCS 1	AR 11-1205	ON OR ABOUT (DATE) 85-14154 12-07-85	AT (PLACE) 8068 Delhaven Rd. Balto. Co. 21222
-------------------	----------------------	--	---

did, with a dangerous and deadly weapon, rob Debra Ann Bradburn and violently steal from her, a purse and U.S. currency, having the value of \$280.00

IN VIOLATION OF:

MD. ANN. CODE, ART. **27** SEC. **488** ; COMMON-LAW OF MD.; PUB. LOCAL LAW, ART. SEC.

COMAR OR AGENCY CODE NO. ; ORDINANCE NO. ; AGAINST THE GOVERNMENT DIGNITY OF

CONTINUED ON ATTACHED SHEET DC/CR 3A

I SOLEMNLY AFFIRM UNDER THE PENALTIES OF PERJURY THAT THE MATTERS AND FACTS SET FORTH IN THE FOREGOING DOCUMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF.

DATE **12-11-85** ARRESTING OFFICER **Det. Joseph Polio**

I HAVE REVIEWED THE STATEMENT OF CHARGES AND HAVE DETERMINED THAT

THERE IS PROBABLE CAUSE TO DETAIN THE DEFENDANT
 THERE IS NOT PROBABLE CAUSE TO DETAIN THE DEFENDANT AND I HAVE ACCORDINGLY RELEASED HIM ON HIS OWN RECOGNIZANCE.

DATE **12/11/85** JUDICIAL OFFICER **[Signature]**

NOTICE OF ADVICE OF RIGHT TO COUNSEL

DEFENDANT		COMPLAINANT	
NAME (LAST, FIRST, M.I.)	TITLE	NAME (LAST, FIRST, M.I.)	TITLE
I.D. NO.	I.D. NO. (POLICE)	SUB-AGENCY	AGENCY
DOB (MM/DD/YY)	WT	HT	RACE
HOME TELEPHONE	WORK TELEPHONE	HOME TELEPHONE	WORK TELEPHONE
ADDRESS	APT. NO.	ADDRESS	APT. NO.
CITY	STATE	CITY	STATE
ZIP CODE	ZIP CODE	ZIP CODE	ZIP CODE

- This paper charges you with committing a crime.
- If you have been arrested, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
- You have the right to have a lawyer.
- A lawyer can be helpful to you by:
 - explaining the charges in this paper;
 - telling you the possible penalties;
 - helping you at trial;
 - helping you protect your constitutional rights;
- Even if you plan to plead guilty, a lawyer can be helpful.
- If you want a lawyer but do not have the money to hire one, the Public Defender may provide a lawyer for you. The court clerk will tell you how to contact the Public Defender.
- If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
- DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER. If you do not have a lawyer before the trial date, you may have to go to trial without one.

RECEIPT

I have read or have had read to me the contents of the within document and acknowledge receipt of a copy thereof.

12-11-85
Date

Harry Jones
Signature of Defendant

RETURN OF SERVICE

I CERTIFY that ato'clockM. on
Date

at
Place

I executed this Writ by taking the witness into custody and delivering a copy thereof to him/her.

COMMON LAW OF MD.	PUB. LOCAL LAW, ART.	SEC.
ORDINANCE NO.	COMAR OR AGENCY CODE NO.	TITLE
SIGNATURE OF PEACE OFFICER		
ADDRESS		



DISTRICT COURT OF MARYLAND FOR

LOCATED AT (COURT ADDRESS)

STATE OF MARYLAND - VS -	DEFENDANT JOINES, HARRY N.M.N JR.	DOB 11-10-58	TRACKING NUMBER 007161c0
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STATEMENT OF CHARGES (CONTINUED)

UPON THE FACTS CONTAINED IN THE SWORN APPLICATION OF (NAME AND ADDRESS OF APPLICANT)

Det. Joseph C. Folio 400 Kenilworth Dr.

IT IS FORMALLY CHARGED THAT THE DEFENDANT

MDCCS	AR	ON OR ABOUT (DATE)	AT (PLACE)
2	3-1315	85-14154 12-07-85	8068 Delhaven Rd. Balto. CO. 21222

did wilfully and with malice aforethought main Mrs. Bebra Ann Bradburn

IN VIOLATION OF:

<input checked="" type="checkbox"/> MD ANN. CODE, ART. 27 SEC. 384	<input type="checkbox"/> COMMON LAW OF MD;	<input type="checkbox"/> PUB. LOCAL LAW, ART. SEC.
--	--	--

<input type="checkbox"/> COMAR OR AGENCY CODE NO.	<input type="checkbox"/> ORDINANCE NO.	AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE.
---	--	---

MDCCS	AR	ON OR ABOUT (DATE)	AT (PLACE)

IN VIOLATION OF:

<input type="checkbox"/> MD ANN. CODE, ART. SEC.	<input type="checkbox"/> COMMON LAW OF MD;	<input type="checkbox"/> PUB. LOCAL LAW, ART. SEC.
--	--	--

<input type="checkbox"/> COMAR OR AGENCY CODE NO.	<input type="checkbox"/> ORDINANCE NO.	AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE.
---	--	---

MDCCS	AR	ON OR ABOUT (DATE)	AT (PLACE)

IN VIOLATION OF:

<input type="checkbox"/> MD ANN. CODE, ART. SEC.	<input type="checkbox"/> COMMON LAW OF MD;	<input type="checkbox"/> PUB. LOCAL LAW, ART. SEC.
--	--	--

<input type="checkbox"/> COMAR OR AGENCY CODE NO.	<input type="checkbox"/> ORDINANCE NO.	AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE.
---	--	---

MDCCS	AR	ON OR ABOUT (DATE)	AT (PLACE)

IN VIOLATION OF:

<input type="checkbox"/> MD ANN. CODE, ART. SEC.	<input type="checkbox"/> COMMON LAW OF MD;	<input type="checkbox"/> PUB. LOCAL LAW, ART. SEC.
--	--	--

<input type="checkbox"/> COMAR OR AGENCY CODE NO.	<input type="checkbox"/> ORDINANCE NO.	AGAINST THE PEACE, GOVERNMENT AND DIGNITY OF THE STATE.
---	--	---

CONTINUED ON ATTACHED SHEET (FORM DC/CR 3A)

DATE 12-11-85	TIME 2030	JUDICIAL OFFICER / ARRESTING OFFICER Det. Joseph C. Folio #107
-------------------------	---------------------	--

STATE OF MARYLAND

VS.

Harry Joines

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

Case No. 86cr626-8

WARRANT

TO ANY PEACE OFFICER, GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST

Harry Joines

11 N. Wheeler Ave. 21223

D/O/B: 11/10/58 RACE: SEX:

to answer to a Charging Document filed in this Court for
Failure to appear for arraignment (Attempted Robbery, etc.)

AND YOU ARE FURTHER DIRECTED TO:

- () Lodge this warrant as a detainer for the continued detention of the defendant for the offense charged in the Charging Document.
- () Take the defendant before a Judicial Officer of the District Court for the initial appearance pursuant to Md. Rules 4-215 & 4-216.
- () Take the defendant before this Court and process the defendant pursuant to Md. Rules 4-215 & 4-216.

Recommended Bond _____ Per _____

(~~X~~) Bond Denied () Bond Set _____ Judge Buchanan

WITNESS the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Date Issued 3/6/86 *Ernie H. Kahlert*
CLERK

SHERIFF'S RETURN

() Defendant on Bail () Defendant in Custody _____

Date _____ Copy of Charging Document & Warrant served on Defendant

PEACE OFFICER

SHERIFF

INITIAL APPEARANCE

Bond \$ _____ Posted _____ Recognizance _____

Committed Pending Hearing _____

JUDICIAL OFFICER - Phone No.

STATE OF MARYLAND

VS.

Harry Joines

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY

Case No. 86CR626-8

WARRANT

TO ANY PEACE OFFICER, GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST

Harry Joines

11 N. Wheeler Ave., Balto., Md. 21223

D/O/B: 11/10/58 RACE: N SEX: M

to answer to a Charging Document filed in this Court for Failure to Appear for

Trial (Attempted Robbery, etc.)

AND YOU ARE FURTHER DIRECTED TO:

- () Lodge this warrant as a detainer for the continued detention of the defendant for the offense charged in the Charging Document.
- () Take the defendant before a Judicial Officer of the District Court for the initial appearance pursuant to Md. Rules 4-215 & 4-216.
- () Take the defendant before this Court and process the defendant pursuant to Md. Rules 4-215 & 4-216.

Recommended Bond _____ Per _____

() Bond Denied () Bond Set _____ Judge John G. Turnbull II

WITNESS the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Date Issued 7/9/86

Elmer H. Kaline Jr.
CLERK

SHERIFF'S RETURN

() Defendant on Bail () Defendant in Custody _____

Date _____ Copy of Charging Document & Warrant served on Defendant

PEACE OFFICER

SHERIFF

INITIAL APPEARANCE

Bond \$ _____ Posted _____ Recognizance _____

Committed Pending Hearing _____

JUDICIAL OFFICER - Phone No.

COURT CLERK'S WORK SHEET

TRIAL DATE April 2, 1986 Judge Leman S. Jackson

STATE'S ATTORNEY K. Quinn DEFENDANT'S ATTORNEY John Harris
 COURT REPORTER K. Quinn CLERK Kim Frazier

CASE # 86 CR 626, 627, & 628 NAME Harry Quinn

CHARGE Assault w/ Intent to Kill, Robb D/W, etc

TRIAL H/H PLEA COURT JURY GUILTY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion For Judgment of ACQUITTAL
 GRANTED OVERRULED
 2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL
 GRANTED OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS H/H in re Bail. Bail reinstated at \$25,000.00. Δ to be released as to this case only. (Bail in this case is \$5,000 - all three cases, i.e., this case and 86 CR 626 and 86 CR 628 total \$25,000.00) Release form sent.

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION DEFENDANT MUST REPORT TO PROBATION INTAKE OFFICE ROOM 346 COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

STATE OF MARYLAND

VS.

HARRY JOINES

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

Case No. 86CR627

District Court Case No. 007161C0

To The Warden Of The Baltimore County Detention Center

You are hereby directed to release Harry Joines

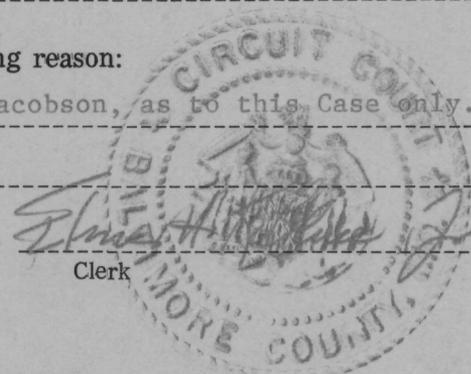
held on the charge of Robbery, Deadly Weapon

unto the Sheriff of Baltimore County for the following reason:

Per verbal order of the Hon. Leonard S. Jacobson, as to this Case only.

April 2, 1986

Date



Clerk

(Seal)

per VAS

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

TO: DEBRA ANN BRADBURN
8072 DELHAVEN RD

BALTIMORE, MD 21222

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JULY 8, 1986 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 25, 1986

Elmer H. Kahline Jr.
ELMER H. KAHLINE, JR.

Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

_____ SHERIFF

FEE \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. B6CR0627

State of Maryland, Baltimore County to wit:

C. C. NO. E662990
CITATION NO.

TO: CPL JOHN M QUINN
1575
PC12

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JULY 8, 1986 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 25, 1986



ELMER H. KAHLINE JR.
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

_____ SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO KEVIN W BOOZ
2340
PC12

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JULY 8, 1986 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 25, 1986



ELMER H. KAHLINE, JR.
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

_____ SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. B6CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO JOSEPH C JR FOLIO
2167
PERS

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JULY 8, 1986 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 25, 1986



ELMER H. KAHLINE, JR.
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

_____ SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO JOSEPH C JR FOLIO
2167
PERS

RECEIVED
1986 JUN 25 PM 1:26

SHERIFF'S OFFICE
BALTO. CO.

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JULY 8, 1986 AT
09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 25, 1986

Elmer H. Kahline Jr.
ELMER H. KAHLINE JR.

Clerk, Circuit Court for Baltimore County



Per *lp*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: *Dec 6-26-86*

DATE SERVICE NOT MADE: _____

REASON: *Edward Malone* _____

Edward Malone
SHERIFF OF BALTO. CO. MD.

FEE: \$ *15.00*

CIRCUIT COURT FOR BALTIMORE COUNTY

507 / *Harri*
Case No. 86CR0627

State of Maryland vs. HARRY JOINES

State of Maryland, Baltimore County to wit:

RECEIVED

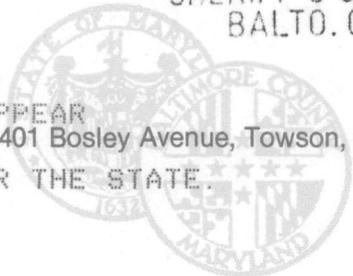
1986 JUN 25 PM 1:22

TO: DEBRA ANN BRADBURN
8072 DELHAVEN RD

SHERIFF'S OFFICE
BALTO. CO.

BALTIMORE, MD 21222

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JULY 8, 1986 AT 09:15 A.M. TO TESTIFY FOR THE STATE.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 25, 1986

Elmer H. Kahline Jr.
ELMER H. KAHLINE JR.

Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

DATE SERVED: 6-26-86

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Malone
SHERIFF OF BALTO. CO., MD.

SHERIFF

FEE \$

15

COURT CLERK'S WORK SHEET

TRIAL DATE 7/8/86 Judge JOHN G. TURNBULL II

J. Gentry
STATE'S ATTORNEY

F. P.
DEFENDANT'S ATTORNEY

JANE GALLAGHER
COURT REPORTER

FRANK PETRICK
CLERK

CASE # 86 CR 627 NAME HARRY JOINES

CHARGE Robb DW etc. 6cts

TRIAL COURT JURY PLEA GUILTY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS Delta for Trial.
B/W. No Bail authorized *Cg*

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION DEFENDANT MUST REPORT TO PROBATION INTAKE OFFICE ROOM 346 COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

Wrong#

STATE OF MARYLAND

-vs-

HARRY JOINES
3404 Alto Road
Baltimore, Maryland 21216
Defendant

* IN THE
* CIRCUIT COURT
* OF MARYLAND
* FOR BALTIMORE COUNTY
* Case No.,: 86 CR 0627

o0o

ENTRY OF APPEARANCE

J

Dear Clerk:

Pursuant to MR 4-214(a), kindly enter my appearance
on behalf of the Defendant.

Respectfully submitted by:

Gerald Shipley

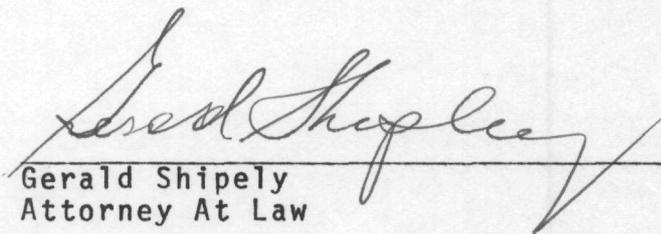
Gerald Shipley
Attorney at law
1010 Saint Paul Street, 31
Baltimore, Maryland 21202
(301)727-5260

✓

FEB 24 1982

CERTIFICATION OF SERVICE

I HEREBY CERTIFY that I mailed postage prepaid this 18th
day of February, 1987, a copy of the foregoing
Entry of Appearance to Sandra A. O'Connor, State's Attorney,
Office of the State's Attorney, Court House, Towson, Maryland
21204.


Gerald Shipely
Attorney At Law

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joiner

Case No. 86CR0627-2

State of Maryland, Baltimore County to wit:

86CR3944

TO: Gerald Shipley, Esquire
Suite 31
1010 Saint Paul Street
Baltimore, MD 21201

You are hereby NOTIFIED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. for the Trial of the above entitled case.

Any postponement of this date must be in accordance with MD. Rule 4-271.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: April 23, 1987



SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per Joan Mather Deputy
Criminal Assignment Commissioner
494-2694

CC: James Gentry, Esquire

May 8, 1987

To Whom This May Concern:

This letter is to inform the courts that Gerald L. Shipley is no longer representing me, Harry Joines.

Thank you.

Harry Joines
Harry Joines
3404 Alto Road; 1E
Baltimore, MD 21216

86 CR 626-8

86-3944



HJ:ja

FILED MAY 19 1987

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. 86CR0627-8

State of Maryland, Baltimore County to wit:

7
86 CR 3944

TO: Michael Mccampbell, Esquire

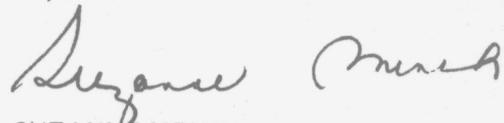
500 Virginia Ave
Towson, MD 21204

You are hereby NOTIFIED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. for the Trial of the above entitled case.

Any postponement of this date must be in accordance with MD. Rule 4-271.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: June 25, 1987



SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per Joan Mather Deputy
Criminal Assignment Commissioner
494-2694

CC: James Gentry, Esquire

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

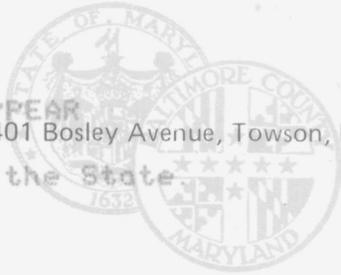
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
Citation No.

TO: PO Joseph C Jr Folio
2167
ROB

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. to TESTIFY for the State.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: June 30, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *RW* Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE

DATE SERVED: _____

State's Attorney's Office
583-6650

DATE SERVICE NOT MADE: _____

REASON: _____

SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. **Harry Joines**

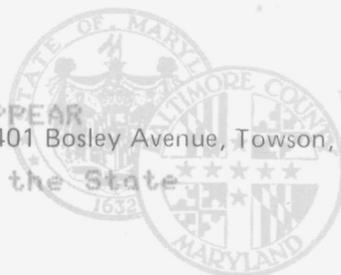
Case No. **86CR0627**

State of Maryland, Baltimore County to wit:

C.C. NO. **E662990**
Citation No.

TO: **PO Kevin W Booz**
2340
PC12

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at **09:15 A.M. to TESTIFY for the State**



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **June 30, 1987**

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *RW* Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

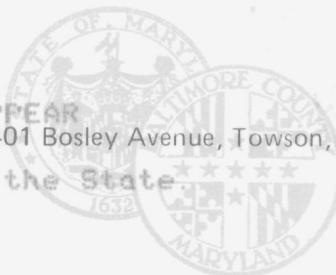
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
Citation No.

TO: CPL John M Quinn
1575
PC12

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. to TESTIFY for the State



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: June 30, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *RW*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

_____ SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

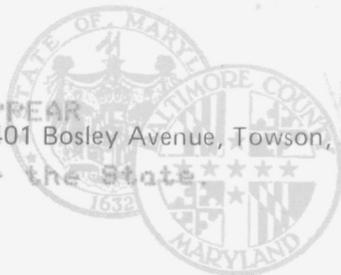
State of Maryland vs. Harry Joines

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

TO: Debra Ann Bradburn
8072 Delhaven Rd
Baltimore, MD 21222

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. to TESTIFY for the State



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: June 30, 1987

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *RW* Deputy

SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

SHERIFF

FEE \$ _____

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. 86CR0627-8

State of Maryland, Baltimore County to wit:

I. D. NO.

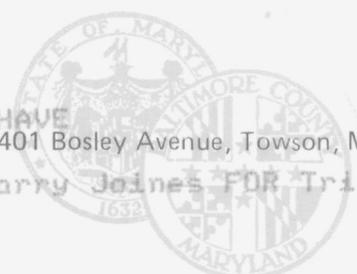
D. O. B. November 10, 1958

86 CE 3177

TO:

Warden; Baltimore City Jail
401 E Eager Street
Baltimore, MD 21202

You are hereby **COMMANDED TO HAVE** before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at
09:15 A.M. the body of Harry Joines FOR Trial



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued:

June 30, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Rue

Deputy

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

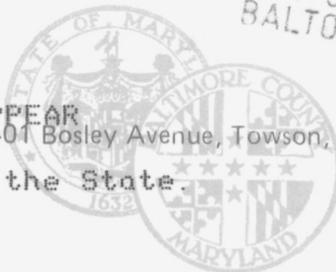
C.C. NO. E662990

Citation No.

TO: PO Kevin W Booz
2340
PC12

RECEIVED
1987 JUL -1 PM 1:12
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. to TESTIFY for the State.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: June 30, 1987

Suzanne Mensh
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *RW* Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

DATE SERVED: 7/2

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Malone
SHERIFF
SHERIFF OF BALTO. CO., MD.

FEE: \$ 15

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. 86CR0627

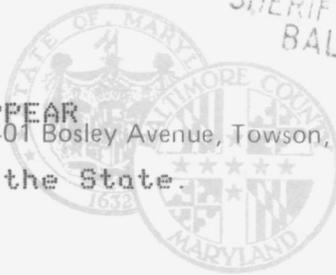
State of Maryland, Baltimore County to wit:

C.C. NO. E662990
Citation No.

TO: CPL John M Quinn
1575
PC12

RECEIVED
1987 JUL -1 PM 1:11
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. to TESTIFY for the State.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: June 30, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *RW*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

DATE SERVED: 7/2

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Malone
SHERIFF OF BALTO. CO., MD.

SHERIFF

FEE: \$ 15

COURT CLERK'S WORK SHEET

TRIAL DATE 7/16/87 Judge EAD Jr

V. Gentry STATE'S ATTORNEY M. McCampbell DEFENDANT'S ATTORNEY

R. Underwood COURT REPORTER J. T. J. CLERK

CASE # 86CR ~~2944~~ 0627 NAME Harry Joiner

CHARGE _____

TRIAL _____ PLEA _____
 COURT JURY GUILTY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS Trial ppd at request of A for good cause shown. Issue Writ to D.O.C.

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

501

Kun

State of Maryland vs. Harry Joines

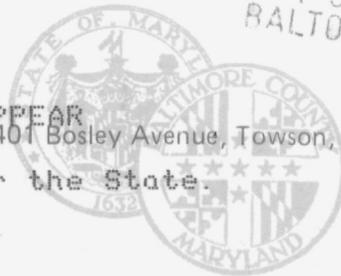
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

TO: Debra Ann Bradburn
8072 Delhaven Rd
Baltimore, MD 21222

RECEIVED
1987 JUL -1 PM 1:11
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. to TESTIFY for the State.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland:

Issued: June 30, 1987

Suzanne Mensh
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *RW* Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
State's Attorney's Office
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: *7-14-87*

REASON: *unable to contact*

SHERIFF

FEE \$ _____

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COUNTY

Bail 5/22/86

State of Maryland vs. Harry Joines

Case No. 86CR0627-8

State of Maryland, Baltimore County to wit:

I. D. NO: RECEIVED
D. O. B. November 10 1958
SHERIFF'S OFFICE

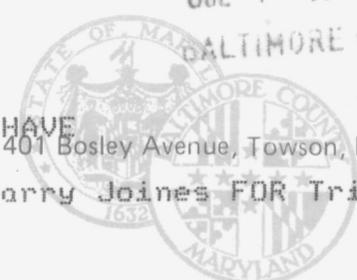
86 CR 3944

TO:

Warden; Baltimore City Jail
401 E Eager Street
Baltimore, MD 21202

JUL 7 10 00 AM '87
BALTIMORE CITY, MD.

You are hereby **COMMANDED TO HAVE** before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at
09:15 A.M. the body of Harry Joines FOR Trial



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: June 30, 1987

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *RW* Deputy

Non est Bailed Out
on 5/22/86

J. Bradford #4

✓

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

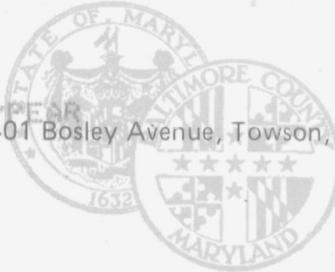
Case No. 86CR0627-8

State of Maryland, Baltimore County to wit:

86CR394

TO: Harry Joines
11 N Wheeler Ave
Baltimore, MD 21223

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 16, 1987 at 09:15 A.M. for Trial.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: July 15, 1987

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SHERIFF

FEE: \$ _____

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. 86CR0627-8

State of Maryland, Baltimore County to wit:

+
86 CR 394

TO: Michael Mccampbell, Esquire

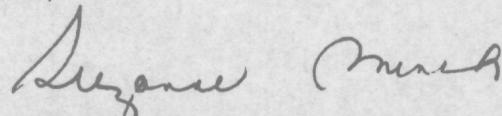
500 Virginia Ave
Towson, MD 21204

You are hereby **NOTIFIED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on November 10, 1987 at 09:15 A.M. for the Trial of the above entitled case.

Any postponement of this date must be in accordance with MD. Rule 4-271.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: July 17, 1987



SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per Joan Mather Deputy
Criminal Assignment Commissioner
494-2694

CC: James Gentry, Esquire

MEMORANDUM

CHAMBERS OF
JOHN F. FADER II
JUDGE

July 23, 1987

TO: Criminal Assignment

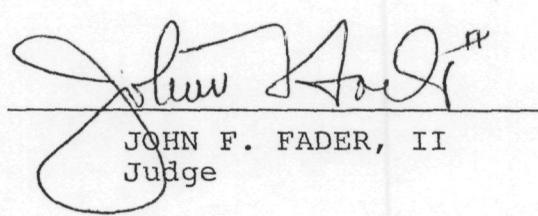
FROM: Judge John F. Fader, II

RE: State v. Harry Joines
Criminal Case Nos. 86-CR-0627 and 86-CR-0628

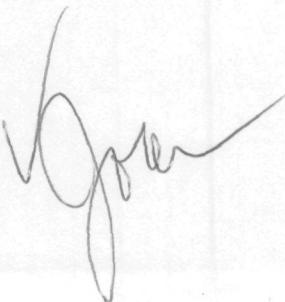
On July 23, 1987 I signed an Order Striking the Appearance of Gerald Shipley, Esquire, as attorney for the defendant in each of the above two cases.

Trial is scheduled for November 10, 1987.

Please arrange to have the defendant scheduled before any judge of this Court for an ARRAIGNMENT as soon as possible.


JOHN F. FADER, II
Judge

cc: State's Attorney's Office
Gerald Shipley, Esquire
Mr. Harry Joines


JUL 24 1987

STATE OF MARYLAND

v.

HARRY JOINES

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NOS. 86 CR 0627
* and 86 CR 0628
oOo

MOTION TO STRIKE APPEARANCE

Harry Joines, defendant, by his attorney, Gerald Shipley, pursuant to MR 4-214(e), moves this Honorable Court to allow his attorney to strike his appearance, and in support thereof states the following:

1. Defendant has requested the representation of the Public Defender's Office.
2. Defendant requested in a letter to counsel dated June 3, 1987, that counsel strike his appearance from all cases.
3. The original of said letter is filed under State of Maryland v. Harry Joines, Case No. 48616935, Circuit Court for Baltimore City.
4. A copy of said letter is attached herewith.

WHEREFORE, for the foregoing reasons it is respectfully prayed that this Honorable Court strike the Appearance of Gerald Shipley as representing the defendant in these matters.

Respectfully submitted,



Gerald Shipley
1010 St. Paul Street, Suite 31
Baltimore, Maryland 21202
(301) 727-5260

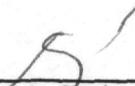
Attorney for Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

MR 4-214(e)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I mailed on this 13th day of July, 1987, a copy of the foregoing Motion to Strike Appearance, First Class, postage prepaid to Jim Genry, Assistant State's Attorney, Baltimore County, Maryland 21204, Public Defender McCampbell, Office of the Public Defender, 500 Virginia Avenue, Towson, Maryland 21204, and to Mr. Harry Joines No. 187041, MCTC, Box 3333, Route 3, Hagerstown, Maryland 21740.



Gerald Shipley

6-3-87

DEAR MR. SHIPLEY

I HARRY JOINES WRITE
THIS LETTER TO INFORM YOU

YOUR SERVICES ARE NO

LONGER NEEDED FOR ANY

OF MY CASES; AND WOULD ^{BE} THANKFUL

IF YOU REMOVE YOUR NAME RITEAWAY

AND TURN ALL PAPER WORK OVER TO

MY FAMILY SOON AS POSSIBLE:

THANK YOU

MR. Harry Jones

I HAVE A COPY

STATE OF MARYLAND

v.

HARRY JOINES

Defendant

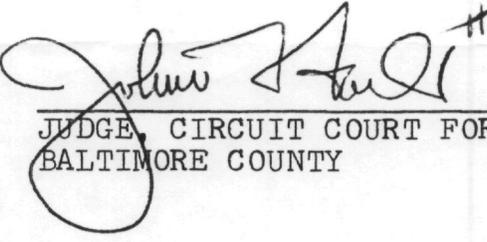
* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE COUNTY
* CASE NOS. 86 CR 0627 and
86 CR 0628

oOo

ORDER STRIKING APPEARANCE OF COUNSEL

Upon due consideration of the Motion to Strike Appearance filed herein, and the grounds therein being well taken, it is this 23rd day of July 1987, by the Circuit Court for Baltimore County

ORDERED, that the appearance of Gerald Shipley be and is stricken as attorney for defendant.



JUDGE, CIRCUIT COURT FOR
BALTIMORE COUNTY

SUZANNE MENSCH, CLERK

Circuit Court for Baltimore County

COUNTY COURTS BUILDING

P.O. BOX 6754

TOWSON, MARYLAND 21285-6754



POSTAGE
 PAID
 PERMIT NO. 1234



Gerald shipley

101 St. Paul Street, Suite 3I

Baltimroe, Maryalnd 21202

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

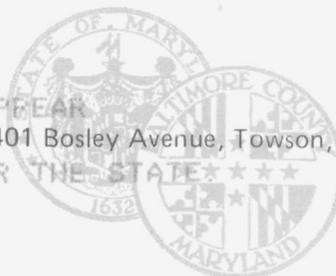
State of Maryland vs. **HARRY JOINES**

Case No. **86CR0627**

State of Maryland, Baltimore County to wit:

TO: **DEBRA ANN BRADBURN**
8072 DELHAVEN RD
BALTIMORE, MD 21222

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON NOVEMBER 10, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE**



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **OCTOBER 26, 1987**

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

WITNESS INFORMATION AND ASSISTANCE
 STATE'S ATTORNEY'S OFFICE
 583-6650

_____ SHERIFF FEE \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

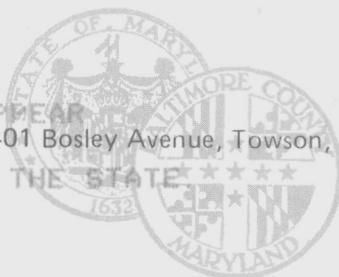
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: CPL JOHN M QUINN
1575
PC12

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON NOVEMBER 10, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 26, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

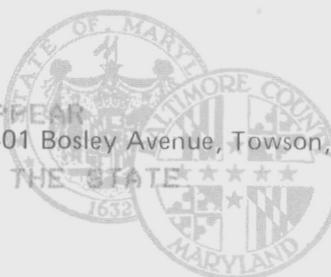
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO KEVIN W BOOZ
2340
PC12

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON NOVEMBER 10, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 26, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

_____ SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

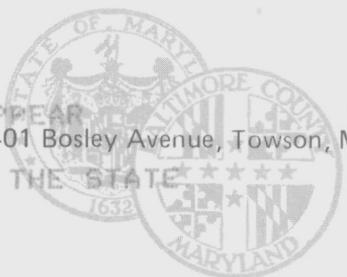
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO JOSEPH C JR FOLIO
2167
ROB

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON NOVEMBER 10, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 26, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SHERIFF

FEE: \$ _____

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

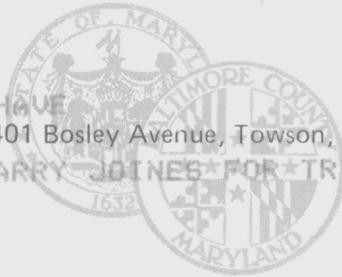
Case No. 86CR0627-8
860K 394

I. D. NO.

State of Maryland, Baltimore County to wit: D. O. B. NOVEMBER 10, 1958

TO: WARDEN; MD. DIV. OF CORR. - TRANS. UNIT
550 E MADISON ST
BALTIMORE, MD 21202

You are hereby COMMANDED TO HAVE before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON NOVEMBER 10, 1987 AT
09:15 A.M. THE BODY OF HARRY JOINES FOR TRIAL



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 26, 1987

Suzanne Mensh

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

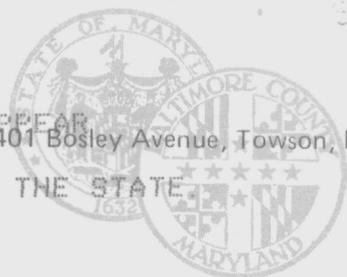
State of Maryland, Baltimore County to wit:

E.C. NO. E662990
CITATION NO.

TO: PO JOSEPH C JR FOLIO
2167
ROB

ES-3028 PR H. BU
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON NOVEMBER 10, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 26, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

DATE SERVED: DAC 10-27-87

DATE SERVICE NOT MADE: _____

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

REASON: *Edward Malone*

SHERIFF OF BALTO. CO., MD.

SHERIFF

FEE: \$ 10 ✓

WITNESS SUMMONS

CUIT COURT FOR BALTIMORE COUI

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

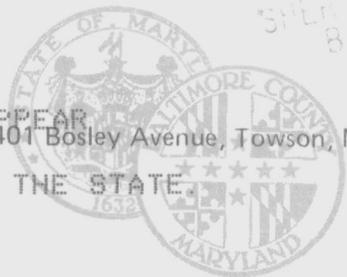
State of Maryland, Baltimore County to wit:

TO: CPL JOHN M QUINN
1575
PC12

C.C. NO. E662990
CITATION NO.

OCT 26 PM 4:20
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON NOVEMBER 10, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.**



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 26, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

[Signature]

Deputy

SHERIFF'S RETURN

DATE SERVED: 10/30

DATE SERVICE NOT MADE: _____

[Signature]

SHERIFF OF BALTO. CO., MD. SHERIFF

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE: \$ 15

WITNESS SUMMONS

CUIT COURT FOR BALTIMORE COUI

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

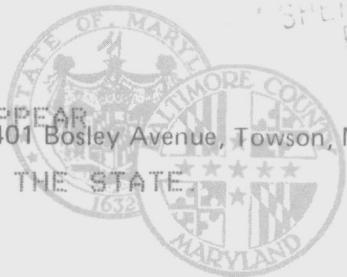
State of Maryland, Baltimore County to wit:

TO: PO KEVIN W BOOZ
2340
PC12

C. C. NO. E662990
CITATION NO.

NO. 8625 PA 4. 20
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON NOVEMBER 10, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 26, 1987

Suzanne Mensh

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County

Per

JH

Deputy



SHERIFF'S RETURN

DATE SERVED: 10/30

DATE SERVICE NOT MADE: _____

REASON:

Edward Malone

SHERIFF OF BALTO. CO., MD. SHERIFF

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE: \$ 15

COURT CLERK'S WORK SHEET

TRIAL DATE 11/10/87 Judge E. A. D. Jr.

J. Gentry STATE'S ATTORNEY J. Cohen DEFENDANT'S ATTORNEY

R. Underwood COURT REPORTER E. A. D. CLERK

CASE # 86C R. 0627 NAME Barry Jones

CHARGE _____

TRIAL _____ PLEA _____ COURT JURY _____ GUILTY _____ NOT GUILTY _____ NOLO CONTENDERE _____

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED _____ OVERRULED _____

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED _____ OVERRULED _____

VERDICT: GUILTY ON COUNTS _____ NOT GUILTY ON COUNTS _____

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS Trial appd at request of A for good cause shown. A remanded D.O.C. I sent a writ to the D.O.C.

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

CIRCUIT COURT FOR BALTIMORE COUNTY
Towson, Maryland 21204

District Court Case No. _____

Case No. 86C.R.0627, 86C.R.0628

November 10, 19. 87 ^{+86CR394}

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner Harvey Jones

Date Of Trial 11/10, 19. 87 Judge Edward A. DeWaters Jr.

Charge _____ Guilty _____ NOT GUILTY _____

DISPOSITION:

A. ~~Sentenced To~~ Department Of Correction _____ ✓
Length Of Sentence _____

B. Sentenced To Baltimore County Detention Center _____
Length Of Sentence _____

C. Remanded To Baltimore County Detention Center _____
Probation Report Of Psychiatric Evaluation _____

D. Placed On Probation _____
Length Of Probation _____

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G. Nol Pros _____

H. Arraignment _____

I. Trial Continued _____

J. Trial Postponed _____ ✓

K. Bail Hearing _____

L. Defendant Released From This Case Only.
Release In Transit.

SUZANNE MENSCH, CLERK

Per Elizabeth Adams
Deputy Clerk

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

980 Kaiser

Case No. 86CR0627

State of Maryland vs. HARRY JOINES

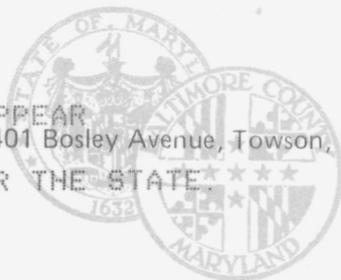
State of Maryland, Baltimore County to wit:

TO: DEBRA ANN BRADBURN
8072 DELHAVEN RD

BALTIMORE, MD 21222

1987 OCT 26 PM 4:20
SHERIFF'S OFFICE
BALTO. CO.

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON NOVEMBER 10, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 26, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: 11-5-87

REASON: unable to contact - copy left

Edward [Signature]
SHERIFF
SHERIFF OF BALTO. CO., MD.

FEE \$ _____

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. 86CR0627 -8

+3944

State of Maryland, Baltimore County to wit:

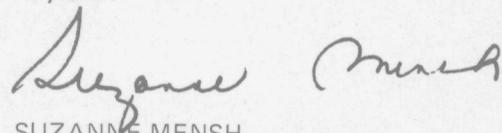
TO: Chester Cohen, Esquire
Suite 1201
210 N. Charles St.
Baltimore, MD 21201

You are hereby NOTIFIED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on December 7, 1987 at 09:15 A.M. for the Trial of the above entitled case.

Any postponement of this date must be in accordance with MD. Rule 4-271.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: November 12, 1987



SUZANNE MENTH
Clerk, Circuit Court for Baltimore County



Per Joan Mather Deputy
Criminal Assignment Commissioner
494-2694

CC: James Gentry, Esquire

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUN

State of Maryland vs. HARRY JOINES

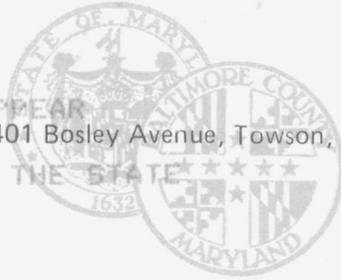
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

D.C. NO. E662990
CITATION NO.

TO: CPL JOHN M QUINN
1575
PC12

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON DECEMBER 7, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: NOVEMBER 20, 1987

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

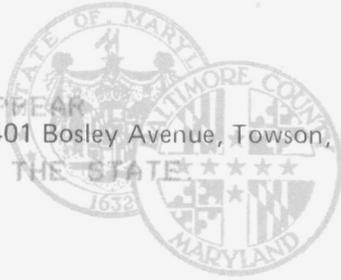
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C. C. NO. E662990
CITATION NO.

TO: PO KEVIN W BOOZ
2340
PC12

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON DECEMBER 7, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: NOVEMBER 20, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SHERIFF

FF \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

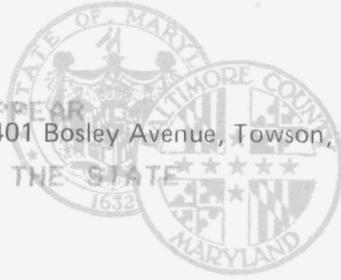
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO JOSEPH C JR FOLIO
2167
ROB

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Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON DECEMBER 7, 1987 AT
09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: NOVEMBER 20, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

_____ SHERIFF

FEE: \$ _____

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

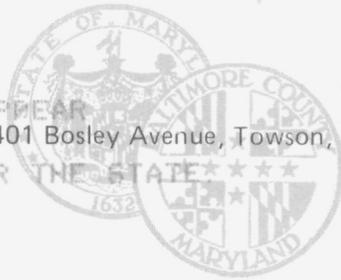
State of Maryland vs. HARRY JOINES

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

TO: DEBRA ANN BRADBURN
8072 DELHAVEN RD
BALTIMORE, MD 21222

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON DECEMBER 7, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: NOVEMBER 20, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

_____ SHERIFF

FE _____

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COUNTY

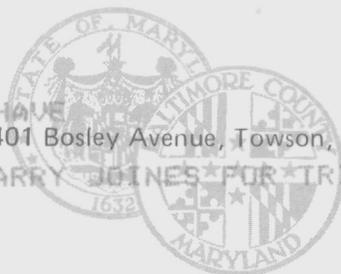
State of Maryland vs. HARRY JOINES

Case No. 86CR0627

I. D. NO.
State of Maryland, Baltimore County to wit: D. O. B. NOVEMBER 10, 1958

TO: WARDEN; MD. DIV. OF CORR. - TRANS. UNIT
550 E MADISON ST
BALTIMORE, MD 21202

You are hereby **COMMANDED TO HAVE** before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON DECEMBER 7, 1987 AT**
09:15 A.M. THE BODY OF HARRY JOINES FOR TRIAL



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: NOVEMBER 20, 1987

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

[Signature]

Deputy

*Hintel
Needs*

STATE OF MARYLAND

*

IN THE CIRCUIT COURT

VS.

*

FOR BALTIMORE COUNTY

HARRY JOINES

*

CASE NO: 86CR0626-8

*

*

*

*

*

*

*

STATE'S SUPPLEMENTAL ANSWER TO DEFENDANT'S
MOTION FOR DISCOVERY AND INSPECTION

SW

Now comes Sandra A. O'Connor, State's Attorney for Baltimore County, and James O'Connor Gentry, Jr., Assistant State's Attorney for Baltimore County, and in Supplemental Answer to Defendant's Motion for Discovery and Inspection, say:

1. That the Defendant made a written statement, a copy of which is attached to the Defendant's copy only.

Sandra A. O'Connor

SANDRA A. O'CONNOR
State's Attorney for Baltimore County

James O'Connor Gentry, Jr.

JAMES O'CONNOR GENTRY, JR.
Assistant State's Attorney
for Baltimore County
County Courts Building
Towson, Maryland 21204

I HEREBY CERTIFY that a copy of the foregoing Supplemental Answer was mailed to Chester Cohen, Esquire, 1507 Fidelity Building, 210 N. Charles Street, Baltimore, Maryland 21201 this 13th day of November, 1987.

James O'Connor Gentry, Jr.

JAMES O'CONNOR GENTRY, JR.

JO'CG:gsf

FILED NOV 16 1987

WITNESS SUMMON

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. **HARRY JOINES**

Case No. **86CR0627**

State of Maryland, Baltimore County to wit:

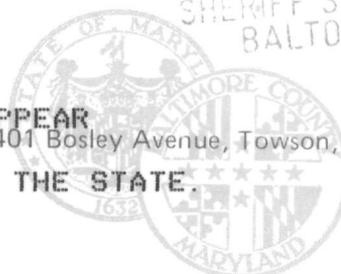
C.C. NO. **E662990**
CITATION NO.

TO: **PO KEVIN W BOOZ**
2340
PC12

RECEIVED
1987 NOV 24 AM 12:57

SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON DECEMBER 7, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.**



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **NOVEMBER 20, 1987**

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

DATE SERVED: 11/25

DATE SERVICE NOT MADE: _____

REASON: *[Signature]*

~~SHERIFF OF BALTO. CO. MD.~~ SHERIFF

FEE: \$ 15

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

Kaus *1067*
O'By

State of Maryland vs. **HARRY JOINES**

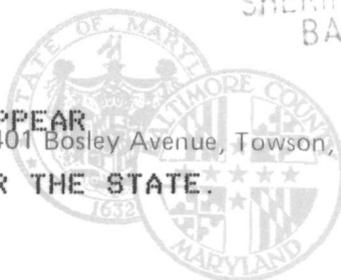
Case No. **86CR0627**

State of Maryland, Baltimore County to wit:

TO: **DEBRA ANN BRADBURN**
8072 DELHAVEN RD
BALTIMORE, MD 21222

RECEIVED
1987 NOV 24 AM 12:58
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON DECEMBER 7, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.**



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **NOVEMBER 20, 1987**

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

[Signature]

Deputy

SHERIFF'S RETURN

DATE SERVED: 11/24/87

DATE SERVICE NOT MADE: _____

REASON: *Edward Walsh*

SHERIFF

SHERIFF OF BALTO. CO., MD.

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE \$ 15

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. **HARRY JOINES**

Case No. **86CR0627**

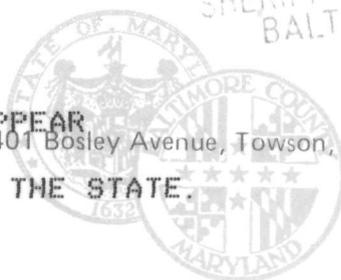
State of Maryland, Baltimore County to wit:

C.C. NO. **E662990**
CITATION NO.

TO: **CPL JOHN M QUINN**
1575
PC12

RECEIVED
1987 NOV 24 AM 12:57
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON DECEMBER 7, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.**



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: **NOVEMBER 20, 1987**

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]* Deputy

SHERIFF'S RETURN

DATE SERVED: 11/25

DATE SERVICE NOT MADE: _____

REASON: _____

[Signature]
SHERIFF OF BALTO. CO., MD

SHERIFF

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

FEE: \$ 15

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

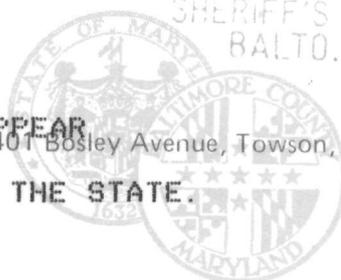
State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO JOSEPH C JR FOLIO
2167
ROB

RECEIVED
1987 NOV 24 AM 12:57
SHERIFF'S OFFICE
BALTO. CO.

You are hereby **SUMMONED TO APPEAR** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON DECEMBER 7, 1987 AT 09:15 A.M. TO TESTIFY FOR THE STATE.**



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: NOVEMBER 20, 1987

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]* Deputy

SHERIFF'S RETURN

DATE SERVED: *11/24/87*

DATE SERVICE NOT MADE: _____

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
583-6650

REASON: _____

Edward [Signature]
SHERIFF OF BALTO. CO., MD.

SHERIFF

FEE: \$ *15*

COURT CLERK'S WORK SHEET

TRIAL DATE 12/7/87 Judge Turnbull

Gentroy STATE'S ATTORNEY C. Cohen DEFENDANT'S ATTORNEY

Gallagher COURT REPORTER Fop CLERK

CASE # 86CC 627 NAME Harry Joines

CHARGE Robb DW etc 6 Cts.

TRIAL S/P PLEA #1 alford
 COURT JURY GUILTY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED OVERRULED

VERDICT: #1 GUILTY ON COUNTS Not Pro Balance NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction	6 yrs			Waived
Department of Correction	Consecutive to present sentence			

REMARKS Prior to Pre-Trial Motion, States Motion to amend the Criminal Information sheet by interlineation in open Court to change the date from "17th" day to "1st" day - Granted.
#1 - D's motion to Suppress In Court Identification - Denied
D's Motion to Suppress Evidence Seized - Denied
D's Motion to Suppress Testimony of Chemist - Denied
(Commit sent.)

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

CIRCUIT COURT FOR BALTIMORE COUNTY

Towson, Maryland 21204

District Court Case No. _____
Case No. 86CR627-28 + 86CR 3944
12/7/87, 19. 87

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner Harry Jones
Date Of Trial 12/7/87, 19. 87 Judge Murphy
Charge Robb D/W etc Guilty NOT GUILTY

DISPOSITION:

- A. Sentenced To Department Of Correction in case 86CR627-28 6 yrs
Length Of Sentence Consecutive to present Sentence
- B. Sentenced To Baltimore County Detention Center _____
Length Of Sentence _____
- C. Remanded To Baltimore County Detention Center _____
Probation Report Of Psychiatric Evaluation _____
- D. Placed On Probation _____
Length Of Probation _____
- E. Sentenced To Baltimore County Detention Center Work Release Recommended _____
- _____
- F. Stet _____
- G. Nol Pros 86CR628 + 86CR3944
- H. Arraignment _____
- I. Trial Continued _____
- J. Trial Postponed _____
- K. Bail Hearing _____
- L. Defendant Released From ~~Prison~~ Only.
Release In Transit to Doc

Commit in transit

SUZANNE MENSCH, CLERK

Per [Signature]
Deputy Clerk

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) JOINES HARRY			BIRTHDATE 11 / 10 / 58		<input checked="" type="radio"/> Male <input type="radio"/> Female		<input type="radio"/> White <input checked="" type="radio"/> Black <input type="radio"/> Hispanic <input type="radio"/> Other		JURISDICTION 13																																																																										
DATE OF OFFENSE 12 / 7 / 85		DATE OF PLEA/VERDICT 12 / 7 / 87		DATE OF SENTENCING 12 / 7 / 87		HOW MANY CONVICTED COUNTS AT THIS SENTENCING? 011		HOW MANY CRIMINAL EVENTS AT THIS SENTENCING? 011		WORKSHEET # 1 OF 1 CRIMINAL EVENT # 1 PSI <input type="radio"/> Yes <input checked="" type="radio"/> No																																																																											
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0 Charge Bargain 1 Binding Plea Agreement as to Actual Sentence 2 Binding Plea Agreement as to Sentence Maximum or Range of _____ 3 Plea Agreement-Non-Binding Recommendation of _____ 4 Plea, No Agreement 5 Other Guilty Plea 6 Court Trial, Contested Facts (No Plea Agreement) 7 Court Trial, Uncontested Facts, Contested Legal Issue (No Plea Agreement) 8 Jury Trial		<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:25%;">1st Ct.</td> <td style="width:25%;">2nd Ct.</td> <td style="width:25%;">3rd Ct.</td> <td style="width:25%;"></td> </tr> <tr> <td>01</td> <td>01</td> <td>01</td> <td>A. Seriousness Category</td> </tr> <tr> <td>03</td> <td>03</td> <td>03</td> <td>= V - VII</td> </tr> <tr> <td>05</td> <td>05</td> <td>05</td> <td>= IV</td> </tr> <tr> <td>08</td> <td>08</td> <td>08</td> <td>= III</td> </tr> <tr> <td>10</td> <td>10</td> <td>10</td> <td>= II</td> </tr> <tr> <td></td> <td></td> <td></td> <td>= I</td> </tr> <tr> <td>0</td> <td>0</td> <td>0</td> <td>B. Victim Injury</td> </tr> <tr> <td>1</td> <td>1</td> <td>1</td> <td>= No Injury</td> </tr> <tr> <td>2</td> <td>2</td> <td>2</td> <td>= Injury, Non-Permanent</td> </tr> <tr> <td></td> <td></td> <td></td> <td>= Permanent Injury or Death</td> </tr> <tr> <td>0</td> <td>0</td> <td>0</td> <td>C. Weapon Usage</td> </tr> <tr> <td>1</td> <td>1</td> <td>1</td> <td>= No Weapon</td> </tr> <tr> <td>2</td> <td>2</td> <td>2</td> <td>= Weapon Other Than Firearm</td> </tr> <tr> <td></td> <td></td> <td></td> <td>= Firearm</td> </tr> <tr> <td>0</td> <td>0</td> <td>0</td> <td>D. Special Vulnerability of Victim</td> </tr> <tr> <td>1</td> <td>1</td> <td>1</td> <td>= No</td> </tr> <tr> <td></td> <td></td> <td></td> <td>= Yes</td> </tr> </table>				1st Ct.	2nd Ct.	3rd Ct.		01	01	01	A. Seriousness Category	03	03	03	= V - VII	05	05	05	= IV	08	08	08	= III	10	10	10	= II				= I	0	0	0	B. Victim Injury	1	1	1	= No Injury	2	2	2	= Injury, Non-Permanent				= Permanent Injury or Death	0	0	0	C. Weapon Usage	1	1	1	= No Weapon	2	2	2	= Weapon Other Than Firearm				= Firearm	0	0	0	D. Special Vulnerability of Victim	1	1	1	= No				= Yes	A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No 1 = Yes				INC _____ SUS _____ SUS _____ ACT _____ ACT _____ CON _____ STA _____ PRO _____ CON _____ PRO _____ RAN _____ O1 _____ SUS _____ O2 _____ ACT _____ DA _____ CON _____ SA _____ PRO _____ USE _____			
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INSTITUTIONAL/PAROLE RECOMMENDATION																																																																																					
WORKSHEET COMPLETED BY <i>G. Gentry</i>				STATE'S ATTORNEY <i>G. Gentry</i>				DEFENSE ATTORNEY <i>C. Cohen</i>																																																																													

SUZANNE MENSCH, CLERK
CIRCUIT COURT FOR BALTIMORE COUNTY
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
TOWSON, MARYLAND 21285-6754

Stark
V. Goinis.
HARRY

PSA

86CR 627

John. J. W. Turnbull, III.

STATE OF MARYLAND



WILLIAM J. DEVANCE
DIRECTOR

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF PAROLE AND PROBATION

PHONE: (301)

DONALD ATKINSON, Ed.D.
EXECUTIVE ASSISTANT
DIRECTOR

DIVISION OF PAROLE AND PROBATION
TOWSON INVESTIGATIVE UNIT
NEW COURTS BUILDING
P.O. BOX 5406
TOWSON, MARYLAND 21204

PHONE: 583-6537
May 22, 1987

Mr. James Gentry
State's Attorney's Office
New Courts Building
Towson, Maryland 21204

RE: JOINES, Harry NMN
B/M DOB 11/10/58

Dear Mr. Gentry:

Enclosed is a Pre-Sentence Investigation regarding the
above-named individual which was conducted by this writer.

Very truly yours,

Betty Beall
Parole/Probation Agent, Senior

BB:tw

Enclosure

STATE OF MARYLAND



DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES

DIVISION OF PAROLE AND PROBATION

PRE-SENTENCE INVESTIGATION

NAME: JOINES, Harry NMN	DATE REFERRAL RECEIVED: 4/22/87
ALIAS: Henry Joines, Purcell Joines	DATE COMPLETED: 5/20/87
TELEPHONE NUMBER: 945-1727	INVESTIGATOR: Betty Beall
ADDRESS: 11 N. Wheeler Avenue Baltimore, Md. 21223	INVESTIGATOR'S PHONE NO: 583-6537
DATE OF BIRTH: 11/10/58 AGE: 28	COURT: Baltimore County Circuit
PLACE OF BIRTH: North Carolina	INDICTMENT NUMBER: 86 CR626
SEX: Male RACE: Black	OFFENSE: Attempted Robbery, Assault, Battery
HEIGHT: 5'11" WEIGHT: 185	TRIAL JUDGE: Hinkel
MARITAL STATUS: Single	TRIAL DATE: 4/21/87
OCCUPATION: Laborer	PLEA: Not Guilty
EDUCATION: 11th grade	TRIAL: Jury
SOCIAL SECURITY NUMBER: 212-70-5830	DETAINERS: Numerous pending charges, including two VOP; see criminal record section
DRIVER'S LICENSE NUMBER: J520-298-018-863	BOND: Not applicable
SID NUMBER: 142120	CUSTODY: Baltimore County Detention Center
FBI NUMBER: 160763R2	CO-DEFENDANT'S & STATUS None
DEFENSE ATTORNEY: G. Shipley	
STATE'S ATTORNEY: J. Gentry	
SENTENCING JUDGE: Hinkel	
DATE OF DISPOSITION: 5/26/87	DISPOSITION:

THIS REPORT IS FOR OFFICIAL COURT AND DEPARTMENTAL USE ONLY. INFORMATION CONTAINED HEREIN IS CONFIDENTIAL AND PROTECTED BY BOTH STATE AND FEDERAL LAWS AND REGULATIONS. THIS REPORT IS NOT AVAILABLE FOR PUBLIC INSPECTION OTHER THAN AS OUTLINED UNDER ARTICLE 41, SECTION 124 (b) OF THE ANNOTATED CODE OF MARYLAND.

DESCRIPTION OF PRESENT OFFENSE

According to Baltimore County Police offense report E662-981, on 12/7/85 at 3:00 A.M., a subject, later identified as the defendant, approached the victim, Lois Anne Potter (white female, date of birth 2/14/59) as she was walking from her car to her residence at 6916 Ridgeway Road, Dundalk, and asked where her purse was. The defendant then walked past the victim and, grabbing her from behind, placed his hand over her mouth and forced her to the ground. As she was being wrestled to the ground, the victim attempted to strike the defendant in the face with her keys. Continuing to hold his hand over the victim's mouth, the defendant reportedly began to fondle her vaginal area. The defendant fled when the victim bit him on the finger and began to scream.

The defendant was apprehended in the Dundalk area less than 30 minutes after the offense occurred and was positively identified by the victim.

STATEMENT OF THE DEFENDANT

Interviewed at the Baltimore County Detention Center on 5/8/87, the defendant indicated that he was mistakenly identified as the assailant and was convicted only because of what he described as inadequate legal representation. Providing a lengthy account of the night's events, the defendant, in summary, indicated that he was in the area only because he had become lost while enroute from his home in Baltimore to a club in Washington, D. C. Under the influence of alcohol at the time, the defendant described himself as "high, not drunk" and "disoriented."

CRIMINAL RECORDJUVENILE

A check with the local office of the Juvenile Services Administration revealed no juvenile history in Baltimore County. Due to the defendant's age, juvenile record checks have not been conducted in other jurisdictions.

ADULT

<u>DATE AND PLACE OF OFFENSE</u>	<u>OFFENSE</u>	<u>DISPOSITION AND DATE</u>	<u>SOURCE</u>	<u>REPRESENTATION</u>
11/11/76 Baltimore City	Larceny from Truck (Soda)	11/30/76, one year Probation Before Verdict	F.B.I., Parole/ Probation, Balto. City Police	
		11/2/77 probation terminated in satisfactory status		

CRIMINAL RECORD - ADULT (continued)

<u>DATE AND PLACE OF OFFENSE</u>	<u>OFFENSE</u>	<u>DISPOSITION AND DATE</u>	<u>SOURCE</u>	<u>REPRESENTATION</u>
7/31/82 Baltimore City	1) Failure to Disperse on Order of Police Officer	1) Circuit Court #48223839, 12/21/82, Nol Pros	F.B.I., Maryland Rap Sheet, Parole/ Probation	Yes
	2) Assault on Police Officer	2) #48223838, 12/21/82, 3 years probation		
		6/5/85 guilty of VOP, 30 days followed by probation extended until 6/5/89		
		*Pending VOP Hearing		
10/28/82 Baltimore City	Poss. of Marijuana	Probation Before Judgment, 4 months unsupervised, \$25 Fine and \$20 costs	F.B.I., Balto. City Police	Yes
1/19/85 Baltimore City	Poss. of Marijuana	MDC #1-0053921B0, 2/20/85, 30 days, SS, 1 year probation	Balto. City Police, Maryland Rap Sheet	Yes
		*Pending VOP Hearing		
12/7/85 Baltimore County	1) Attempted Robbery 2) Assault 3) Battery 4) Sexual Offense, Fourth Degree Instant offense	Circuit Court #86CR626, 4/21/87 Verdict of Jury, guilty #1,2,3; not guilty #4 PSI ordered	Court Records	Yes

CRIMINAL RECORD - ADULT (continued)

<u>DATE AND PLACE OF OFFENSE</u>	<u>OFFENSE</u>	<u>DISPOSITION AND DATE</u>	<u>SOURCE</u>	<u>REPRESENTATION</u>
12/7/85 Baltimore County	1) Robbery	Circuit	Court Records	
	With	Court		
	Deadly	#86CR627,		
	Weapon	7/8/86		
	2) Robbery	FTA for		
	3) Assault	trial		
4) Theft				
5) Battery	Trial			
6) Attempted	scheduled			
	Robbery	7/16/87		

The Statement of Charges in the above case alleges that the defendant took the victim's purse as she was walking from her car to her home. During the incident, the defendant allegedly hit the victim in the face with his fists, cut her hand from the thumb to the wrist and kicked her in the face. Transported to the hospital for treatment, the victim required 25 stitches.

12/7/85 Baltimore County	1) Assault	Circuit	Court Records
	With	Court	
	Intent	86CR628	
	to Rob	7/8/86	
	2) Assault	FTA for	
	3) Attempted	trial	
	Robbery		
		Trial	
		scheduled	
		7/16/87	

The Statement of Charges in the above case alleges that the defendant approached the victim as she pulled into her driveway and instructed her to surrender her purse if she intended to save her life. The victim managed to drive off and summon the police.

The three above offenses (86CR626, 627, and 628) occurred within 45 minutes in a one mile radius.

12/7/85 Baltimore County	1) Driving	Circuit	Court records
	Suspended/	Court	
	Revoked	#86CR3944,	
	2) Giving	pending	
	False		
	Name to		
	Police		
	Officer		
	3) Improper		
	Lane		
	Change		

CRIMINAL RECORD - ADULT (continued)

<u>DATE AND PLACE OF OFFENSE</u>	<u>OFFENSE</u>	<u>DISPOSITION AND DATE</u>	<u>SOURCE</u>	<u>REPRESENTATION</u>
12/28/85 Baltimore City	Obstruction of Justice, Threatening Witness	MDC#1- 0654154B4, 2/26/85, Stet	F.B.I., Maryland Rap Sheet	
2/7/86 Baltimore City	Tres- passing	MDC#1- 0090822B4, 3/5/86, 3 years probation Conviction pending appeal	F.B.I., Maryland Rap Sheet	Yes
3/6/86 Baltimore City	Assault, 3 counts, Tres- passing	Circuit Court 48619549-52, pending	F.B.I., Maryland Rap Sheet	
5/21/86 Baltimore City	Tres- passing, Battery	Circuit Court 48616935-36, pending	F.B.I., Maryland Rap Sheet	
12/10/86 Howard County	Concealed Deadly Weapon, Malicious Destruction	Pending	Maryland Rap Sheet	

MOTOR VEHICLE RECORD

<u>DATE</u>	<u>DESCRIPTION</u>	<u>DISPOSITION/POINTS</u>
2/5/81	Exceeding Speed Limit by 10 Miles Per Hour	2 points (expired)
1/4/83	Automatic Signal, Operating Suspended	3 points (expired)
	Total Current Points 0	

MOTOR VEHICLE RECORD (continued)

According to a Motor Vehicle Administration response dated 4/30/87, the defendant's Maryland operator's license has been suspended since 11/8/82 for Failure to Appear in Court (two citations). Subsequent suspensions were added on 7/22/83 for Failure to Appear for Hearing and 10/7/83 for Failure to Pay Fine (two citations).

INSTITUTIONAL/PAROLE AND PROBATION HISTORY

Records of the Division of Parole and Probation disclose one closed probation case as well as two cases in which there are pending Violation of Probation charges.

The earliest case, one year Probation Before Verdict accounting from 11/30/76 for Larceny, was closed satisfactorily on 11/2/77. Due to the age of the records, no further information is available. Contacted on 5/20/87, the defendant's current probation agent, Mr. John Barton (1 E. Mount Royal Avenue, Baltimore, telephone 649-4680) indicated that the defendant received three years probation on 12/21/82 for Assault on Police Officer. Convicted on 6/5/85 of Violation of Probation due to a subsequent conviction on 2/20/85 for Possession of Marijuana, the defendant received a 30 day sentence to the Baltimore City Jail, followed by probation extended until 6/5/89.

Convicted on 2/20/85 of Possession of Marijuana, the defendant received a suspended 30 day sentence and was placed on one year probation with the special condition of drug treatment.

Mr. Barton has advised that there are pending Violation of Probation Hearings in both the above cases as the result of the defendant's numerous subsequent arrests. Mr. Barton indicated that, while the defendant seemed to be making satisfactory progress when originally placed on probation in late 1982, there was a dramatic decline in his adjustment in mid-1985, when Mr. Barton suspects that the defendant's substance abuse may have escalated. Thereafter, the defendant generally did not report to his agent unless coerced, failed to comply with the special condition that he seek drug treatment, had difficulty maintaining employment, and experienced numerous subsequent arrests.

The defendant's only prior commitment is the aforementioned 30 day sentence served at the Baltimore City Jail for Violation of Probation.

PERSONAL HISTORY

Contacted on 5/20/87, the defendant's mother, Shirley Joines (11 N. Wheeler Avenue, Baltimore, Maryland 21223, telephone 945-1727) provided the following social information. The oldest of six children, the defendant was raised primarily by his mother after the parents separated when the defendant was a child. According to the defendant, his father's physical abuse of the mother resulted in her leaving him in 1969 and moving from their native North Carolina to Baltimore. Mrs. Joines, who is in ill health and supported by Social Services, indicated that, despite years of financial hardship, the family has always been close. She advised that the defendant has been the father figure to his younger brothers.

Describing the defendant as "basically a good person," Mrs. Joines is convinced of his innocence in the instant case. She noted that, although her son has experienced prior arrests, he has "never hurt anyone."

Upon his release, the defendant advised that he intends to marry his girlfriend, Joann Abraham by whom he has two children, ages six years and two months and who is presently expecting his third child. Having known Ms. Abraham for over seven years, the defendant advised that they have lived together off and on during the last four years. Several attempts to contact Ms. Abraham, who is employed as a secretary for the State of Maryland, have been unsuccessful. According to the defendant's mother, Ms. Abraham has remained very supportive of the defendant.

EDUCATION

According to the defendant, he completed the eleventh grade at Douglas High School in Baltimore before withdrawing in order to seek employment. He expressed a current interest in obtaining the G.E.D. and receiving heavy equipment training.

EMPLOYMENT

<u>NAME OF EMPLOYER AND ADDRESS</u>	<u>DATES EMPLOYED</u>	<u>NATURE OF WORK AND EARNINGS</u>	<u>REASON FOR LEAVING</u>
Lane Construc- tion Company, Glen Burnie, Maryland	Two weeks prior to present incarceration	Construction, \$7.00/hour	Incarcerated
Delvechio Masonry, White Marsh, Md.	Approximately one month	Construction, \$7.50/hour	Incarcerated

EMPLOYMENT (continued)

<u>NAME OF EMPLOYER AND ADDRESS</u>	<u>DATES EMPLOYED</u>	<u>NATURE OF WORK AND EARNINGS</u>	<u>REASON FOR LEAVING</u>
M and M Masonry, White Marsh, Md.	Approximately 18 months	Construction, \$6.50/hour	Resigned
Pyramid Cleaners, location unknown	Approximately one year	Janitorial, \$4.50/hour	Contract expired
Montgomery Ward, Monreo Street, Baltimore, Md.	1983	Freight handler, \$5.50/hour	Laid off
Central Products, No current address	1981-82	Machine operator, \$5.75/hour	Went out of business

The defendant's employment at Lane Construction, Delvechio Masonry, M and M Masonry, Pyramid Cleaners, and Central Products is unverified inasmuch as no current telephone listings could be located for these companies.

Contacted on 5/11/87, the personnel office of Montgomery Ward advised that employment records are available only by written request. This information has not yet been received.

According to the defendant's mother, his attorney will submit written verification from a prospective employer at the time of trial.

HEALTH (PHYSICAL AND MENTAL)

According to the defendant, he has no significant physical health problems or psychiatric history.

Concerning his use of alcohol, the defendant advised that he began drinking at age 19 on occasion and has progressed to the point where he was drinking approximately a six-pack of beer daily prior to his incarceration. He does not consider himself to have an alcohol problem.

Although the defendant acknowledged experimentation with Cocaine, he advised that he has used only Marijuana with any regularity. Having begun to smoke Marijuana at age 22, the defendant indicated that his usage was generally confined to weekends at that time but later increased in frequency. There is no known history of substance abuse treatment.

FINANCIAL

ASSETS

None

OBLIGATIONS

Household expenses shared
with his girlfriend

Betty Beall 5/22/87

Betty Beall Date
Parole/Probation Agent, Senior
Division of Parole/Probation
Towson Investigative Unit
New Courts Building
P. O. Box 5406
Towson, Maryland 21204
PHONE: 583-6537

BB:tw
D: 5/20/87
T: 5/21/87
Cir. #3 - Towson Office

William L. Falck 5/22/87
William L. Falck Date
Parole/Probation Field Supervisor I

EVALUATION

Convicted by Jury of Attempted Robbery, Assault, and Battery, Harry Joines is awaiting disposition in Circuit Court for Baltimore County case 86CR626. In addition to the instant offense, there are numerous pending charges including two similar in nature which occurred within an hour of the instant offense.

On probation in two separate cases at the time of the instant offense, the defendant is facing Violation of Probation charges in both. Previously convicted in one of the cases of Violation of Probation, the defendant received a 30 day commitment to the Baltimore City Jail, after which the probation was extended. According to the supervising agent, there is little in the defendant's recent history to suggest that continued community supervision would be appropriate. In addition to numerous subsequent arrests, the defendant has failed to report regularly to his agent, did not maintain regular employment, and failed to comply with a special condition that he participate in substance abuse treatment.

Should he be released, the defendant advised that he intends to marry the mother of his children, will have employment as arranged by his brother, and plans to continue his education.

The Maryland Sentencing Guidelines recommend a period of incarceration ranging from three to seven years. In light of the serious nature of the instant offense, the trauma experienced by the victim, and the defendant's unsatisfactory probation history, the Guidelines appear appropriate.

RECOMMENDATION

Accordingly, it is respectfully recommended that the defendant receive a commitment to the Division of Correction within the Guideline range.

Betty Beall 5/22/87
 Betty Beall Date
 Parole/Probation Agent, Senior
 Division of Parole/Probation
 Towson Investigative Unit
 New Courts Building
 P. O. Box 5406
 Towson, Maryland 21204
 PHONE: 583-6537

BB:tw
 D: 5/20/87
 T: 5/21/87
 Cir. #3 - Towson Office

William L. Falck 5/22/87
 William L. Falck Date
 Parole/Probation Field Supervisor I

VICTIM IMPACT STATEMENT

Enclosed is the response received from the victim, Lois Anne Potter, 6916 Ridgeway Road, Baltimore, Maryland 21222.

Betty Beall 5/22/87
Date

Betty Beall
Parole/Probation Agent, Senior
Division of Parole/Probation
Towson Investigative Unit
New Courts Building
P. O. Box 5406
Towson, Maryland 21204
PHONE: 583-6537

BB:tw
D: 5/20/87
T: 5/21/87
Cir. #3 - Towson Office

William L. Falck 5/22/87
Date
William L. Falck
Parole/Probation Field Supervisor I



STATE OF MARYLAND
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES
DIVISION OF PAROLE AND PROBATION

VICTIM IMPACT QUESTIONNAIRE

AGENT'S NAME: Betty Beall
CASE NAME: Harry Joiner
COURT CASE NO.: 86CR0620

Victim's Name: Potter Lois Anne
(last) (first) (middle)

Address: 6916 Ridgeway Road Telephone Number:
Baltimore, Md. 21222 Home: 288-2729
Work: 547-0016

PROPERTY DAMAGED AND/OR LOST (House, Vehicle, Office, Warehouse, etc.)

1. What property was damaged or lost as a result of this crime?

Driver's License

2. What was the total value of the damaged or lost property?
(Please attach bills, receipts, cancelled checks, estimates)

\$6.00

3. What was the cost of replacement or repair? (Please attach bills, receipts, cancelled checks, estimates)

\$6.00

4. If you have insurance, did your insurance pay for losses or damage to your property? If so, please list the amounts received and give the name and address of your insurance company and agent.

N/A

PHYSICAL INJURY

1. If you suffered any physical injury or disability as a result of this crime, please describe your injuries or disability.

2 scratches on face

2. If you were hospitalized because of your injuries, give the length of hospitalization and name of hospital. Please include name of attending physician.

N/A

3. If you received out-patient treatment from a physician or at a hospital, please give the name of the physician or hospital and duration and type of treatment.

N/A

4. What were your total medical expenses? (Please attach bills, receipts, cancelled checks, estimates.)

NONE

5. If you have medical insurance, did your insurance pay for your medical treatment and hospitalization, if so, please list the amounts received and give the name and address of your insurance company and agent.

N/A

6. If your injuries and/or subsequent treatment caused you to miss time from work, please indicate how much time you missed, and how much money was lost in wages. Please also provide the name, address, and telephone number of your employer(s).

N/A

7. If you received sick leave pay for the day(s) you missed from work, please indicate the total number of days and the total amount of sick pay received.

N/A

8. If you expect to have any future medical expenses such as out-patient therapy, prescription drugs, the use of hospital equipment in the home, etc., describe those expenses and state whether your insurance will pay for them.

N/A

MENTAL/EMOTIONAL INJURY

1. Describe any psychological or psychiatric services which have been or may be required by you or your family as a result of this offense. (Please attach bills, receipts, cancelled checks, estimates.)

N/A

2. Describe any changes which may have occurred in your personal welfare or familial relationships as a result of this offense.

*Do you really care?! You'll let the
Bastard go any way!*

ADDITIONAL INFORMATION

If there is any other information relating to the fiscal, psychological, or economic impact of this crime that you would like to provide to the court, please discuss below.

There are no words to describe the psychological effects, other than you can never get your self respect back, and you neve stop looking over your shoulder.

Date *May 12* 19 *87*. *Leis Anne Cotter*
(Signature)

The information contained in this questionnaire will be incorporated into a Victim Impact Statement which will become part of a presentence investigation report submitted by the Division of Parole and Probation to the court. This report is for official court and departmental use only. Article 41, Section 124(b) of the Annotated Code of Maryland, limits disclosure of this report to: the court, the State's Attorney's Office, the defendant's attorney (the defendant's attorney may share this information with the defendant), pre-trial supervision officials, parole and probation officials, mental health facilities to which the defendant is committed or evaluated for commitment, and correctional institutions. The report is not otherwise available for public inspection.

MARYLAND SENTENCING GUIDELINES WORKSHEET		OFFENDER NAME (Last, First, Middle) JOINES, HARRY NMN			BIRTHDATE / /		<input checked="" type="radio"/> Male <input type="radio"/> Female		<input type="radio"/> White <input checked="" type="radio"/> Black <input type="radio"/> Hispanic <input type="radio"/> Other		JURISDICTION 13											
DATE OF OFFENSE 12/07/85		DATE OF PLEA/VERDICT 04/21/87		DATE OF SENTENCING 05/26/87		HOW MANY CONVICTED COUNTS AT THIS SENTENCING? 013		HOW MANY CRIMINAL EVENTS AT THIS SENTENCING? 011		WORKSHEET # 1 OF 1	PSI <input checked="" type="radio"/> Yes <input type="radio"/> No											
CONVICTED COUNT TITLE					MD. CODE, ART. & SECTION		STAT. MAX.		GUIDELINE RANGE		DOCKET NUMBER											
1st Count Attempted Robbery					CL		CL		34-74		86 CR 626											
2nd Count Assault					CL		CL		3M-24		86 CR 626											
3rd Count Battery					CL		CL		3M-24		86 CR 626											
DISPOSITION TYPE (Circle Only One)		OFFENSE SCORE (S) (Offense Against a Person Only)					OFFENDER SCORE				AOC USE ONLY. DO NOT WRITE IN SPACE BELOW											
0 Charge Bargain 1 Binding Plea Agreement as to Actual Sentence 2 Binding Plea Agreement as to Sentence Maximum or Range of _____ 3 Plea Agreement-Non-Binding Recommendation of _____ 4 Plea, No Agreement 5 Other Guilty Plea 6 Court Trial, Contested Facts (No Plea Agreement) 7 Court Trial, Uncontested Facts, Contested Legal Issue (No Plea Agreement) 8 Jury Trial		1st Ct. 01 <input checked="" type="radio"/> 03 05 08 10 <input checked="" type="radio"/> 0 1 2 <input checked="" type="radio"/> 0 1 2			2nd Ct. <input checked="" type="radio"/> 01 03 05 08 10 <input checked="" type="radio"/> 0 1 2 <input checked="" type="radio"/> 0 1 2			3rd Ct. <input checked="" type="radio"/> 01 03 05 08 10 <input checked="" type="radio"/> 0 1 2 <input checked="" type="radio"/> 0 1 2			A. Seriousness Category = V - VII = IV = III = II = I B. Victim Injury = No Injury = Injury, Non-Permanent = Permanent Injury or Death C. Weapon Usage = No Weapon = Weapon Other Than Firearm = Firearm D. Special Vulnerability of Victim = No = Yes				A. Relationship to CJS When Instant Count Occurred 0 = None or Pending Cases <input checked="" type="radio"/> 1 = Court or Other Criminal Justice Supervision B. Juvenile Delinquency <input checked="" type="radio"/> 0 = Not More Than One Finding of Delinquency 1 = Two or More Findings Without Commitment or One Commitment 2 = Two or More Commitments C. Prior Adult Criminal Record 0 = None 1 = Minor <input checked="" type="radio"/> 3 = Moderate 5 = Major D. Prior Adult Parole/Probation Violations 0 = No <input checked="" type="radio"/> 1 = Yes				INC _____ SUS _____ ACT _____ CON _____ STA _____ PRO _____ RAN _____ O1 _____ O2 _____ DA _____ SA _____ USE _____		SUS _____ ACT _____ CON _____ PRO _____	
		<input type="checkbox"/> 03 <input type="checkbox"/> 01 <input type="checkbox"/> 01			OFFENSE SCORE (S)				<input checked="" type="checkbox"/> 015		TOTAL OFFENDER SCORE											
OVERALL GUIDELINE RANGE (For Multiple Counts Only)		ACTUAL SENTENCE (Check Boxes when Sentenced as Subsequent Offender)					REASON IF ACTUAL SENT. DEPARTS FROM GUIDELINE RANGE/ADDITIONAL INFO.															
34 to 74		1st Convicted Count <input type="checkbox"/>																				
		2nd Convicted Count <input type="checkbox"/>																				
		3rd Convicted Count <input type="checkbox"/>																				
INSTITUTIONAL/PAROLE RECOMMENDATION																						
WORKSHEET COMPLETED BY Betty Beall, Probation						STATE'S ATTORNEY			DEFENSE ATTORNEY													
						SENTENCING JUDGE			SIGNATURE													

RECEIVED

'87 MAY 22 P2:03

[Faint, mostly illegible text from a document or form, possibly a receipt or report, with some handwritten notes and stamps.]

[Handwritten notes and stamps, including a large rectangular stamp in the lower right quadrant.]

CIRCUIT COURT FOR Baltimore County

Located at Court Address County Courts Bldg. 401 Bosley Ave. Towson, Md. Zip Code 21204 Telephone 494-3413

State of Maryland

Case No(s) 86-CR-627

vs.

Tracking No. 007161C0

Defendant

Harry Joines

D.O.B.

11/10/58

Date Sentence Imposed

Dec. 7, 1987

COMMITMENT RECORD

TO: [X] Commissioner of Correction [] Warden/Sheriff of [] Jail/Detention Center YOU ARE DIRECTED to receive the above named Defendant who has been sentenced and is hereby committed to your custody by JUDGE John G. Turnbull, II The Defendant has been found guilty as to:

Case/Count/Offense No. Count One (1) Charge Robb. w/dang. & deadly weap. Art. 27 Sec. 488,489

Sentence Six (6) Years [] Concurrent with [X] Consecutive to Case/Count/Offense No. Present Sentence

Case/Count/Offense No. [] Charge [] Art. [] Sec. []

Sentence [] [] Concurrent with [] Consecutive to Case/Count/Offense No. []

Case/Count/Offense No. [] Charge [] Art. [] Sec. []

Sentence [] [] Concurrent with [] Consecutive to Case/Count/Offense No. []

SPLIT SENTENCE All but [] is/are suspended and the Defendant is placed on probation for a period of [] commencing upon release of Defendant from incarceration, either by means of mandatory release or parole, whichever occurs first. A copy of the Order for Probation is attached.

The total time to be served is Six (6) Years and shall (complete either A or B):

A. begin on [] including [] days credit for time served before sentencing (Art. 27, §638C) and is to run concurrently with the sentence imposed in Case No. [] and any other outstanding or unserved sentence.

B. run consecutively to the sentence imposed in Case No. Present Sentence and to any other outstanding or unserved sentence and Defendant is to be given -0- days credit for time served before sentencing.

ADDITIONAL SENTENCING INFORMATION:

[] Commitment is for execution of previously suspended sentence after Defendant was found in violation of probation. [] Sentencing modification. This commitment supersedes commitment issued on: []

ATTACHMENTS HERETO INCLUDE: [] Additional Sentence(s); [] Order for Probation; [] Conditions of Parole; [] Order for Reimbursement of Public Defender; [] Other: []

TRULY taken from the record of this Court. WITNESS my Hand and the Seal of said Court this date:

[] Appeal Bond set at \$ []

Dec. 7, 1987

per: jnw

Clerk of Court / Judge

STATE OF MARYLAND

*

IN THE

vs.

*

CIRCUIT COURT FOR

HARRY JOINES

*

BALTIMORE COUNTY

*

Case No. 86CR-0627

MOTIONS PURSUANT TO MARYLAND RULE 4-252

(MOTIONS BEFORE TRIAL)

Now comes the Defendant, Harry Joines, by his attorney, Chester Cohen, pursuant to Rule 4-252 of the Maryland Rules of Procedure, and respectfully represents the following to this Honorable Court;

1. That any in-court identification of defendant by prosecution witnesses will be tainted as the result of impermissibly suggestive identification procedures undertaken by state authorities as to give rise to a substantial likelihood of irreparable misidentification.

2. That articles of evidence taken from defendant by police authorities were obtained as the result of an illegal search and seizure in violation of defendant's constitutional rights.

3. Now comes the Defendant, Harry Joines, by his attorney, Chester Cohen, and demands that the State produce the chemist, analyst and any person in the chain of custody of the physical evidence in this case as a prosecution witness pursuant to the Annotated Code of Maryland, Courts and Judicial Procedures, Sections 10-1003.

FILED DEC 5 1987

4. And for such further reasons to be argued at the hearing of this Motion.



Chester Cohen
1507 Fidelity Building
210 N. Charles Street
Baltimore, MD 21201
625-1211
Attorney for Defendant

CERTIFICATION

I HEREBY CERTIFY that a copy of the foregoing Motion was mailed to the Office of the State's Attorney for Baltimore County this 2nd day of December, 1987.



Chester Cohen



The Circuit Court for Baltimore County

CHAMBERS OF
JOHN GRASON TURNBULL, II
JUDGE

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
13011494-2647

January 18, 1988

Mr. Harry Joines
MCTC
Rt. 3, Box 3333
Hagerstown, MD 21740

Re: State of Maryland vs. Harry Joines
Case No. 86 CR 627

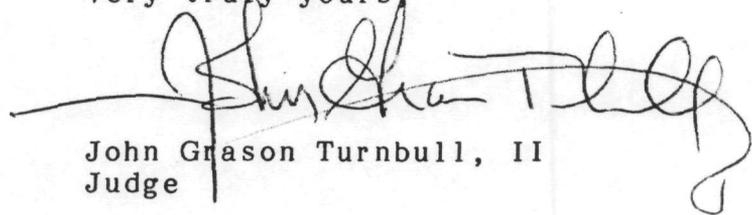
Dear Mr. Joines:

I have reviewed your letter and have accepted same as a Motion for Modification under Maryland Rule 4-345.

I have reviewed the file and my trial notes and under the circumstances, I feel the sentence was appropriate.

Accordingly, your Motion for Modification is hereby DENIED.

Very truly yours,


John Grason Turnbull, II
Judge

jf

FILED JAN 19 1988

1-10-87

DEAR, JUDGE TURNBULL

I'm writing THIS LETTER TO DISCUSS CASE NO# 86-CR-627. IN WHICH ON DECEMBER 7, 1985 I WAS SENTENCE TO SIX YEARS. JUDGE TURNBULL, IT TOOK ME TO THIS POINT AND TIME IN MY LIFE TO WRITE THIS LETTER. SIR IN THE COURT ROOM YOU SEEM'ED BIAS TO MY PLEA, ASKING THAT THIS SENTENCE BE RAN CONCURRENTLY WITH THE FIVE I ALREADY HAVE SENCE THE CRIMES HAPPEN ON THE SAME NIGHT. I WAS ONLY ASKING, BECAUSE I KNEW THE STATE AND YOU WERE NOT GONNA BELIEVE MY INNOCENT OF THE CRIME. SIR THIS LETTER IS TO ASK FOR MY GOOD TIME. BECAUSE THOSE CRIMES HAPPEN IN DEC 7, 1985, AND I STAYED SEVERAL DAYS IN JAIL THATS WHY JUDGE HINKEL DATED MY TIME BACK TILL MARCH 30. JUDGE IVE BEEN IN JAIL SENCE APRIL 22, 1987. THIS LETTER IS ALSO ASKING FOR A SENTENCE REDUCTION FOR THE REASON, "IM INNOCENT" OF CASE NO# 86-CR-627. AND IF YOU LOOK AT THE CIRCUMSTANES IM DISCUSSING IN THIS LETTER YOU MIGHT FIND I HAVE A POINT. I WAS SUPPOSE TO HAVE ROBBED THE VICTIM OF HER PURSE, AND CUT HER HAND. BUT 4 MINUTES LATER IN POLICE CUSTODY THERE WAS NO PURSE OR MONEY. THEY TOOK A SMALL POCKET KNIFE OUT MY POCKET AND SAID THAT WAS THE WEAPON USED. BUT IN COURT SOMEHOW THE WEAPON GOT LOST IN THEIR POSSESSION, IVE NEVER HEARD OF THAT HAPPENING BEFORE. PLUS THE VICTIM SUPPOSELY FELL UNCONSCIOUS THAT NIGHT BUT STILL PICKED ME FROM PICTURE LINE UP. WHICH IS ODD BECAUSE RITE AFTER THE CRIME SHE WAS BROUGHT TO WHERE POLICE HELD ME ON SIDE OF THE ROAD. AT THAT TIME SHE SAID I WAS NOT THE MAN. BUT LATER CHANGE HER MIND. JUDGE TURNBALL IT WAS YOU WHO GAVE ME THIS SENTENCE, ONLY YOU CAN REDUCE IT. IM A POOR MAN THAT WAS AT THE WRONG PLACE AT THE WRONG TIME. AND YOU PROBABLY DONT BELIEVE ME. BUT RITE NOW I HAVE A LOT TO LOSE. I HAVE TWO KIDS AND A NICE LADY WHO →

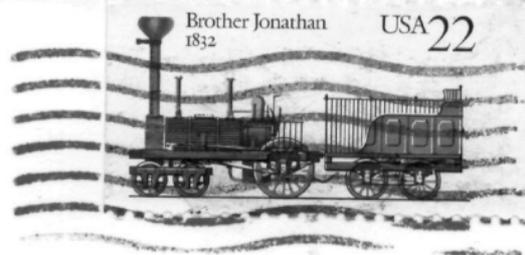
WANTS TO MARRY me. I'm 29 years
OLD I COULD BE 40 WHEN RELEASE, I'VE NEVER
BEEN TO PRISON BEFORE, I'M SITTING IN JAIL FOR
CRIMES I DIDN'T COMMIT. I'VE WORKED ALL MY
LIFE, IN COURT YOU USED MY PAST RECORD AGAINST
ME. SURE I HAVE A RECORD BUT I NEVER ROBBED
ANYONE BEFORE, AND I DEALT WITH ALL MY CHARGES.
IN THE PAST LIKE A MAN, I HAD TO TAKE THE
~~ALPHA~~ ALPHA PLEA BECAUSE, I'M SURE YOU & THE STATE
WOULD HAVE GIVEN ME THE MAXIMUM FOR THAT CHARGE.
WHY?" I FEEL BECAUSE I WAS A BLACK MAN AND THE
VICTIM WAS WHITE. JUDGE TURNBALL I WAS SUPPOSE
TO HAVE TOOK THIS WOMEN PURSE AS SHE GOT OUT
HER CAR, WHICH SHE NEVER RECOVERED SIR I'M SURE
SHE HAD PERSONAL IDENTIFICATION CARDS WHICH SHOULD
HAVE NEEDED TO BE REPLACED. I'M SURE THAT IF CHECKED
OUT YOU'LL FIND THAT SHE NEVER RENEWED ANY CARDS
NOT EVEN DRIVERS-LIC... WHICH SHOULD HAVE BEEN IN
HER PURSE, I PLANNED TO BRING THAT POINT UP
AT A FUTURE DATE. I CAN'T STOP FIGHTING FOR
MY FREEDOM, MY KIDS NEED THEIR FATHER SOON AS
POSSIBLE, I HOPE YOU CAN UNDERSTAND MY PLEA
I WISH YOU WOULD CHECK MY POINTS OUT. ESPECIALLY
ABOUT THE I.D. CARDS. THEY WERE NEVER REPLACED BE-
CAUSE THEY WERE NEVER TAKEN. MY INSTITUTIONAL
RECORD IS GREAT, JUDGE I KNOW MY LETTER
IS NOT PERFECT, BUT I'M UNDER PRESSURE IN THIS PRISON
AND BY KNOWING MY FAMILY IS SUFFERING HARDSHIPS,
TAKES ITS TOLL ON A MAN SOMETIME, BUT ~~THE~~ LAST BUT
NOT LEAST SIR I'M INNOCENT OF THE CRIMES ON
DEC 7, 1987. I SUPPOSE TO HAVE ROBBED 3 LADIES BUT
YET THROW AWAY THE MONEY, IN FOUR MINUTES, ISN'T
THAT A LITTLE FUNNY. THANK YOU FOR READING
MY LETTER.

HARRY JOINES
MC TC
RT 3 BOX 3333
HAGERSTOWN MD
21740

Harry Jones

Hagerstown MD 21740

187-041



To: JUDGE TURN BULL
Circuit COURT BALTIMORE COUNTY
401 BOSLEY AVE
TOWSON, MD. 21204

HARRY JOINES	*	IN THE
(Inmate Id. No. 187-041)		
Petitioner	*	CIRCUIT COURT
VS	*	FOR
STATE OF MARYLAND	*	BALTIMORE COUNTY
Respondent	*	86-CR-627

Quaters

[Signature]

PETITION FOR POST CONVICTION RELIEF

Now comes the Petitioner, Harry Joines, by his attorney, Scott Whitney, Assistant Public Defender, and requests that this Honorable Court grant him post conviction relief pursuant to Article 27, Section 645A of the Annotated Code of Maryland and Maryland Rules 4-401 through 4-408 and for cause, states the following:

On December 7, 1987, the Honorable John Grason Turnball, II, denied the Petitioner's motions to suppress in-court identification of the Petitioner and to suppress evidence seized from him. The Petitioner then entered an Alford Plea to one count of robbery with a deadly weapon and received a six year sentence consecutive to the sentence he was then serving. The Petitioner was represented by Chester Cohen, Esquire. On January 19, 1988, Judge Turnball denied the Petitioner's motion for modification or reduction of sentence.

The Petitioner alleges that he is illegally incarcerated in the Eastern Correctional Institution in Westover, Maryland for the following reasons:

FILED MAY 5 1989

entry on Case Cover

I

THE PETITIONER RECEIVED INEFFECTIVE ASSISTANCE OF TRIAL
COUNSEL

The record of this case indicates that initially on December 7, 1987, Petitioner's trial attorney attempted to suppress any in-court identification of the Petitioner by the victim and to suppress the use of property seized by the State when the Petitioner was arrested on December 7, 1985. The trial Court denied these motions after hearing proffers of testimony from both the State and Petitioner's trial counsel (transcript of December 7, 1987, pp. 1-7). The Petitioner then entered an Alford Plea to one count of robbery with a deadly weapon.

At the request of the Petitioner, it is alleged that his trial attorney failed to properly pursue the suppression motions he filed in this case and failed to properly investigate the facts in this case.

This issue has not been litigated in previous proceedings and because it involves a fundamental constitutional right accruing to the Petitioner, it has not been waived by the failure to raise it in prior proceedings.

II

THE PETITIONER DID NOT RECEIVE PROPER CREDIT FOR
PRE-TRIAL INCARCERATION

The record indicates that this case as well as other cases pending against the Petitioner, was first set for trial on April 20, 1987. The Petitioner's motion to sever the

trials of these cases was granted by the Honorable William Hinkel and the State elected to first try the Petitioner in case number 86-CR-626. The Petitioner was convicted of various charges and on May 26, 1987, received a total sentence from Judge Hinkel of five years commencing April 21, 1987 with sixteen days of additional credit. The sixteen days was apparently based upon the period of time the Petitioner spent incarcerated from the date of his December 7, 1985 arrest until he was released on bond.

In this case, Judge Turnball ordered that the Petitioner's six year sentence run consecutively to the sentence he received in case number 86-CR-626 without giving him credit for the period of time he spent incarcerated after his arrest. The Petitioner contends that pursuant to Article 27, Section 638C(a) of the Annotated Code of Maryland and Nash v. State, 69 Md.App. 681, 692-93 (1987), he is also entitled to receive this credit against the sentence in this case.

This issue has not been litigated in prior proceedings and because it pertains to the sentence imposed upon the Petitioner, it has not been waived by the failure to raise it in prior proceedings.

WHEREFORE, the Petitioner requests that this Honorable Court:

1. Order that an evidentiary hearing be held where the Petitioner may present proof of his allegations;

2. That after a hearing on the merits, issue an Order granting the Petitioner a new trial;

3. Issue an Amended Commitment Order crediting the Petitioner's sentence for sixteen days of pre-trial incarceration;

4. Grant the Petitioner such other relief as law and justice may require.

The Petitioner states that he is indigent and has attached a Statement of Indigency of his petition. He requests that this Honorable Court waive the costs of these proceedings.

Harry Jones
PETITIONER

Scott Whitney
Scott Whitney, Esquire
Asst. Public Defender
201 St. Paul Place
Baltimore, Md. 21202
333-4883

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT on this Third day of May 1989, a copy of the foregoing Petition for Post Conviction Relief was mailed postage prepaid to the State's Attorney's Office, Courthouse, Baltimore County, Towson, Maryland 21204.

Scott Whitney
Scott Whitney, Esquire
Asst. Public Defender

I, the Petitioner in the above Post Conviction Relief action hereby certify under the penalties of perjury, that I have read the above Petition for Post Conviction Relief and that all the facts and matter set forth therein are true and correct to the best of my knowledge and belief.

Harvey Jones
PETITIONER

STATEMENT OF INDIGENCY

I, the Petitioner in the above Post Conviction Relief Action hereby certify that, I have no funds available whatsoever from anyone, including my family and associates, nor do I own any interest in any real or personal property or any other items of value which could be used to compensate counsel or to pay the costs of this action; I further certify that this statement is made with full knowledge and understanding on my part with an intent to induce the Court to appoint counsel to represent me in this action and further to induce this Honorable Court to waive the costs of these proceedings, and I further understand that these representations if later proven to have been falsely made by me, may result in my being prosecuted for a crime.

WITNESS

Harvey Jones
PETITIONER

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

TO: Scott Whitney, Esquire

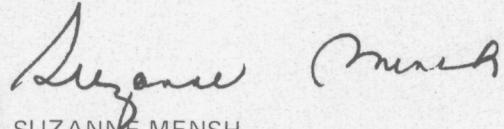
201 St Paul Place
Baltimore, MD 21202

You are hereby NOTIFIED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on July 27, 1989 at 09:15 A.M. for the POST CONVICTION of the above entitled case.

Any postponement of this date must be in accordance with MD. Rule 4-271.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: May 8, 1989



SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per Joan Mather Deputy
Criminal Assignment Commissioner
887-2694

CC: State's Attorney's Office

Harry Joines
V.
STATE OF MARYLAND

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Case No. 86 CR 0627

* * * * *

STATE'S ANSWER TO PETITION FOR POST CONVICTION RELIEF

Now comes the State of Maryland by its attorneys, Sandra A. O'Connor, State's Attorney for Baltimore County, and James O. Gentry, Assistant State's Attorney for Baltimore County, and says:

That the State denies each and every allegation of error and demands strict proof thereof.

WHEREFORE, the State prays that the Petition for Post Conviction Relief be denied.

Sandra A. O'Connor

SANDRA A. O'CONNOR
State's Attorney for Baltimore
County

James O. Gentry

James O. Gentry
Assistant State's Attorney

I HEREBY CERTIFY that a copy of the foregoing State's Answer to Petition for Post Conviction Relief was sent this 10 day of May, 1989 to : Scott Whitney
Asst. Public Defender
201 St. Paul Place
Baltimore, Md. 21202

James O. Gentry

Assistant State's Attorney
County Courts Building
Towson, MD 21204
583-6600

MAY 10 1989

Harry Joines
V.
STATE OF MARYLAND

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY
Case No. 86 CR 0627

* * * * *

STATE'S ANSWER TO PETITION FOR POST CONVICTION RELIEF

Now comes the State of Maryland by its attorneys, Sandra A. O'Connor, State's Attorney for Baltimore County, and James O. Gentry, Assistant State's Attorney for Baltimore County, and says:

That the State denies each and every allegation of error and demands strict proof thereof.

WHEREFORE, the State prays that the Petition for Post Conviction Relief be denied.

Sandra A. O'Connor

SANDRA A. O'CONNOR
State's Attorney for Baltimore
County

James O. Gentry

James O. Gentry
Assistant State's Attorney

I HEREBY CERTIFY that a copy of the foregoing State's Answer to Petition for Post Conviction Relief was sent this 10 day of May, 1989 to: Scott Whitney
Asst. Public Defender
201 St. Paul Place
Baltimore, Md. 21202

James O. Gentry

Assistant State's Attorney
County Courts Building
Towson, MD 21204
583-6600

HARRY JOINES	*	IN THE
Petitioner	*	CIRCUIT COURT
VS	*	FOR
STATE OF MARYLAND	*	BALTIMORE COUNTY
Respondent	*	CASE NO. 86-CR-627

AMENDED PETITION FOR POST CONVICTION RELIEF

Now comes the Petitioner, Harry Joines, by his attorney, Scott Whitney, Assistant Public Defender, and amends his Petition for Post Conviction Relief previously filed in the above-captioned case by adding the following allegation:

I

THE PETITIONER'S SENTENCE SHOULD RUN CONCURRENTLY, NOT CONSECUTIVELY, TO THE SENTENCE HE WAS SERVING AT THE TIME HE WAS SENTENCED

On December 7, 1987, after the Petitioner's Alford plea was accepted, the trial Court elected to proceed with sentencing. It stated that:

"On the guilty verdict on the first count the judgment and sentence of the Court is 6 years to the Department of Correction, the sentence is to run consecutive to the sentence he is now serving commencing as of May 26, 1987."

(transcript, p. 26)

FILED MAY 16 1988

The Commitment Order issued in this case states that the sentence is running consecutively to the current sentence he was serving. It also provides a starting date for this sentence.

At the request of the Petitioner, it is alleged that because the trial Court expressly set out a starting date for his sentence and also stated that it should run consecutively, it is unclear whether his sentence should be consecutive or concurrent. He alleges that the uncertainty be resolved in his favor so that his sentence in this case is treated as running concurrently with his prior sentence.

This allegation has not been raised in prior proceedings. Because it pertains to the sentence imposed upon the Petitioner, it has not been waived by the failure to raise it in prior proceedings.

WHEREFORE, the Petitioner requests that this Honorable Court:

1. Issue an Amended Commitment Order which states that this sentence should run concurrently to the Petitioner's previous sentence;
2. If it declines to adopt the relief described above, issue an Amended Commitment Order which grants the Petitioner credit against his sentence from May 26, 1987 until December 7, 1987 (a period of one hundred and ninety-five days).

3. Grant the Petitioner such other relief as law and justice may require.

Respectfully submitted,

Scott Whitney

Scott Whitney, Esquire
Asst. Public Defender
201 St. Paul Place
Balto. Md. 21202
333-4883

CERTIFICATION OF SERVICE

I HEREBY CERTIFY THAT on this 15th day of May, 1989, a copy of the foregoing Amended Petition for Post Conviction Relief was mailed postage prepaid to the State's Attorney's Office for Baltimore County, Court House, Towson, Maryland 21204.

Scott Whitney

Scott Whitney, Esquire
Asst. Public Defender



**OFFICES OF THE CLERK OF THE CIRCUIT COURT
FOR
BALTIMORE COUNTY**

County Courts Building
401 Bosley Avenue, Towson, Maryland 21204

SUZANNE MENSCH

Clerk of Court
(301) 494-2601

July 10, 1989

TO: HON. JOSEPH F. MURPHY, JR.
RE: 86-CR-0627 STATE V. HARRY JOINES

TRIAL DATE: THURSDAY, JULY 27, 1989 @ 9:30 A.M.
APPROXIMATELY 1½ HRS. PER S. WHITNEY

The above named post conviction will be on your assignment on the given trial date. If for some reason it is not heard on the above date, please reschedule and advise Criminal Assignment.

Thank you.

Joyce S. Grimm
JOYCE S. GRIMM
Director, Central Assignment

cc: Joan Mather,
Criminal Assignment

Criminal Desk

Chief Accountant
494-2697

WILLIAM E. ALLEN
Asst. Chief Deputy
494-2616

JAMES W. FORRESTER
Asst. Chief Deputy
494-2483

IRVIN O. KROLL
Chief License Department
494-2607

JOSEPH G. SIBISKI
Chief Court Clerks
494-3413

WILLIAM H. FOSTER
Chief Juvenile Department
494-3836

RENEE A. N. KELLY
Chief Criminal Department
494-2625

MARY LEE WARD
Chief Trust & Adoptions Department
494-3489

MARIE E. SMITH
Chief
Appeals & Corrections Department
494-3080

JoANN ADAMS
Commissioner
Civil Assignment Department
494-2680

JOAN MATHER
Commissioner
Criminal Assignment Department
494-2694

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COU

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

I. D. NO.

State of Maryland, Baltimore County to wit: D. O. B. NOVEMBER 10, 1958

TO: WARDEN; MD. DIV. OF CORR. - TRANS. UNIT
550 E MADISON ST
BALTIMORE, MD 21202

You are hereby COMMANDED TO HAVE before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JULY 27, 1989 AT
09:15 A.M. THE BODY OF HARRY JOINES FOR POST CONVICTION

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JULY 13, 1989



Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County

Per *[Signature]*

Deputy

4s OFFENSE/INCIDENT ARMED ROBBERY 5s VICTIM/FIRM NAME BRADBURN, DEBRA ANN LAST, FIRST, MIDDLE ANN 6s DATE-ORIGINAL REPORT 12-7-85

7s SUPPLEMENT STATUS: CONT. FOLLOW-UP 8s IF MULTIPLE CLEARANCE, LIST C.C. NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION. CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC. ENTER ANY ADDITIONAL INFORMATION DO NOT SUMMARIZE UNLESS NECESSARY.

9s PAGE NO. 2 10s ARREST DATA NAME (LAST, FIRST, MIDDLE) D.O.B. BCI NUMBER, ARREST NUMBER, MISC. INFO.

11s BLOCK NO. 12s FRONT OF 8068 DELHAVEN RD.

56 THE VICTIM ADVISED THAT AFTER PARKING HER VEHICLE SHE STARTED TO WALK TOWARDS HER ^{POV} WHEN THE SUSPECT WALKED UP BEHIND HER AND GRABBED HER ARM. THE SUSPECT STATED "GIVE ME YOUR POCKET-BOOK" AND WHEN THE VICTIM STATED NO THE SUSPECT BEGAN TO STRIKE THE VICTIM IN THE FACE WITH HIS FIST. WHEN THE VICTIM STILL REFUSED TO GIVE UP HER PURSE, THE SUSPECT CUT THE VICTIM ON THE LEFT WRIST AND BELOW THE KNUCKLE. THE VICTIM WAS KNOCKED DOWN DURING THE STRUGGLE, AND THE SUSPECT KICKED THE VICTIM IN THE SIDE AND FACE. THE VICTIM STATED THAT AFTER SHE WAS ASSAULTED THE SUSPECT WENT BACK TO A VEHICLE AND ENTERED SAME BY THE PASSENGER DOOR. THE VICTIM LAST SAW THE SUSPECT'S VEHICLE BACKING W/BOUND ON DELHAVEN ROAD WITH THE LIGHTS OUT. THE UNDERSIGNED AND CPL. KRAM ^{#1616} CHECKED THE AREA FOR THE PURSE RESULTS NEGATIVE. THE PURSE ALSO CONTAINED THE VICTIM'S MD. OPERATORS LICENSE AND ASSORTED OTHER IDENTIFICATION IN THE VICTIM'S NAME. THE VICTIM WAS TRANSPORTED TO FSK MEDICAL CENTER BY BALTO. CO. MEDIC 15. DUE TO THE VICTIM'S CONDITION NO WRITTEN STATEMENT COULD BE OBTAINED. THE UNDERSIGNED SPOKE TO THE VICTIM'S BOYFRIEND (HENRY WHITE) AND HE ADVISED THAT HE HEARD THE VICTIM SCREAMING AND UPON OPENING THE FRONT DOOR HE OBSERVED THE VICTIM STANDING ON THE PORCH BLEEDING FROM THE HAND. MR. WHITE STATED HE DID NOT OBSERVE ANY OTHER PEOPLE OR VEHICLES MOVING IN THE AREA. SOME CHANGE AND A SILVER PEN WERE FOUND IN THE STREET AND SAME WAS TAKEN BY THE VICTIM'S BOYFRIEND (HENRY WHITE). INVESTIGATION TO CONTINUE. A SUSPECT WAS ARRESTED FOR COMMITTING TWO OFFENSES WITH THE SAME M.O. AS THIS OFFENSE. WHILE BEING TRANSPORTED TO THE HOSPITAL THE VICTIM WAS SHOWN THE SUSPECT THAT HAD BEEN TAKEN INTO CUSTODY. UPON ASKING THE VICTIM AT THE HOSPITAL IF THE SUSPECT SHE VIEWED WAS THE SUSPECT WHO HAD

SCREENING FACTORS REVISED TOTAL	13s INITIAL	A	B	C	D	E	F	14s CASE CONTINUANCE	15s CASE STATUS
	REVISED	2	2	0	4	0	12	PC 12	OPEN <input checked="" type="checkbox"/> EX. CLEAR <input type="checkbox"/> SUSP. <input type="checkbox"/> CLOSED <input type="checkbox"/>
								16s TOTAL FACTORS	E-662-990
								20	

17s Distribution: Cent. Rec. Juv. Detective Intel Other 18s INVESTIGATING OFFICER I.D. 19s APPROVAL 20s DATE OFF. J. QUINN 1575 CPL R L KRAM/16 12-7-85 21s REPORT REVIEW 22s REPORTING AREA 23s REC'D - CENT. REC. 24s TELETYPE NUMBER WC DEC 09 1985

LIN. MILLER/160

BALTIMORE COUNTY POLICE DEPARTMENT - FORM 1 SUPPLEMENT

1E DIV 12 2E PC 12 3E CC NUMBER E-662-990

4E OFFENSE/INCIDENT ARMED ROBBERY 5E VICTIM/FIRM NAME LAST, FIRST, MIDDLE BRADBURN, DEBRA ANN 6E DATE-ORIGINAL REPORT 12-7-85

7E SUPPLEMENT STATUS: CONT. FOLLOW-UP 8E IF MULTIPLE CLEARANCE, LIST C.C. NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION. CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC. ENTER ANY ADDITIONAL INFORMATION. DO NOT SUMMARIZE UNLESS NECESSARY.

9E PAGE NO. 3 10E ARREST DATA NAME (LAST, FIRST, MIDDLE) D.O.B. BCI NUMBER, ARREST NUMBER, MISC. INFO.

11E BLOCK NO. 12E FRONT OF 8068 DELHAVEN RD

56 ROBBED HER, SHE STATED THAT SHE DID NOT REMEMBER LOOKING AT ANYONE. ON 12-7-85 AT 2215 HRS. THE UNDERSIGNED SPOKE TO THE VICTIM'S BOYFRIEND, WHO ADVISED THAT THE VICTIM WAS ADMITTED TO THE HOSPITAL.

SCREENING FACTORS REVISED TOTAL	13s INITIAL	A 2	B 2	C 0	D 4	E 0	F 12	14s CASE CONTINUANCE PC 12	15s. CASE STATUS OPEN <input checked="" type="checkbox"/> EX. CLEAR <input type="checkbox"/> SUSP. <input type="checkbox"/> CLOSED <input type="checkbox"/>	25E. C.C. NUMBER E 662 990
	13s REVISED									
17s Distribution:		18s INVESTIGATING OFFICER I.D. OFF. J. QUINN 1575		19s APPROVAL CPL R. L. KRAM 18/1		20E DATE 12-7-85				
Cent. Rec. Juv. _____ Detective Intel. _____ Other _____		21s REPORT REVIEW WC		22s REPORTING AREA		23s REC'D - CENT REC. DEC 09 1985		24s TELETYPE NUMBER		

I.T.N. Miller 1114

4a OFFENSE / INCIDENT: ARMED ROBBERY
 5a VICTIM/FIRM NAME: BRADBURN, DEBRA ANN
 LAST, FIRST, MIDDLE: BRADBURN, DEBRA ANN
 6a DATE-ORIGINAL REPORT: 12-7-85
 7a SUPPLEMENT STATUS: CONT. FOLLOW-UP 8a IF MULTIPLE CLEARANCE, LIST C.C. NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION. CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC. ENTER ANY ADDITIONAL INFORMATION.
 DO NOT SUMMARIZE UNLESS NECESSARY.

9a PAGE NO. 10a ARREST DATA
 NAME (LAST, FIRST, MIDDLE) D.O.B.
 C.C. NUMBER, ARREST NUMBER, MISC. INFO.

11a BLOCK NO. 12a 8068 DELHAVEN RD. BALTO. MD 21222

12a 01. 12-11-85 THE UNDERSIGNED CONTACTED THE VICTIM BY PHONE. THE VICTIM DESCRIBED THE SUSPECT AS A B/M, 30-35 YRS., 5'8" - 5'10", SHORT HAIR, MED BUILD AND DRESS NICE IN DARK CLOTHING. THE VICTIM STATED THAT THE CAR THE SUSPECT GOT INTO WAS A BIG DARK CAR, UNKNOWN MAKE AND MODEL.

A MR. HARRY JOINES (B.C.I. 137956) WAS ARRESTED ON 12-7-85 AND CHARGED WITH CASE # 662969 AND # 662981. IN BOTH OF THE CASES MR. JOINES APPROACHED A FEMALE VICTIM AS THEY WERE GETTING OUT OF THEIR VEHICLES AND DEMANDED THEIR PURSES. MR. JOINES WAS UNSUCCESSFUL IN OBTAINING ANY MONEY FROM THE TWO VICTIMS. BOTH VICTIMS RESPONDED TO THE LOCATION WHERE MR. JOINES WAS ARRESTED FOR A ONE ON ONE IDENTIFICATION AND THEY POSITIVELY IDENTIFIED HIM AS BEING THE PERSON RESPONSIBLE FOR THE ATTEMPT ROBBERIES. ALL OF THE OFFENSES TOOK PLACE WITHIN A ONE MILE RADIUS AND WITHIN 45 MIN. MR. JOINES WAS ARRESTED APPROX. FOUR MINUTES AFTER MRS. BRADBURN WAS ASSAULTED AND ROBBED AND HE WAS ABOUT 1/2 MILE FROM 8068 DELHAVEN RD.

THE UNDERSIGNED CHARGED MR. JOINES WITH THIS OFFENSE ON A STATEMENT OF CHARGES BECAUSE THE M.O WAS THE SAME ON ALL THREE CASES. FORM 166 MADE AND \$5000.00 ADDITIONAL BAIL WAS SET ON MR. JOINES.

MRS. BRADBURN STATED THAT SHE COULD IDENTIFY THE SUSPECT AND THE UNDERSIGNED WILL DO A PHOTO SHOW OR LINE UP WITH HER AT A LATER DATE.

INVESTIGATION TO CONTINUE

SCREENING FACTORS REVISED TOTAL	13a INITIAL	A	B	C	D	E	F	14a CASE CONTINUANCE	15a CASE STATUS
	REVISED	12	-	-	-	-	-	CID	
17a Distribution: Cent. Rec. _____ Juv. _____ Detective _____ Intel _____ Other _____ #1								16a TOTAL FACTORS	OPEN <input type="checkbox"/> EX. CLEAR <input checked="" type="checkbox"/> SUSP. <input type="checkbox"/> CLOSED <input type="checkbox"/>
18a INVESTIGATING OFFICER I.D. 19a APPROVAL								20a DATE	
DET. FOLIO 2107 21a REPORT REVIEW 22a REPORTING AREA 23a REC'D - CENT. REC. 24a TELETYPE NUMBER DEC 14 1985								12-12-85	

E662990

BALTIMORE COUNTY POLICE DEPARTMENT - FORM SUPPLEMENT

18 DIV CID 12 25 PC 35 C.C. NUMBER E 662990

4s OFFENSE/INCIDENT **ARMED ROBBERY** 5s VICTIM/FIRM NAME LAST, FIRST, MIDDLE **BRADBURN, DEBRA ANN** 6s DATE-ORIGINAL REPORT **12-7-85**

7s SUPPLEMENT STATUS: **CONT.** FOLLOW-UP 8s IF MULTIPLE CLEARANCE, LIST C.C. NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION. CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC. ENTER ANY ADDITIONAL INFORMATION. DO NOT SUMMARIZE UNLESS NECESSARY.

9s PAGE NO. 10s ARREST DATA NAME (LAST, FIRST, MIDDLE) D.O.B. BCI NUMBER, ARREST NUMBER, MISC. INFO.

11s BLOCK NO. 12s **8068 DELHAVEN RD BALTO-21222**

12s. ON 12-26-85 THE UNDERSIGNED HAD THE VICTIM VIEW A PHOTO ARRAY WITH THE SUSPECT HARRY LOINES B.C.1 137956 IN SAME. THE VICTIM LOOKED AT THE PHOTOS AND PICKED OUT PHOTOS #3 AND #6. SHE STATED THAT BOTH SUBJECTS LOOK LIKE THE SUSPECT, BUT SHE COULD NOT BE SURE, PHOTO #3 IS THE PHOTO OF MR. LOINES.

THE UNDERSIGNED WILL TALK TO THE STATES ATTORNEY'S OFFICE TO SEE IF THEY WANT THE VICTIM TO VIEW A LINE UP.

INVESTIGATION TO CONTINUE

SCREENING FACTORS REVISED TOTAL	13s INITIAL	A 2	B 2	C 0	D 4	E 0	F 12	14s CASE CONTINUANCE CID	15s CASE STATUS OPEN <input type="checkbox"/> EX. CLEAR <input checked="" type="checkbox"/> SUSP. <input type="checkbox"/> CLOSED <input type="checkbox"/>	E 662998
	13s REVISED	12	-	-	-	-	-			
17s Distribution Cent. Rec. _____ juv. _____ Detective _____ Intel _____ Other _____	18s INVESTIGATING OFFICER I.D. DET. FOLIO 2167	19s APPROVAL [Signature]	20s DATE 12-26-85	21s REPORT REVIEW	22s REPORTING AREA	23s REC'D - CENT. REC.	24s TELETYPE NUMBER			

JAN 04 1986

COURT CLERK'S WORK SHEET

TRIAL DATE 7/27/89 Judge Murphy, Jr

B. JUNG STATE'S ATTORNEY S. Whitney DEFENDANT'S ATTORNEY

N. DELPAZIO COURT REPORTER MIKE Smith CLERK

CASE # 86 CR 0627 NAME Harry Joines

CHARGE Post Conviction

TRIAL T/T PLEA GUilty COURT JURY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL
 GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL
 GRANTED OVERRULED

VERDICT: GUilty ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS CONS'T TIL 8/25/89 @ 9:30 AM

Δ REM DOC PER DETAINER

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

CIRCUIT COURT FOR BALTIMORE COUNTY
Towson, Maryland 21204

District Court Case No. -----

Case No. 86 CR 0627 -----

7/27, 19 89 -----

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner HARRY JONES -----

Date Of Trial 7/27, 19 89 Judge MURPHY -----

Charge POST CONVICTION Guilty ----- NOT GUILTY -----

DISPOSITION:

A. ^{REMANDED} Sentenced To Department Of Correction ----- PER DETAINER
Length Of Sentence -----

B. Sentenced To Baltimore County Detention Center -----
Length Of Sentence -----

C. Remanded To Baltimore County Detention Center -----
Probation Report Of Psychiatric Evaluation -----

D. Placed On Probation -----
Length Of Probation -----

E. Sentenced To Baltimore County Detention Center Work Release Recommended -----

F. Stet -----

G. Nol Pros -----

H. Arraignment -----

^{POST CONVICTION} I. Trial Continued -----

J. Trial Postponed -----

K. Bail Hearing -----

L. Defendant Released From This Case Only.
Release In Transit.

*not til 8/25/89
@ 9:30*

SUZANNE MENSCH, CLERK

Per M. P. Smith -----
Deputy Clerk



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JOSEPH F. MURPHY, JR.
JUDGE

July 27, 1989

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 494-3206

Barbara Jung, Esquire
State's Attorney's Office
County Courts Building
Towson, Maryland 21204

Scott Whitney, Esquire
Office of the Public Defender
201 St. Paul Place
Baltimore, Maryland 21202

Re: State vs. Harry Joines
Case No. 86 CR 0627

Dear Counsel:

This confirms that you will be in Courtroom 12 at 9:30 A.M. for continuation of the Post Conviction Hearing on Friday, August 25, 1989. Your cooperation is appreciated.

Very truly yours,

Joseph F. Murphy, Jr.

JFM:lb

cc: Criminal Assignment
Joyce Grimm, Central Assignment Office

ORDER

It is hereby ORDERED that a writ be issued for Harry Joines at the D.O.C.

JUDGE

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

I. D. NO.

State of Maryland, Baltimore County to wit: D. O. B. NOVEMBER 10, 1958

TO: WARDEN; MD. DIV. OF CORR. - TRANS. UNIT
 550 E MADISON ST
 BALTIMORE, MD 21202

You are hereby **COMMANDED TO HAVE** before the Judges of the Circuit Court for
 Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON AUGUST 25, 1989 AT**
09:30 A.M. THE BODY OF HARRY JOINES FOR POST CONVICTION

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: AUGUST 1, 1989



Suzanne Mensch
 SUZANNE MENSCH
 Clerk, Circuit Court for Baltimore County

Per *[Signature]*

Deputy

P. 81.

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSCH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

Case Number 86cr0627

() Civil (X) Criminal

Harry Joines

Vs.

Maryland

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

30 Chester Cohen, Suite 1507, 210 N. Charles St., 21201

RECORDS OFFICE
SHERIFF'S OFFICE
AUG 1 10 13 PM '89
BALTIMORE CITY, MD

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; () Produce documents and or objects only
() Personally appear and produce documents or objects;

at Circuit Court for Baltimore County, County Courts Building
(Place where attendance is required)

401 Bosley Avenue, Towson MD 21204

on Friday the 25 day of August, 19 89, at 9:30 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by () Plaintiff; (X) Defendant; and any questions should be referred to:

Baltimore County State's Attorneys Office 583-6600

(Name of Party or Attorney, Address and Phone Number)

Date Issued

FILED JUL 27 1989

Reginald [Signature]



CLERK

Signature & Seal

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

(X) Served and copy delivered on date indicated below.

() Unserved, by reason of _____

Date: 8/3/89 Fee: \$ 15.00

Original and one copy needed for each witness

J. Anderson
SHERIFF

Blackwell

CIRCUIT COURT FOR BALTIMORE COUNTY
Towson, Maryland 21204

District Court Case No. _____

Case No. 86 CR 0627

8/25, 1989

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner Harry Jones

Date Of Trial 8/25, 1989 Judge Murphy

Charge Robb P/w Guilty NOT GUILTY

DISPOSITION:

A. Sentenced To Department Of Correction _____ Length Of Sentence _____

B. Sentenced To Baltimore County Detention Center _____ Length Of Sentence _____

C. Remanded To Baltimore County Detention Center ✓ Pending Post Conviction
Probation Report Of Psychiatric Evaluation

D. Placed On Probation _____ Length Of Probation _____

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G. Nol Pros _____

H. Arraignment _____

I. Trial Continued _____

J. Trial Postponed _____

K. Bail Hearing _____

L. Defendant Released From This Case Only.
Release In Transit.

*Reset Post Conviction
for 8/28/89 @ 9:30 AM*

SUZANNE MENSCH, CLERK

Per MR Smith
Deputy Clerk



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JOSEPH F. MURPHY, JR.
JUDGE

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 887-3206

September 7, 1989

Barbara Jung, Esquire
State's Attorney's Office
County Courts Building
Towson, Maryland 21204

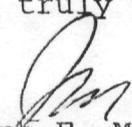
Scott Whitney, Esquire
Office of the Public Defender
201 St. Paul Place
Baltimore, Maryland 21202

Re: State vs. Harry Joines
Case No. 86 CR 0627

Dear Counsel:

This confirms that the continuation of the Post Conviction Hearing previously scheduled for August 28, 1989, has been rescheduled to Tuesday, October 10, 1989 at 9:30 A.M. in Courtroom 12. Your cooperation is appreciated.

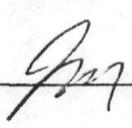
Very truly yours,


Joseph F. Murphy, Jr.

JFM:lb
cc:Criminal Assignment
Joyce Grimm, Central Assignment Office
Chester Cohen, Esquire

ORDER

It is hereby ORDERED that a writ be issued for Harry Joines at the D.O.C.

JUDGE 

Sue

Kelly

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. B6CR0627

I.D. NO.
State of Maryland, Baltimore County to wit: D.O.B. November 10, 1958

TO: Warden; Md. Div. of Corr. - Trans. Unit
550 E Madison St
Baltimore, MD 21202

You are hereby **COMMANDED TO HAVE** before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on October 10, 1989 at
09:30 A.M. the body of Harry Joines **FOR POST CONVICTION**

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: September 8, 1989



SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

893

CIRCUIT COURT FOR BALTIMORE COUNTY

SUZANNE MENSCH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

Case Number 86cr0627-28

Harry Joines
Vs.
Maryland

() Civil (X) Criminal

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)
Chester Cohen, Suite 1507, 210 N. Charles Street, Baltimore Md. 21201

RECEIVED
SEP 12 10 05 AM '89
SHERIFF'S OFFICE
BALTIMORE CITY, MD

30

YOU ARE HEREBY COMMANDED TO: (XX) Personally appear; () Produce documents and or objects only
() Personally appear and produce documents or objects;
at Circuit Court for Baltimore County, 401 Bosley Ave., Towson, Md. 21204
(Place where attendance is required)

on Tuesday the 10 day of October, 1989, at 9:30 a.m./p.m.

YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by () Plaintiff; (XX) Defendant; and any questions should be referred to:

State's Attorney for Baltimore County (887-6666)
(Name of Party or Attorney, Address and Phone Number)

Date Issued

FILED SEP 07 89

Signature of Clerk



Signature & Seal

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
(2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
(3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

(X) Served and copy delivered on date indicated below.

() Unserved, by reason of

Date: 9/21/89 Fee: \$

Signature of Sheriff
SHERIFF

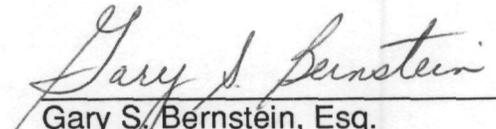
Original and one copy needed for each witness

HARRY JOINES : IN THE
(Inmate Id. No. 187-041) : CIRCUIT COURT
Petitioner : FOR
v. : BALTIMORE COUNTY
STATE OF MARYLAND : Case No.: 86-CR-627
: : :

NOTICE OF APPEARANCE

Madam Clerk:

Kindly enter my appearance in the above-captioned case.

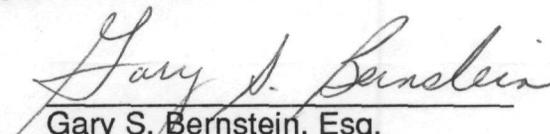


Gary S. Bernstein, Esq.
1007 North Calvert Street
Baltimore, Maryland 21202
(301) 539-6500

Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 1989, a copy of the foregoing Notice of Appearance was hand-delivered to James Gentry, Esq., Assistant State's Attorney for Baltimore County, Courty Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.



Gary S. Bernstein, Esq.

FILED OCT 4 1989

LAW OFFICE OF
GARY S. BERNSTEIN, P.A.
1007 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202
(301) 539-6500

October 4, 1989

Hon. Joseph F. Murphy
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Harry Joines
Inmate Id. No. 187-041
Case No.: 86-CR-627
Post Conviction Hearing: October 10, 1989

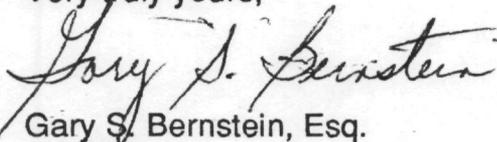
Dear Judge Murphy:

Please be advised that I have just been retained to represent Mr. Joines in a Post Conviction proceeding scheduled before you on October 10, 1989. I am requesting a continuance of this hearing in order to be properly prepared.

I would greatly appreciate your consideration in postponing this case to a mutually agreeable date. I will have my secretary, Mrs. Mercer, contact your office to schedule such a date if you grant my postponement request.

Attached, please find my entry of appearance.

Very truly yours,



Gary S. Bernstein, Esq.
GSB:vrn

cc: James Gentry, Esq.
Assistant State's Attorney

File only

LAW OFFICE OF
GARY S. BERNSTEIN, P.A.
1007 NORTH CALVERT STREET
BALTIMORE, MARYLAND 21202
(301) 539-6500

October 4, 1989

Hon. Joseph F. Murphy
Circuit Court for Baltimore County
County Courts Building
401 Bosley Avenue
Towson, Maryland 21204

Re: Harry Joines
Inmate Id. No. 187-041
Case No.: 86-CR-627
Post Conviction Hearing: October 10, 1989

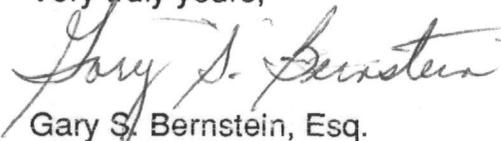
Dear Judge Murphy:

Please be advised that I have just been retained to represent Mr. Joines in a Post Conviction proceeding scheduled before you on October 10, 1989. I am requesting a continuance of this hearing in order to be properly prepared.

I would greatly appreciate your consideration in postponing this case to a mutually agreeable date. I will have my secretary, Mrs. Mercer, contact your office to schedule such a date if you grant my postponement request.

Attached, please find my entry of appearance.

Very truly yours,



Gary S. Bernstein, Esq.
GSB:vrn

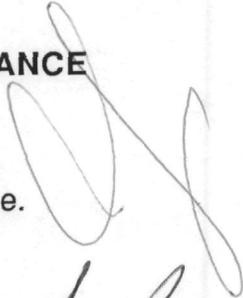
cc: James Gentry, Esq.
Assistant State's Attorney

HARRY JOINES : IN THE
(Inmate Id. No. 187-041) : CIRCUIT COURT
Petitioner : FOR
v. : BALTIMORE COUNTY
STATE OF MARYLAND : Case No.: 86-CR-627
: : :

NOTICE OF APPEARANCE

Madam Clerk:

Kindly enter my appearance in the above-captioned case.

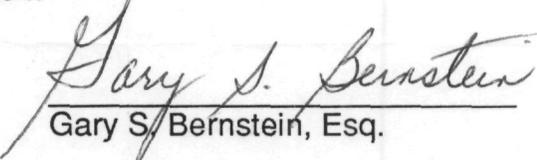

Gary S. Bernstein

Gary S. Bernstein, Esq.
1007 North Calvert Street
Baltimore, Maryland 21202
(301) 539-6500

Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 4th day of October, 1989, a copy of the foregoing Notice of Appearance was hand-delivered to James Gentry, Esq., Assistant State's Attorney for Baltimore County, Courty Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.


Gary S. Bernstein
Gary S. Bernstein, Esq.

FILED OCT 11 1989



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JOSEPH F. MURPHY, JR.
JUDGE

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 887-3208

September 7, 1989

Barbara Jung, Esquire
State's Attorney's Office
County Courts Building
Towson, Maryland 21204

Gary S. Bernstein, Esquire
1007 North Calvert Street
Baltimore, Maryland 21202

Re: State vs. Harry Joines
Case No. 86 CR 0627

Dear Counsel:

This confirms that the continuation of the Post Conviction Hearing previously scheduled for October 10, 1989, has been rescheduled to Monday, December 11, 1989 at 2:00 P.M. in Courtroom 12. Your cooperation is appreciated.

Very truly yours,


Joseph F. Murphy, Jr.

JFM:lb
cc: Criminal Assignment
Joyce Grimm, Central Assignment Office
Chester Cohen, Esquire

ORDER

It is hereby ORDERED that a writ be issued for Harry Joines at the D.O.C.

JUDGE 


FILED OCT 13 1989

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

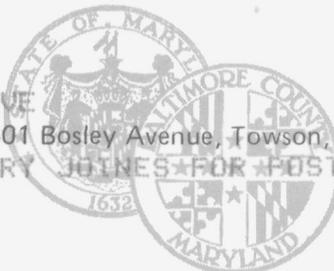
Case No. B6CR0627

I. D. NO.

State of Maryland, Baltimore County to wit: D. O. B. NOVEMBER 10, 1958

TO: WARDEN; MD. DIV. OF CORR. - TRANS. UNIT
550 E MADISON ST
BALTIMORE, MD 21202

You are hereby COMMANDED TO HAVE before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON DECEMBER 11, 1989 AT
02:00 P.M. THE BODY OF HARRY JOINES FOR POST CONVICTION



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: OCTOBER 13, 1989

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

CIRCUIT COURT FOR BALTIMORE COUNTY

9.103

SUZANNE MENSCH, CLERK
COUNTY COURTS BUILDING
401 BOSLEY AVENUE
P.O. BOX 6754
TOWSON, MARYLAND 21285-6754

Case Number 86cr0627-28

Harry Joines

() Civil (X) Criminal

Vs.

Maryland

RECEIVED
SHERIFF'S OFFICE
OCT 16 10 07 AM '89
BALTIMORE CITY, MD

SUBPOENA

STATE OF MARYLAND, BALTIMORE COUNTY TO WIT:

TO: (Name, Address, County)

30

Chester Cohen, Suite 1507, 210 N. Charles Street, Baltimore, Md. 21201

YOU ARE HEREBY COMMANDED TO: (X) Personally appear; () Produce documents and or objects only
() Personally appear and produce documents or objects;

at Circuit Court for Baltimore County, 401 Bosley Ave., Towson, Md 21204

(Place where attendance is required)

on Monday the 11 day of December, 19 89, at 2:00 a.m./p.m.

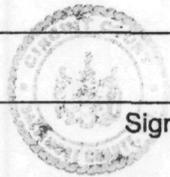
YOU ARE COMMANDED TO produce the following documents or objects:

Subpoena requested by () Plaintiff; (X) Defendant; and any questions should be referred to:

State's A-torney for Baltimore County (887 6666)
(Name of Party or Attorney, Address and Phone Number)

Date Issued OCT 11 1989

CLERK



Signature & Seal

NOTICE:

- (1) YOU ARE LIABLE TO BODY ATTACHMENT AND FINE FOR FAILURE TO OBEY THIS SUBPOENA.
- (2) This subpoena shall remain in effect until you are granted leave to depart by the Court or by an officer acting on behalf of the Court.
- (3) If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate a person to testify pursuant to Rule 2-412(d).

SHERIFF'S RETURN

(X) Served and copy delivered on date indicated below.

() Unserved, by reason of _____

Date: 10/24/89 Fee: \$ _____

Original and one copy needed for each witness

SHERIFF

S. Anderson
Quasfall

COURT CLERK'S WORK SHEET

TRIAL DATE Dec 11, 1989 Judge Joseph P. Murphy Jr

B Jung
STATE'S ATTORNEY S. Bernstein
DEFENDANT'S ATTORNEY

Steve Perrine
COURT REPORTER Mike Smith
CLERK

CASE # 86C R0627 NAME Joines, Harry

CHARGE Post Conviction

TRIAL H/A PLEA COURT JURY GUILTY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL

GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL

GRANTED OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS PPd. Resett for 12/15/89 @ 9AM

I rem BDC per this detainer No Bail order filed

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

CIRCUIT COURT FOR BALTIMORE COUNTY
Towson, Maryland 21204

District Court Case No. _____
Case No. 86 CR 0627
_____, 12/11, 19 89

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner _____ Harry Jones

Date Of Trial _____, 12/11, 19 89 Judge Murphy

Charge Post Conviction Guilty _____ NOT GUILTY _____

DISPOSITION:

A. REMANDED Sentenced To Department Of Correction _____
Length Of Sentence _____

B. Sentenced To Baltimore County Detention Center _____
Length Of Sentence _____

C. Remanded To Baltimore County Detention Center _____
Probation Report Of Psychiatric Evaluation per detainer

D. Placed On Probation _____
Length Of Probation _____

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G. Nol Pros _____

H. Arraignment _____

I. Trial Continued _____

J. Post Conviction hearing Trial Postponed _____ ✓

K. Bail Hearing _____

L. Defendant Released From This Case Only.
Release In Transit.

*Set Post Conviction
for 12/15/89 @ 9 AM*

SUZANNE MENSCH, CLERK

Per M.P. Smith
Deputy Clerk



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JOSEPH F. MURPHY, JR.
JUDGE

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 494-3206

MOTIONS RULING

CASE NO. 86 CR 0627
TITLE State
VS.
Harry Joines

DATE OF RULING 12/11/89
HEARING DATE 12/15/89
9:30 A.M.

MR. CLERK, Please:

1. File this Ruling and
2. Send copies to
 - (a) counsel of record
 - (b) distribution list below

RULING

It is this 11th day of December, 1989 in the CIRCUIT COURT FOR BALTIMORE COUNTY

ORDERED that the defendant, Harry Joines is the confined to the Baltimore County Detention Center as opposed to the D.O.C. until Friday, December 15, 1989.

*Sa
Deft allegs
Mail
Doc*

J. Murphy
JUDGE



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JOSEPH F. MURPHY, JR.
JUDGE

December 18, 1989

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 887-3206

Barbara Jung, Esquire
State's Attorney's Office
County Courts Building
Towson, Maryland 21204

William H. Murphy, Jr., Esquire
1007 North Calvert Street
Baltimore, Maryland 21202

Chester Cohen, Esquire
Suite 1507, 210 N. Charles Street
Baltimore, Maryland 21201

Re: State vs. Harry Joines
Case No. 86 CR 0627

Dear Counsel:

This confirms that the continuation of the Post Conviction Hearing previously scheduled for December 11, 1989, has been rescheduled to Friday, January 26, 1990 in Courtroom 12 at 9:00 A.M. Your cooperation is appreciated.

Very truly yours,

Joseph F. Murphy, Jr.

JFM:lb

cc:Criminal Assignment

Joyce Grimm, Central Assignment Office

ORDER

It is hereby ORDERED that a writ be issued for Harry Joines at the D.O.C.

JUDGE

FILED DEC 19 1989

Due

Datie

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

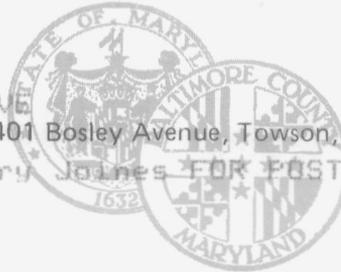
Case No. 84CR0627

I. D. NO.

State of Maryland, Baltimore County to wit: D.O.B. November 10, 1958

TO: Warden; Md. Div. of Corr. - Trans. Unit
550 E Madison St
Baltimore, MD 21202

You are hereby **COMMANDED TO HAVE** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on January 26, 1990 at 09:00 A.M. the body of Harry Joines **FOR POST CONVICTION**



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: December 19, 1989

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy



The Circuit Court for Baltimore County

THIRD JUDICIAL CIRCUIT OF MARYLAND

JOSEPH F. MURPHY, JR.
JUDGE

January 24, 1990

COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204
(301) 887-3206

Barbara Jung, Esquire
State's Attorney's Office
County Courts Building
Towson, Maryland 21204

William H. Murphy, Jr., Esquire
1007 North Calvert Street
Baltimore, Maryland 21202

Chester Cohen, Esquire
Suite 1507, 210 N. Charles Street
Baltimore, Maryland 21201

Re: State vs. Harry Joines ✓
Case No. 86 CR 0627

Dear Counsel:

This confirms that the continuation of the Post Conviction Hearing previously scheduled for January 26, 1990, has been rescheduled to Tuesday, February 20th and Wednesday, February 21, 1990 at 9:00 A.M. in Courtroom 12. Your cooperation is appreciated. ✓

Very truly yours,

Jm
Joseph F. Murphy, Jr.

JFM:lb
cc:Criminal Assignment
Joyce Grimm, Central Assignment Office

ORDER

It is hereby ORDERED that a writ be issued for Harry Joines at the D.O.C. ✓

JUDGE *Jm*

FILED JAN 26 1990

Lattie

WRIT OF HABEAS CORPUS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

I. D. NO. -

State of Maryland, Baltimore County to wit: D. O. B. NOVEMBER 10, 1958

TO: WARDEN, MD. DIV. OF CORR. - TRANS. UNIT
550 E MADISON ST
BALTIMORE, MD 21202

You are hereby **COMMANDED TO HAVE** before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, **ON FEBRUARY 20, 1990 AT 09:00 A.M. THE BODY OF HARRY JOINES FOR POST CONVICTION**

(Crosshanded From [unclear] 1990)

+ Feb. 21,

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JANUARY 29, 1990

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

COURT CLERK'S WORK SHEET

TRIAL DATE 2/20/90 Judge Murphy

B. Jung STATE'S ATTORNEY Billy Murphy DEFENDANT'S ATTORNEY

S. Perrin / Diane Cook COURT REPORTER MRS CLERK

CASE # 86020627 NAME Harry Jones

CHARGE Post Conviction (Robbery)

TRIAL A/H/H PLEA COURT JURY GUILTY NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL
 GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL
 GRANTED OVERRULED

VERDICT: GUILTY ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS Petition for Post Conviction Relief : granted
A sum DOE per Detainer
No Bail Auth
Case to be reset for trial

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

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IN THE CIRCUIT COURT FOR BALTIMORE COUNTY, MARYLAND

STATE OF MARYLAND

VS.

CASE NO. 86CR0627

HARRY JOINES, Defendant

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS
(Trial on the Merits)
(VOLUME I of I)

Towson, Maryland

December 7, 1987

BEFORE:

THE HONORABLE JOHN GRASON TURNBULL, II, Associate Judge

APPEARANCES:

For the State:

JAMES GENTRY, ESQ.

For the Defendant:

CHESTER COHEN, ESO.

JANE E. GALLAGHER
Official Court Reporter
County Courts Building
Towson, Maryland 21204

P R O C E E D I N G S

1
2 MR. GENTRY: Move to amend the Charging Document
3 from the 17th to the 7th.

4 Jim Gentry, Assistant State's Attorney, at this
5 time would call the case of Harry Joines, J-O-I-N-E-S, 86CR
6 0627.

7 Let the record reflect the Defendant is now in
8 the courtroom. Chester Cohen, representing Mr. Joines.

9 MR. COHEN: Chester Cohen.

10 MR. GENTRY: Preliminarily before we start with
11 this, the Charging Document in this case which is a Criminal
12 Information charging the Defendant under the first count with
13 robbery with a dangerous and deadly weapon, the State has the
14 date of the robbery as December 17. The State moved to amend
15 the Charging Document from December 17 to read December 7.
16 It was inadvertently done.

17 MR. COHEN: No objection, Your Honor.

18 THE COURT: The Charging Document will be amended
19 by interlineation to December 7, 1985. Is that correct?

20 MR. GENTRY: That's correct.

21 THE COURT: All right.

22 MR. COHEN: Your Honor, I have some motions, the
23 first one being that any in-court identification of the De-
24 fendant by the prosecution's witnesses will be tainted as the
25 result of an impermissibly suggestive identification procedure

1 on December 7, 1985 when the Defendant was arrested.

2 THE COURT: Don't we have to take testimony?

3 MR. GENTRY: I don't know. I mean it is his
4 Motion. His burden in this case. I don't know what it's about.

5 THE COURT: Go ahead.

6 MR. COHEN: I don't think we will need testimony,
7 Your Honor. This is from the record. On December 7, 1985
8 when the Defendant was arrested either the Defendant was taken
9 to the victim or victim was taken to the Defendant for a one
10 on one identification and on December 26 of '85 the victim was
11 shown a picture array and she selected numbers 3 and 6, so
12 she selected the Defendant and someone else. Then on November
13 10, 1987 when we came in for trial I was new to the case and
14 at that time requested a postponement and the State's Attorney
15 brought the victim from the other courtroom into the Motions
16 courtroom I would feel just to be able to view the Defendant and
17 for those reasons I would ask that the victim not be allowed to
18 make an in-court identification.

19 My second item on my motions was that articles of
20 evidence taken from the Defendant by the authorities were
21 obtained as a result of an illegal search and seizure.

22 THE COURT: Wait a minute. Let's take one issue
23 at a time.

24 MR. COHEN: All right, sir.

25 THE COURT: First of all the docket sheet in this

1 case indicates that motions under Maryland Rule 4-252 were
2 filed and I am sorry -- the Defendant's request for Discovery,
3 but if they were filed they weren't filed in this case.

4 MR. GENTRY: There was. Mr. Cohen filed motions.
5 Three specific ones. He outlined the motions under Maryland
6 Rule 4-252. The date was the same day of December. I received
7 them a few days ago, although obviously not in accordance
8 with the Rules. I am not objecting. I don't have any problem
9 litigating the three or one motion, but on the three bases of
10 the motions here to day. I did receive a copy of the motion
11 filed by Mr. Cohen.

12 THE COURT: They haven't made it to the file,
13 which doesn't surprise me. They haven't made it to any of
14 the files. There are no motions in any of these three files
15 and they are not on the docket sheet. December 3rd. They
16 made it to the docket sheet, but didn't make it to the file.
17 I assume they were filed. They weren't filed timely but the
18 State has no objection.

19 MR. GENTRY: No.

20 THE COURT: But they all filed and they are ripe
21 for hearing. You made a Motion to Suppress an In-Court Identi-
22 fication.

23 MR. COHEN: Right.

24 MR. GENTRY: Just start off by saying that obviously
25 the Court already knows an in-court identification -- there's

1 been a Motion to Suppress that in-court identification can be
2 heard before trial. That it is the Defendant's burden to
3 prove by a prima facie case the suggestibility of it. The
4 victim makes an identification and I guess you might consider
5 it a proffer, but let me address the proffer and if we need
6 additional testimony we can certainly have that, there was
7 a one on one the night the offense occurred. The victim who
8 was injured was in the ambulance at the time. The police
9 officer brought by within probably within minutes -- brought
10 by the Defendant so the victim could view and victim could
11 say yes or no it is not. The victim who was in the ambulance
12 at the time lost some blood and said she didn't even remember
13 seeing anybody, went to the hospital. Later the police said
14 well you saw the person we brought by, can you identify that
15 person. She said honestly I don't remember you bringing any-
16 body by. That's what she would testify to. We can have her
17 take the stand if that's important. She would testify she
18 doesn't remember anything about that night.

19 There was a photo array conducted by Detective
20 Folio of similar looking individuals. The Defendant was chosen
21 by the victim and Detective Folio's testimony was that the
22 photo array conducted was pursuant to police procedure where
23 a photo array of six pictures were shown and that everything
24 was proper.

25 The taint referred to by Mr. Cohen was a postpone-

1 ment hearing in front of Judge DeWaters. As you always do,
2 I have all the witnesses and victim go in the courtroom to
3 find out whether or not the case was postponed or not. She
4 was in the courtroom. That would be what I have in direct
5 as to what Mr. Cohen has proffered.

6 THE COURT: Any other comment? I'd like to make
7 sure.

8 MR. COHEN: No, Your Honor.

9 THE COURT: Deny the Motion. The in-court iden-
10 tification -- I don't think the proffer ought to put it in
11 that posture and certainly would be a matter of proof and I
12 don't think it is appropriate in this particular situation.
13 The Motion to Suppress the In-Court Identification is denied.

14 The Defendant didn't produce a prima facie case
15 of suggestibility. I heard the proffer and I don't think they
16 are sufficient to grant the Motion. I find that as a matter
17 of fact.

18 MR. GENTRY: Number 2, you want to outline?

19 MR. COHEN: That one was articles of evidence
20 taken from the Defendant by the authorities that were obtained
21 as the result of an illegal search and seizure.

22 The victim described to the police the fact that
23 the Defendant was in a dark car. When the police stopped the
24 Defendant he was driving a red and white car rather than a
25 dark car. Our conclusion from that would be that the only

1 reason that he was stopped was because of the fact he was a
2 black man. They were looking for a black rather than the fact
3 he was in the car as described by the victim.

4 THE COURT: All right.

5 MR. GENTRY: The police officer received a care-
6 ful -- the police received information from other police that
7 were on the scene and a broadcast was put out. A description
8 was put out of a car and of a person. The police officer
9 would testify that the car and the person in the car matched,
10 generally, the description. The Defendant was sitting at a
11 green light and the police officer on the basis of this
12 general description pulled over the car to investigate the
13 crimes that had occurred. The crime that had occurred. After
14 pulling over the Defendant there was a one on one identifica-
15 tion and the Defendant was identified and an arrest was based
16 on that identification. If you would accept that as a proffer
17 of what the police officer would testify to.

18 MR. COHEN: Nothing further, Your Honor.

19 THE COURT: I find insufficient factual basis then
20 to grant the Motion to Suppress the Evidence based on the
21 proffer made and will deny the Motion to Suppress the Evidence
22 Seized and for the comments and reasons stated.

23 All right.

24 MR. COHEN: The third part of my motion, Your
25 Honor, was the fact that the State produced the chemist analysis

1 but not any person or chain of custody of the physical evidence,
2 but I have been informed by the State's Attorney that they will
3 not be producing the evidence, so that point would be moot.

4 MR. GENTRY: We are producing the physical report.
5 To explain at trial we do indeed call or summons the chemist
6 in this case.

7 THE COURT: All right. That issue is moot then.

8 All right. That clears all the preliminary matters.

9 MR. COHEN: Yes, it does, Your Honor.

10 Would the Court grant me about 5 minutes to talk
11 with my client. We couldn't really communicate this morning
12 because we had to talk to you.

13 THE COURT: If you would like to talk here in the
14 courtroom I will let the Sheriff watch. Why don't you excuse
15 your witnesses so you can talk more freely.

16 MR. GENTRY: Okay. That's fine.

17 THE COURT: Tell them to leave him in the court-
18 room while he talks.

19 Gentlemen, you are free to come back to my chambers
20 and Mr. Alderman, stick around and when Mr. Cohen is ready
21 let me know.

22 MR. COHEN: Thank you, Your Honor.

23 RECESS

24 AFTER RECESS

25 THE COURT: Back on Harry Joines, 86CR0627.

1 My understanding now is that the Defendant will
2 enter a guilty plea as to the first count charging the De-
3 fendant with robbery with a dangerous and deadly weapon.
4 There had been some discussions about this before the Motions
5 Hearing and Mr. Cohen wished to reserve any discussion until
6 after the Motions.

7 MR. GENTRY: In anticipation I have prepared the
8 Guidelines for the case. Let me just pull those out. The
9 sentence maximum in the case is 20 years.

10 THE COURT: All right.

11 MR. GENTRY: And the plea negotiations again in
12 the case are as follows: the Defendant will enter a guilty
13 plea to robbery with a dangerous and deadly weapon. The State
14 has agreed, at least as far as its recommendation is concerned,
15 to recommend no more than 6 years. The Guidelines are 6 years
16 to 12 years for this offense. The State, however, is free to
17 argue that the sentence should run consecutive to the present
18 sentence he is serving and the defense will argue it should
19 run concurrent, but the State did agree to ask for no more
20 than 6 years and would in fact ask it be consecutive.

21 THE COURT: All right. Mr. Cohen, is that your
22 understanding?

23 MR. COHEN: Yes, Your Honor, and I just would like
24 to add for the Court that this will be an Alford plea.

25 THE COURT: All right. Any problem with that, Mr.

1 MR. GENTRY: No, sir. We just add there are two
2 other pending cases against the Defendant, one is robbery,
3 and one is driving while suspended and a couple of traffic
4 offenses. The State also agreed to following the acceptance
5 of the plea enter a nol pros to the balance of the case and
6 also nol pros as to the other cases.

7 THE COURT: All right. Mr. Joines, is that your
8 understanding?

9 THE DEFENDANT: Yes, it is, Your Honor.

10 THE COURT: All right. I have to make sure you
11 understand what you are doing and believe that you are freely
12 and voluntarily doing that.

13 How old are you, sir?

14 THE DEFENDANT: 28. 29 years old.

15 THE COURT: How far did you go in school?

16 THE DEFENDANT: I went to the 11th grade, Your
17 Honor.

18 THE COURT: All right. Can you read and write the
19 English language?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: All right. Are you now under the in-
22 fluence of alcohol or any drugs?

23 THE DEFENDANT: No, I am not.

24 THE COURT: Have you ever been a patient in a
25 mental institution?

1 THE DEFENDANT: No, I haven't.

2 THE COURT: By pleading guilty you give up certain
3 Constitutional rights that I have to put on the record. The
4 first is your right to a jury trial. A jury is 12 individuals
5 who would be picked at random from the community. You would
6 have a right to participate in the selection of those jurors
7 and any verdict they render must be unanimous and they must
8 find you guilty beyond a reasonable doubt and to a moral
9 certainty.

10 You understand what a jury trial is first of all?

11 THE DEFENDANT: Yes, I do.

12 THE COURT: And do you understand by pleading
13 guilty you are waiving your right to a jury trial?

14 THE DEFENDANT: Yes, I do.

15 THE COURT: All right. And you also have a right
16 to plead not guilty, but by pleading guilty you are giving
17 up your right to make the State produce witnesses on the witness
18 stand and you give up your right to cross-examine the State's
19 witnesses on the witness stand, and you also give up the right
20 to produce witnesses on your own behalf with regard to any
21 defense.

22 Do you understand that?

23 THE DEFENDANT: Yes, I do.

24 THE COURT: Okay. You also have a right to remain
25 silent or right against self incrimination. Were this a jury

1 trial and you chose not to testify or elected to remain silent
2 I would instruct the jury they should not infer or assume that
3 you are guilty merely because you chose not to testify. If
4 this were in fact a Court trial in front of me and you chose
5 not to testify I would also tell you that I would not infer
6 that you are guilty from your silence, but I would decide the
7 case based upon any other evidence and all the other evidence
8 that had been produced.

9 Do you understand that?

10 THE DEFENDANT: Yes, I do.

11 THE COURT: Okay. By pleading guilty you waive
12 any technical defenses you may have save and except those
13 motions that you have presented and have been ruled upon, but
14 would give up any other technical defenses such as an illegal
15 confession or perhaps an illegal search and seizure.

16 Do you understand that?

17 THE DEFENDANT: I do.

18 THE COURT: All right. Has anyone made you any
19 threats, promises or inducements to get you to proceed in this
20 manner other than the fact that the State is going to recommend
21 no more than 6 years, but that will be consecutive and your
22 counsel is free to argue for less than that. Is that your
23 understanding?

24 THE DEFENDANT: I understand.

25 THE COURT: Do you also understand that the maximum

1 possible penalty is 20 years in this case?

2 THE DEFENDANT: Yes, I do.

3 THE COURT: Okay. If you are presently on proba-
4 tion or parole in all probability this would act as a viola-
5 tion of that probation or parole, do you understand that?

6 THE DEFENDANT: Yes, I do.

7 THE COURT: Has anyone told you I would go easier
8 or be more lenient on you just to get you to plead guilty in
9 this matter?

10 THE DEFENDANT: No.

11 THE COURT: If I accept your plea of guilty, you
12 are limiting yourself on appeal. You have the right to ask
13 the Court of Special Appeals by way of what we call a Writ
14 of Certiorari to review your plea. If you choose to do so it
15 would be based or limited to four grounds. The first would
16 be the jurisdiction of this Court, the second would be whether
17 or not I give you an illegal sentence, the third is whether or
18 not your plea is free and voluntarily and that's why I am asking
19 you these questions, and lastly whether or not you were compe-
20 tently represented. Are you satisfied with Mr. Cohen's ser-
21 vices?

22 THE DEFENDANT: Yes, I am.

23 THE COURT: Then in all probability your appeal to
24 the Court of Special Appeals would fail. Do you understand
25 that?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you have any questions at all that
3 you wish to ask Mr. Cohen or the Court before proceeding?

4 THE DEFENDANT: No.

5 THE COURT: Okay. The Court is satisfied that
6 the plea is knowingly, voluntarily and intelligently given
7 and will hear the basis for the plea.

8 Mr. Joines, you may have a seat.

9 MR. GENTRY: Before the basis for the plea, just
10 because the Defendant had, on a prior occasion, requested the
11 case be tried in front of a jury and the Court has gone over
12 this I am sure, but just in the interest of caution that the
13 Defendant have a complete understanding of exactly what a jury
14 trial is.

15 THE COURT: All right. I will do it one more
16 time.

17 Mr. Joines, I think I covered this but I would ask
18 you to stand up one more time. I think I covered this but I
19 want to make sure.

20 You are also proceeding on an Alford plea, which
21 means that you are not necessarily admitting your guilt, but
22 you believe the State has sufficient evidence to produce that
23 if it was believed would be convicted anyway, is that right?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. Again a jury is 12 individuals

1 picked at random from the community from the voter list of
2 Baltimore County. You and Mr. Cohen would have a right to
3 participate in the selection of those jurors. Any verdict
4 they rendered must be unanimous and must find you guilty beyond
5 a reasonable doubt and to a moral certainty.

6 Do you clearly understand what a jury is?

7 THE DEFENDANT: I clearly understand.

8 THE COURT: And wish to give up that right, is
9 that correct?

10 THE DEFENDANT: Yes, I do.

11 MR. GENTRY: Thank you, Judge. One other thing.
12 The plea agreement in the case was that the State would make
13 a recommendation of no more than 6 years. That is not binding
14 and want the Defendant to understand that's not binding on
15 the Court.

16 THE COURT: Okay.

17 I indicated to you, Mr. Joines, that the maximum
18 possible penalty was 20 years. You really could receive 20
19 on top of the time you are serving now. I will certainly
20 listen to Mr. Cohen and Mr. Gentry. I have no reason to
21 believe that I would give any more than the sentence the State
22 has asked. As a matter of fact this morning I did do that.
23 I did give more than the State was asking even though the
24 Defendant should get more, but I'm not bound to any particular
25 sentence in this case.

1 Do you understand that?

2 THE DEFENDANT: I do.

3 THE COURT: All right.

4 MR. GENTRY: Thank you, Judge.

5 Judge, the facts in support of the guilty plea
6 and agreed upon between the State and the defense are as
7 follows:

8 This incident took place on December 7, 1985 at
9 3:19 in the morning in front of 8066 Delhaven Road, Baltimore
10 County. The victim of this armed robbery was Mrs. Debra Ann
11 Bradburn who parked her vehicle at the above location just
12 indicated and began to walk to her house. The Defendant then
13 walked up behind her, grabbed Mrs. Bradburn by the arm. The
14 Defendant told the victim to give to him her pocketbook. The
15 victim at that point said no and the Defendant then hit the
16 victim in the face and threw her to the ground. Hit the victim
17 in her face with his fist and threw her to the ground. The
18 victim still would not give her pocketbook and was at that
19 point the Defendant then cut the victim on the left hand from
20 the thumb to the wrist. The victim then was on the ground.
21 The Defendant then kicked the victim and Defendant took the
22 victim's purse and ran back to his vehicle. The victim was
23 taken to the hospital where she received 25 stitches for her
24 injury. The amount of money in the pocketbook at the time it
25 was taken was \$200 and at approximately 3:23 the Defendant was

1 stopped on Wise Avenue in front of the Roy Rogers Restaurant
2 by Officer Boov at a location approximately one mile from the
3 victim's home. Was less than 4 minutes after the robbery
4 occurred. Officer Boov stopped the Defendant. His vehicle
5 fit the description of two previous attempted robberies in
6 which women were assaulted after they got out of their cars.
7 In both robberies the suspect asked for the women's purses.
8 The victims in the two attempted robberies were taken to the
9 Defendant and both victims positively identified the Defendant
10 as being the one who tried to rob them. All of the robberies
11 took place within a mile radius and within 45 minutes.

12 On 12/11/85 Mrs. Bradburn, one of the victims,
13 was called by the Police Department where they conducted an
14 investigation into this incident. All the witnesses in this
15 case, including Mrs. Bradburn, would identify the Defendant
16 here as the person that in fact at knifepoint robbed her of
17 her pocketbook without any permission or without any consent
18 on her part.

19 These incidences again took place in Baltimore
20 County and that would be the basis of the guilty plea or guilty
21 plea under Alford.

22 THE COURT: Any additions, corrections or modifica-
23 tions to the plea?

24 MR. COHEN: I think there is one omission in the
25 fact that the Defendant was arrested 4 minutes after the assault,

1 but the \$200 was taken from the victim was not recovered from
2 the Defendant.

3 MR. GENTRY: That's correct.

4 THE COURT: I will accept that modification.

5 Any comment with regard to verdict?

6 MR. COHEN: Your Honor, the Court has heard the
7 Defendant is 29 years old --

8 THE COURT: Any comment in regard to verdict?

9 MR. COHEN: No, Your Honor.

10 THE COURT: The Statement of Facts is certainly
11 supportive of the guilty plea or Alford plea. In any event
12 the verdict would be guilty on the first count of 86CR0627.

13 I will be happy to hear from you.

14 MR. COHEN: The Defendant is 29 years old. Has an
15 11th grade education and if we were to eliminate December 7,
16 1985 from his life he would not have any kind of serious
17 criminal records. His mother is here in Court and if the Court
18 will permit would like to say a few words to Your Honor.

19 THE COURT: Sure. Mrs. Joines, do you want to come
20 up here to the table? All right. Mrs. Joines, what do you want
21 to tell me about your son?

22 MRS. JOINES: Well, I would just like to say that
23 Harry has never assaulted nobody in his life. He had money
24 when he left. He had money in the mattress for Christmas and
25 this boy does things for other kids that don't, you know --

1 don't get things. This boy works hard. If he gets laid off
2 he works out of the Labor Pool. He is with my family and we
3 can't believe it. Just think he was at the wrong place at
4 the wrong time.

5 MR. COHEN: You said you raised your children.

6 MRS. JOINES: He helped me raise his brothers.
7 Got one going to the University of Maryland and got one at
8 Bowie College. This boy helped raise them boys and he worked.
9 He's a hard working person. He's out there working, he's
10 going to school every day. Now he's trying to help himself.

11 THE COURT: Okay.

12 MRS. JOINES: That's what I had to say.

13 THE COURT: All right. Thank you. Mr. Gentry,
14 do you want to ask her any questions?

15 MR. GENTRY: I don't want to ask her any questions.

16 MR. COHEN: If the Court would permit Joann Abrams.
17 She is also here. She is Mr. Joines girlfriend.

18 THE COURT: Okay. Is there anything you want to
19 tell me, Miss?

20 MR. COHEN: Come on up.

21 MISS ABRAMS: I just want to let you know Harry
22 and I have been together for over 6 years. We love each other
23 very much and plan on getting married. We have two kids. They
24 need him, you know. Really need him there because he helps
25 us a lot. As his mother said he helps his family plus he takes

1 care of us and we really need him with us.

2 THE COURT: How do you account for the fact he
3 keeps getting involved with these problems with the law?

4 MISS ABRAMS: Excuse me.

5 THE COURT: How do you account for his getting
6 involved with the law?

7 MISS ABRAMS: Definitely a case of the wrong place
8 at the wrong time. Just something that was a loss. I mean
9 the previous case too. The one he served time for was a
10 mistake.

11 THE COURT: Okay. Thank you, ma'am.

12 MR. COHEN: All three of those happened within
13 like about an hour of each other.

14 THE COURT: All right. Go ahead.

15 MR. COHEN: One last thing that I would like to
16 add, Your Honor, is the fact that Harry Joines is a hard work-
17 ing man. It isn't as though he makes his living praying on
18 other people. I have a letter here from Lang Masonry dated
19 May 12 of '87. It says to whom it may concern, Harry Joines
20 was employed with our company before his incarceration. At
21 this time due to his release from incarceration whether from
22 Work Release or Parole he has a position as a mason tender
23 with our company. Thank you. Greg Lang. If there are any
24 questions, please call.

25 And if the Court will permit Mr. Joines would like

1 to address the Court.

2 THE COURT: Sure. Mr. Joines, you have a right
3 of allocution, which means you may say anything to me that you
4 would like. What do you want to tell me, sir?

5 THE DEFENDANT: Well, Your Honor, I would like to
6 say that I think that the judgment here is -- your judgment
7 is more important to me than what the State is saying about me.
8 I feel that even though these crimes happened back on December
9 7, 1985 I was a victim just as much as this victim over here
10 because I do believe this lady was robbed. I do believe some-
11 one stole her purse and would logically like to express the
12 point four minutes after the crime I was pulled over for
13 supposedly a traffic violation and if I took 200 bucks from
14 the lady, I mean what I would have. Did I throw it away? All
15 I am asking is an awareness. Since that night my whole life
16 has changed because I wanted to marry this girl here. My
17 mother worries about this constantly more than just my older
18 brother, I am like a parent. Also I worry about it. I am
19 back there going to have it on their life because they are
20 growing into adult people also.

21 I realize when I came in Court realized that it
22 was against me because there's more just reason. I was at the
23 scene of the crime or I was black and I shouldn't have been
24 out there and think that was logically at the time I was 27
25 years old. I don't have to check into them. Some place where

1 I am going. I could have been lost. I could have come on my
2 way to the city. If you ask the officer he would have testified
3 my vehicle was headed toward the city. I had no reason to
4 rob, but I dealt with that much of my life. I have come to
5 Court and been convicted a number of times, but through those
6 convictions I am in right now I am in prison up in Hagerstown,
7 Maryland. I attend school there and I am trying to better
8 myself as a human being and furthering my education because
9 I really like helping out other people falling in the condition
10 I have fell in. I must strive even though obstacles are in
11 my way -- I must strive to be a better person. I've been there
12 for approximately 7 months I think up in Hagerstown and re-
13 gardless of the three to four months I have tried to accomplish
14 one certificate in group therapy and the helping of others
15 and making the right decision in life and helping others.
16 This is a certificate for the Fellowship Church up in Hagers-
17 town. We are a religious people What happens to you is God
18 will show you through this. I believe that whatever happens
19 to me I must handle it like a man, but also like to ask you to
20 just look at my point of view. I could be lost that night.
21 I could have been on my way home because I had no reason to
22 rob anyone at that time and just would ask for you to look at
23 my side also just to take my side.

24 THE COURT: All right. Mr. Gentry, I will be
25 happy to hear from the State. Do you have his record?

1 MR. GENTRY: Actually I don't. I will show it to
2 you.

3 THE COURT: Mr. Cohen, are you asking for a Pre-
4 Sentence?

5 MR. COHEN: No.

6 MR. GENTRY: Well, take a look at that.

7 While Mr. Cohen is looking at that I will make a
8 few comments.

9 This is the second case today that you have had
10 where I think the State has been too lenient. We have agreed
11 to recommend no more than 6 years. I am not recommending any
12 more than 6 years. That, in my estimation with the injuries
13 involved and nature of the offense and extremely lenient --
14 maybe too lenient recommendation, but nonetheless a recommenda-
15 tion the State agreed to bind itself to. However, that is a
16 sentence I strongly recommend concurrent with the 5 years he's
17 presently serving. There are numerous reasons for that. These
18 crimes occurred during a one hour -- one hour period of time
19 in the same area. This happened -- the first case the De-
20 fendant was convicted of the first count and was tried in front
21 of a Judge and jury and convicted him of attempted robbery. He
22 never completed -- never got the pocketbook from the young lady.
23 This case was a little different and the history on this one
24 was not only did he get the pocketbook but kicked her, hit her
25 and he cut her. I have a picture I would like to show the Court

1 and I will show it first to Mr. Cohen. This is the picture
2 of her the following day in the hospital. She received 25
3 stitches to her arm. Her arm was in a cast and was in traction.
4 She had a difficult time following that adjusting to rehabili-
5 tation. Adjusting to the use of her hand. She's in Court
6 today and I am not sure whether she would like to say something
7 to the Court.

8 THE COURT: Ma'am, do you want to tell me anything?
9 Anything more than they have already said? Obviously I would
10 say she suffered extremely because of this. She received pain
11 and suffering and a difficult time with rehabilitation because
12 of the loss of use of her hand.

13 MR. GENTRY: But 6 years, if the Court would run
14 the sentence concurrent, that would mean would serve 1 year
15 for the damage he's done and I think obviously that's unfair.
16 That's not justice. Justice would require a bigger sentence.
17 Would almost apologize for such a lenient recommendation of
18 6 years to run consecutive.

19 THE COURT: All right. Have you seen the Pre-
20 Sentence, Mr. Cohen, that was ordered in the other file?

21 MR. COHEN: Yes.

22 THE COURT: All right. Let me see it.

23 Anything else you would like to say?

24 MR. COHEN: Only, Your Honor, that the guilty plea
25 today would put the Defendant in such a position that if he

1 were to come before the Court again it would drive the Guide-
2 lines up so he would really be in for some heavy time. It
3 isn't merely a case of getting an additional one year in the
4 future. It would certainly add to it.

5 THE COURT: When did the sentence run from? When
6 did Judge Hinkel's sentence run from, Mr. Gentry?

7 MR. GENTRY: 5/26/87.

8 THE COURT: Again that runs from the same date.

9 MR. GENTRY: I assume there was a detainer against
10 him. Would run from the same date. I don't have any problem
11 with that.

12 THE COURT: All right. Mr. Joines, is there any-
13 thing else you want to tell me?

14 THE DEFENDANT: No.

15 THE COURT: The Defendant maintains his innocence
16 so to speak indicating he was at the wrong place at the wrong
17 time on December 7, 1985, but a jury of 12 people didn't believe
18 him. He entered an Alford plea in this case and I have found
19 him guilty on the Statement of Facts. His mother is a very
20 nice mother and girlfriend has been here supporting him but I
21 must say that looking over the Pre-Sentence this man does not
22 exactly have what I call a non combative background. '85
23 attempted robbery, assault, battery, found guilty by a jury.
24 He had other charges, possession of marijuana, assault on a
25 police officer.

1 He's got a record that is extremely serious,
2 injury in this case. I think the Defendant in fact entered
3 into a plea bargain on his behalf. Had I been trying and had
4 the plea agreement not been discussed between the Defendant
5 probably would have given substantially more time.

6 On the guilty verdict on the first count the
7 judgment and sentence of the Court is 6 years to the Department
8 of Correction, the sentence is to run consecutive to the
9 sentence he is now serving commencing as of May 26, 1987.

10 The cost in the case will be waived.

11 He will be place, of course, when he is on parole
12 to the Division of Parole on probation and do not intend to
13 give a probationary period. That's up to the Division of
14 Parole and Probation.

15 You have 10 days to file a Motion for New Trial.

16 30 days to take an appeal to the Court of Special
17 Appeals. If you do so you must notify my Court Reporter within
18 10 days to prepare a transcript of these proceedings.

19 You have 90 days to ask me to reconsider my sentence.
20 I could reduce it, allow it to remain the same, but I cannot
21 increase it.

22 You have a right to request a three Judge panel to
23 review your sentence. I would not be a member of that panel,
24 but I could be consulted as to why I gave that sentence. How-
25 ever, that panel could increase your sentence, could decrease

1 decrease your sentence, or allow it to remain the same. That
2 must be filed within 30 days in writing.

3 Any and all of these things must be filed in
4 writing with the Clerk's Office of this Court.

5 Do you understand your rights?

6 THE DEFENDANT: Yes, I do.

7 MR. GENTRY: Nol pros the balance of the counts
8 in 86CR627 and the State will enter a nol pros in 86CR628,
9 and the State will enter a nol pros in charge 87CR3944.

10 * * * CONCLUSION OF PROCEEDINGS * * *

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PERICAD-Bayonne, N. J.
DEFENDANT'S EXHIBIT
JDINES
NO. 510

BALTIMORE COUNTY POLICE DEPARTMENT

PHOTO IDENTIFICATION SUMMARY

On 12-26-85 at 1900, photographs were shown
Date Time
to DEBRA BRADBURN of
Witness
8072 DELHAVEN 285-7674
Address Telephone Number

in reference to Offense Number E 662990.

The photographs were given to the witness by the undersigned, in one group, and are identified by the following numbers:

- (1) 102761
- (2) 123793
- (3) 137956
- (4) 131502
- (5) 82705
- (6) 125113

After viewing the above series of photographs the witness identified photograph number 3+6.

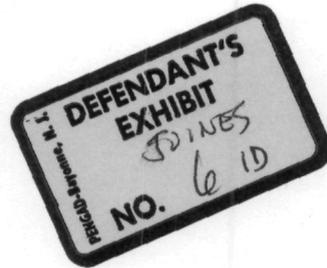
On 12-26-85 at 8072 DELHAVEN I identified
Date Location
photograph number 3+6.

Witness Comments: photo's 3+6 look like the guy that robbed me, but I'm not sure

Name: Debra Bradburn
Witness

12-26-85 1900
Date and Time

Det. Joseph Folio #17
Investigating Officer



BALTIMORE COUNTY POLICE DEPARTMENT
DISPOSITION OF PROPERTY AND EVIDENCE

To: Property Evidence Unit

2/19/87
(Date)

CC No. E 662981 Dist./Div. Pc12/PO Re. Att. Robbery

The property listed under the above offense, dated 12/7/85, is being held in the Property Room at the Baltimore County Police Department Headquarters.

Property may be disposed of. (Destroyed or sold at public auction) 10-2 Napkins
 Property released to Item #10-1 Knife released to Harry Joines, Jr.
11 N. Wheeler Ave. 21214

Hold for possible appeal.

Hold. (GIVE REASONS)

Knife

NOTE: Articles to be released must be identified by Item No.

[Signature]
(Approved By Lieut. - I.D.#)

Off. KW Booy #2340/PC12
(Name of Officer Assigned-I.D.#)

FEB 13 1987

BALTIMORE COUNTY POLICE DEPARTMENT

N.C.I.C. YES NO

CC NUMBER E-662981

PROPERTY INVENTORY

CRIME LAB RESULTS:

DATE OF CC NO. 12/7/85

Positive Negative

STATION P.C. 12

(This section for the use of the Property Room only)

DEC 9 10 20 AM '85 DATE AND TIME RECEIVED

RECEIVED BY Off Hutscherbauer RECEIVED FROM Off Anderson WHERE STORED DC

PROPERTY RECEIVED OR RECOVERED: DATE 12/7 19 85 TIME 0430

PRISONER Harry Jr. Joines 11 N. Wheeler Ave. AGE 27

TAKEN OR OBTAINED FROM S/A Above (Name) (Address)

OWNER OR CLAIMANT S/A Above (Name) (Address) (Telephone)

FOUND OR RECOVERED AT 7546 Holabird Ave. 21222 (Number And Street)

REMARKS: Evidence for a possible attempted robbery

CHECK ONE OF THE FOLLOWING: (Lost & Found) ABANDONED (Prisoner's or Victim's only) SAFEKEEPING (All confiscated property) EVIDENCE

PHOTOGRAPHED YES NO

TYPE OF INCIDENT Att. Robbery INVESTIGATING OFFICER K.W. BOOZ # 2340

NOTE: Item numbers must run consecutively.

Table with 5 columns: DIST. CODE, ITEM NO., QUAN., ARTICLE, DESCRIPTION OF PROPERTY, PROPERTY ROOM USE. Contains entries for a knife and napkins.

The above named property has been marked for identification by the undersigned in the following manner: Bagged

- DIST./DIV. CODE: 02- Investigative, 03- Towson, 04- Cockeysville, 05- Garrison, 07- Woodlawn, 08- Wilkens, 10- Dundalk, 11- Essex, 12- Fullerton, 13- Edgemere, 14- Parkville, 15- Eastern Traffic, 16- Central Traffic, 17- Western Traffic, 18- K-9, 19- P.R.I., 20- Training, 21- Administrative, 22- Central Records, 23- Data Processing, 24- Communications, 25- Jail, 26- Intelligence, 27- Tactical, 28- Crime Lab, 29- Crime Reduc., 30- Narcotics, 31- Vice

APPROVED BY: Sgt. AMANN 1937

OFFICER: K.W. BOOZ # 2340

CC NUMBER E-662981

BALTIMORE COUNTY POLICE
ARREST REPORT - Form #166

1. Defendant's Name (Last, First, Middle) **JOINES, HARRY (NMN)** 2. D.O.B. **11/10/58** 3. B.C.I. No. **137956**
 4. Sex **M** 5. Race **N** 6. Place of Birth **CHESTERFIELD S.C.** 7. Defendant's Address **11 N. WHEELER AVE 21223** 8. Arrest No. **85-14154**
 9. Age **27** 10. Ht. **5'7"** 11. Wgt. **185** 12. Build **STOCKY** 13. Hair **BLK** 14. Eyes **BRN** 15. Scars/Marks **GOOD** 16. Teeth **SOFT** 17. Speech **Mustache, Beard, Etc.** 18. **Mustache, Beard, Etc.** 19. Amp./Deform. **NONE**

20. Occupation **LABORER** 21. Place of Employment/School and Address **M/M MASONARY WHITEMARSH, MD** 22. Home Phone **NONE** 24. Alias
 23. Work Phone **UNK**

25. Date of Arrest **WED. 12/11/85** 26. Time **2055** 27. Location of Arrest (Address) **404 KENILWORTH DR. 21204** 28. Describe Type of Premises **CO. DETENTION CENTER**

29. Arresting Officer **FOLIO ZIEGLER** I.D. No. **2167 1823** 30. Div./Pct. **CID/PER** 31. C. Date **12/11/85** 32. Time **2102** 33. Person Contacted-Rec. Sect. **ZERMUSEN** 34. Transport Officer **FOLIO**

35. Date Booked **12/11/85** 36. Time Booked **2102** 37. Booking Officer **ZIEGLER** I.D. No. **1823** 38. Div./Pct. **CID/PER** 39. Searched By **FOLIO** I.D. No. **2167**

39.1 SBR **SBR** 40. Drug Information
 A. User: **N/A** Dangerous Drugs A. Narcotics A. Hallucinogens A. Marijuana
 B. Seller B.

DEFENDANT'S VEHICLE INFORMATION 41. Soundex No. **J 520-298-018-863** 42. Social Security No. **212-70-5830**

43. Make 44. Model 45. Year 46. Color(s) 47. V.I.N. 48. License No. State Year

49. Towed. (Name of Company, Address, Driver, Date and Time) 49a. T T. Number 49b. T T. Cancelled Yes None

50. Previous Arrest Yes No 51. For Same Offense Balto. Co. Other Jur. 52. For Other Offense Balto. Co. Other Jur. 53. Escaped Yes No

54. Presently on Parole/Probation Yes No 55. Previous Conviction 56. Right Index

Item No. 57. Narrative **LOCAL POLICE 00716100**
OFFICIAL/FINAL DISPOSITION(S) MAY BE OBTAINED FROM COURT
 Print Cards Submitted Yes No

58. Name of Officer Present During Processing **FOLIO 2167** Photographed Yes No

59. Data Processing Use Only COURT INFORMATION

60. CHARGE: Article/Section	61. Warrant/Summons Citation Number Statement of Charges	62. C C Number	63. Div. Pct.	64. Records Section Use
ARMED ROBBERY 27/488	00716100	E162990	CID/12	
ASSAULT 4/1 TO MAIM 27/384	111	11	11	

65. Victim's Name **DEBRA ANN BRADBURN**

66. Bail Hearing Yes No 67. Before Commissioner Name **SAYDER** 68. Date **12-11-85** 69. Time **2230** 70. Court Location **TOWSON**

71. Court Case No. **00716100** 72. Bail Amount **50,000.00** 73. Trial Date **12/11/85** 74. Trial Location **TENDING**

75. Status of Defendant To Jail Released on Bail Released on Own Recognizance Released Without Charge Arrested for Other Agency - Name of Agency _____ Other (Explain)

76. Distribution: Legal Data Process. C.I.D. Intell. Other **FILED**
 77. Approved By **Jeff Cigna** I.D. No. **1027** 78. Div./Pct. **CID/PER** 79. Date Submitted **12/11/85** 80. Status Closed Open
 81. Report Review **C** 82. Reporting Area 83. Received Records Section **DEC 13 1985**

B4. Records Section
E1662-990

Re **PC 12 RD** (5)

1. Arrestee's Name (Last, First, Middle) <i>James, Harry (Jimmie)</i>		2. Sex & Race <i>M, W</i>	
3. Arrest No. <i>83-14154</i>		4. Date of Birth <i>11/11/52</i>	
5. Arresting Agency <i>19th Precinct</i>		6. Arresting Officer <i>F. J. [unclear]</i>	
7. Defendant's Address <i>11 N. [unclear] [unclear]</i>		8. Date of Arrest <i>11/11/83</i>	
9. Age, 10 Hr., 11 Hr., 12 Hr., 13 Hr., 14 Hr., 15 Hr., 16 Hr., 17 Hr., 18 Hr., 19 Hr., 20 Hr., 21 Hr., 22 Hr., 23 Hr., 24 Hr., 25 Hr., 26 Hr., 27 Hr., 28 Hr., 29 Hr., 30 Hr., 31 Hr., 32 Hr., 33 Hr., 34 Hr., 35 Hr., 36 Hr., 37 Hr., 38 Hr., 39 Hr., 40 Hr., 41 Hr., 42 Hr., 43 Hr., 44 Hr., 45 Hr., 46 Hr., 47 Hr., 48 Hr., 49 Hr., 50 Hr., 51 Hr., 52 Hr., 53 Hr., 54 Hr., 55 Hr., 56 Hr., 57 Hr., 58 Hr., 59 Hr., 60 Hr.		10. Time of Arrest <i>11:00 PM</i>	
11. Place of Employment, School and Address <i>[unclear]</i>		12. Date of Arrest <i>11/11/83</i>	
13. Home Phone No. <i>[unclear]</i>		14. Date of Arrest <i>11/11/83</i>	
15. Work Phone No. <i>[unclear]</i>		15. Date of Arrest <i>11/11/83</i>	
16. Describe Type of Premises <i>[unclear]</i>		16. Date of Arrest <i>11/11/83</i>	
17. Booking Office <i>[unclear]</i>		17. Date of Arrest <i>11/11/83</i>	
18. Booking Officer <i>[unclear]</i>		18. Date of Arrest <i>11/11/83</i>	
19. Booking Office <i>[unclear]</i>		19. Date of Arrest <i>11/11/83</i>	
20. Booking Office <i>[unclear]</i>		20. Date of Arrest <i>11/11/83</i>	
21. Booking Office <i>[unclear]</i>		21. Date of Arrest <i>11/11/83</i>	
22. Booking Office <i>[unclear]</i>		22. Date of Arrest <i>11/11/83</i>	
23. Booking Office <i>[unclear]</i>		23. Date of Arrest <i>11/11/83</i>	
24. Booking Office <i>[unclear]</i>		24. Date of Arrest <i>11/11/83</i>	
25. Booking Office <i>[unclear]</i>		25. Date of Arrest <i>11/11/83</i>	
26. Booking Office <i>[unclear]</i>		26. Date of Arrest <i>11/11/83</i>	
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100. Booking Office <i>[unclear]</i>		100. Date of Arrest <i>11/11/83</i>	

DEFENDANT'S EXHIBIT
NO. 3 (1)

DEFENDANT'S VEHICLE INFORMATION
 41. License No. *12D-228-OR-813*
 42. Make *SAAB*
 43. Model *900*
 44. Year *1983*
 45. Color *Red*
 46. VIN *12D-228-OR-813*
 47. License No. *12D-228-OR-813*
 48. State *MD*

00716100

11/11/83

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11/11/83

BALTIMORE COUNTY POLICE DEPARTMENT - FORM 10 - CRIME REPORT

1. DIV. 12 2. PC. 12 3. C.C. NUMBER E 662-990

4. OFFENSE/INCIDENT: **ARMED ROBBERY**
 5. LOCATION: **FRONT OF 8068 DELHAVEN RD. BALTO. MD. 21222**
 6. CITY-STATE-ZIP: **BALTO. MD. 21222**
 7. TYPE OF PREMISE: **PUBLIC ROAD**
 7. TIME OCCURRED: M. 12 D. 7 Y. 85 T. 0319 D. SAT
 8. TIME REPORTED: M. 12 D. 7 Y. 85 T. 0319 D. SAT
 9. VICTIM/FIRM NAME (LAST, FIRST, MIDDLE): **BRADBURN DEBRA ANN**
 10. VICTIM/FIRM ADDRESS: **F-W 12-29-52 8072 DELHAVEN RD. BALTO. MD. 21222**
 11. VICTIM EMPLOYMENT/SCHOOL: **UNEMPLOYED**
 12. OCCUPATION - HOURS: **N/A**
 13. SBR.: **58R-285-7674**
 14. RESIDENCE PHONE: **NONE**
 15. BUSINESS PHONE: **NONE**
 16. NO. OF VICTIMS: **1**
 17. NATURE OF INJURY(S) CONDITION: **CUTS ON LEFT HAND**
 18. FORCE/WEAPON USED: **HANDS & FEET KNIFE**
 19. VICTIM HOSPITALIZED - WHERE?: **FSK MEDICAL CENTER**
 20. PHYSICIAN: **STAFF**
 20. CID INVESTIGATOR: [] 21. MEDICAL EXAMINER: []
 22. PROPERTY DISPOSITION: [] 23. BODY DISPOSITION: []

24. INVESTIGATIVE INTERVIEWS: INTERVIEWS CONDUCTED? YES NO IF NO, EXPLAIN BLOCK #56.
 W - WITNESS, V - VICTIM, C - COMPLAINANT, P - PARENT, G - GUARDIAN, I - INTERVIEWED.

NAME	SEX-RACE-AGE	ADDRESS	RESIDENCE PHONE	BUSINESS PHONE	FACTOR(S)	RELATION
WHITE, HENRY	M-W-31	SIA 5	SIA 14	UNK		I

SUSPECT(S) A. 2

25-1. SUSPECT ONE:	ARRESTED	WEAPON-DESCRIPTION	25-2. SUSPECT TWO:	ARRESTED	WEAPON-DESCRIPTION
NAME (LAST, FIRST, MIDDLE)	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	KNIFE	NAME (LAST, FIRST, MIDDLE)	YES <input type="checkbox"/> NO <input type="checkbox"/>	
ALIAS			ALIAS		
ADDRESS			ADDRESS		
PHONE			PHONE		
SEX RACE DOB OR AGE HT. WT. BLD. EYES COMP. HAIR & STYLE			SEX RACE DOB OR AGE HT. WT. BLD. EYES COMP. HAIR & STYLE		
M N					
CLOTHING - CHARACTERISTICS			CLOTHING - CHARACTERISTICS		
MISCELLANEOUS:			MISCELLANEOUS:		

SUSPECT VEHICLE B. 2

26. VEHICLE(S):	27. YEAR	28. MAKE	29. MODEL	30. STYLE	31. COLOR (TOP/BOTTOM)	32. EQUIPMENT - CHARACTERISTICS
- SUSPECT <input checked="" type="checkbox"/> - TARGET <input type="checkbox"/> - STOLEN <input type="checkbox"/> - RECOVERY <input type="checkbox"/> - OTHER <input type="checkbox"/>					DARK	
33. VIN:	34. REGISTRATION INFORMATION		STATE	YEAR	TAG	35. <input type="checkbox"/> LOST <input type="checkbox"/> STOLEN
36. METHOD OF THEFT/EVIDENCE OF TAMPERING	37. VEH. OWNER		38. LOSS VALUE			
39. LOCATION OF RECOVERY	PC	40. RECOVERY BY:		41. RECOVERY VALUE		
42. TOW CO./STORAGE LOCATION	DATE-TIME-DRIVER	43. VEH. PROCESSED	44. VEHICLE HELD	45. TELETYPE NUMBER		

46. CRIME SCENE TECHNICAL WORK: NONE CRIME LAB FIELD TYPE: **PHOTOGRAPHS**

PHYSICAL EVIDENCE C. 0

47. POINT OF ENTRY	48. DIRECTION - MEANS OF TRAVEL	49. PROPERTY DESTROYED	50. LOSS VALUE
	BACKING WEST		
51. TOOLS - MEANS USED (BE SPECIFIC) HANDS	52. SECURITY SURVEY INFORMATION REQUESTED <input type="checkbox"/> COMPLETED <input type="checkbox"/> REFUSED <input type="checkbox"/> OTHER <input type="checkbox"/>		

STOLEN PROPERTY D. 4

53. ITEM	PROPERTY TAKEN	BRAND-DESCRIPTION-IDENTIFYING MARKS, ETC.	LOCATION	MODEL	SERIAL NUMBER	VALUE
1	PURSE	WOMANS PURSE MEDIUM SIZE	LEFTHAND	NONE		\$ 80.00
2	U.S. CURRENCY	\$200.00 IN U.S. CURRENCY	INSIDE			\$200.00

54. ARE SIMILAR CRIME/SUSPECT ACTION(S) KNOWN? YES NO IF YES, LIST C.C. NUMBER: **E-662-969 E-662-931**
 55. TOTAL LOSS VALUE: **\$280.00**

IS ANY FORM OR TYPE OF M.O. PRESENT? IF YES, DESCRIBE E. 0

INVESTIGATING OFFICER: CAN CRIME BE SOLVED WITH INVESTIGATION AT FIELD LEVEL? F. 12

56. MISCELLANEOUS: (CONTINUATION, CLARIFICATION, AND ANY PERTINENT DATA NOT CONTAINED ABOVE.)
19 BRUISED LEFT EYE, BROKEN TOOTH, PAIN IN RIGHTSIDE.
48 ON DELHAVEN RD. 21222
53-1 WITH SHOULDER STRAP, MAHOGONY IN COLOR
53-2 ALL TWENTY DOLLAR BILLS.
 57. CASE ASSIGNMENT: **PC12**
 58. CASE STATUS: OPEN EX. CLEAR SUSP. CLOSED
 59. TOTAL SCREENING FACTORS: **20**
 60. Distribution: 1 Juv. [] 1 Intel [] 1 Other **RD, COPEL**
 61. INVESTIGATING OFFICER: **OFF. JOHN QUINN 1575** ID NO. **1575**
 62. APPROVAL - INVESTIGATION COMPLETE: **CPL. R-L. KRAM 1816** YES NO
 63. DATE: **12-7-85**
 64. REPORT REVIEW: **WC**
 65. REPORTING AREA: **161**
 66. REC'D. CENT. REC.: [] 67. []
 68. TELETYPE NUMBER: []
 69. C.C. NUMBER: **E 662-990**
 REV. 1/85
DEC 09 1985
W. MILLER 1116

BALTIMORE COUNTY POLICE DEPARTMENT FORM 10 - CRIME REPORT

OFFICER: [Name], REPORTED: [Date/Time], LOCATION: [Address], OCCASION: [Event], VICTIM: [Name], SUSPECT: [Name], WEAPON: [Type]

2A INVESTIGATIVE INTERVIEWS: [Interviewee Name], [Address], [Phone], [Date/Time]

2B SUSPECT ONE: [Name], [Address], [DOB], [Race], [Hair], [Eyes], [Build], [Complexion], [Mental Status]

2C VEHICLE INVOLVED: [Year], [Make], [Model], [Color], [Type], [VIN], [License], [Status]

4B CRIME SCENE TECHNICAL WORK: [Type], [Field], [None]

DEFENDANT'S EXHIBIT NO. 1 'D'

5A ARE SIMILAR CRIME/SUSPECT ACTIONS KNOWN: [Yes/No], [Description]

5B STATEMENT OF THE SUSPECT: [Statement Text]

5C STATEMENT OF THE VICTIM: [Statement Text]

BALTIMORE COUNTY POLICE DEPARTMENT - FORM 11 SUPPLEMENT

1s. DIV. 12 2s. PC. 12 3s. C.C. NUMBER E-662-990

4s. OFFENSE/INCIDENT ARMED ROBBERY 5s. VICTIM/FIRM NAME LAST, FIRST, MIDDLE BRADBURN, DEBRA ANN 6s. DATE-ORIGINAL REPORT 12-7-85

7s SUPPLEMENT STATUS: CONT. FOLLOW-UP 8s. IF MULTIPLE CLEARANCE, LIST C.C. NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION. CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC. ENTER ANY ADDITIONAL INFORMATION DO NOT SUMMARIZE UNLESS NECESSARY.

9s PAGE NO. 2 10s ARREST DATA NAME (LAST, FIRST, MIDDLE) D.O.B. BCI NUMBER, ARREST NUMBER, MISC. INFO.

11s BLOCK NO. 12s FRONT OF 8068 DELHAVEN RD.

56 THE VICTIM ADVISED THAT AFTER PARKING HER VEHICLE SHE STARTED TO WALK TOWARDS HER ^{HOV SC} WHEN THE SUSPECT WALKED UP BEHIND HER AND GRABBED HER ARM. THE SUSPECT STATED "GIVE ME YOUR POCKET-BOOK" AND WHEN THE VICTIM STATED NO THE SUSPECT BEGAN TO STRIKE THE VICTIM IN THE FACE WITH HIS FIST. WHEN THE VICTIM STILL REFUSED TO GIVE UP HER PURSE, THE SUSPECT CUT THE VICTIM ON THE LEFT WRIST AND BELOW THE KNUCKLE. THE VICTIM WAS KNOCKED DOWN DURING THE STRUGGLE, AND THE SUSPECT KICKED THE VICTIM IN THE SIDE AND FACE. THE VICTIM STATED THAT AFTER SHE WAS ASSAULTED THE SUSPECT WENT BACK TO A VEHICLE AND ENTERED SAME BY THE PASSENGER DOOR. THE VICTIM LAST SAW THE SUSPECT'S VEHICLE BACKING W/BOUND ON DELHAVEN ROAD WITH THE LIGHTS OUT. THE UNDERSIGNED AND CPL. KRAM ^{#1816} CHECKED THE AREA FOR THE PURSE RESULTS NEGATIVE. THE PURSE ALSO CONTAINED THE VICTIM'S MD. OPERATORS LICENSE AND ASSORTED OTHER IDENTIFICATION IN THE VICTIM'S NAME. THE VICTIM WAS TRANSPORTED TO FSK MEDICAL CENTER BY BALTO. CO. MEDIC 15. DUE TO THE VICTIM'S CONDITION NO WRITTEN STATEMENT COULD BE OBTAINED. THE UNDERSIGNED SPOKE TO THE VICTIM'S BOYFRIEND (HENRY WHITE) AND HE ADVISED THAT HE HEARD THE VICTIM SCREAMING AND UPON OPENING THE FRONT DOOR HE OBSERVED THE VICTIM STANDING ON THE PORCH BLEEDING FROM THE HAND. MR. WHITE STATED HE DID NOT OBSERVE ANY OTHER PEOPLE OR VEHICLES MOVING IN THE AREA. SOME CHANGE AND A SILVER PEN WERE FOUND IN THE STREET AND SAME WAS TAKEN BY THE VICTIM'S BOYFRIEND (HENRY WHITE). INVESTIGATION TO CONTINUE. A SUSPECT WAS ARRESTED FOR COMMITTING TWO OFFENSES WITH THE SAME M.O. AS THIS OFFENSE. WHILE BEING TRANSPORTED TO THE HOSPITAL THE VICTIM WAS SHOWN THE SUSPECT THAT HAD BEEN TAKEN INTO CUSTODY. UPON ASKING THE VICTIM AT THE HOSPITAL IF THE SUSPECT SHE VIEWED WAS THE SUSPECT WHO HAD

SCREENING FACTORS REVISED TOTAL	13s INITIAL	A	B	C	D	E	F	14s CASE CONTINUANCE	15s. CASE STATUS
	REVISED	2	2	0	4	0	12	PC 12	
TOTAL								16s TOTAL FACTORS	EX. CLEAR <input type="checkbox"/>
								20	SUSP. <input type="checkbox"/>
									CLOSED <input type="checkbox"/>

17s. Distribution: Cent. Rec. Juv. Detective Intel. Other. 18s. INVESTIGATING OFFICER I.D. 19s. APPROVAL 20s. DATE OFF. J. QUINN 1575 CPL R L KRAM 1816 12-7-85 21s. REPORT REVIEW 22s. REPORTING AREA 23s. REC'D - CENT. REC. 24s. TELETYPE NUMBER WC DEC 09 1985

25s. C.C. NUMBER E-662-990

BALTIMORE COUNTY POLICE DEPARTMENT - FORM 11 SUPPLEMENT

1s. DIV. 12 2s. PC. 12 3s. C.C. NUMBER E-662-990

4s. OFFENSE/INCIDENT ARMED ROBBERY 5s. VICTIM/FIRM NAME LAST, FIRST, MIDDLE BRADBURN, DEBRA ANN 6s. DATE ORIGINAL REPORT 12-7-85

7s SUPPLEMENT STATUS: CON'T. FOLLOW-UP 8s. IF MULTIPLE CLEARANCE, LIST C.C. NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION. CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC. ENTER ANY ADDITIONAL INFORMATION DO NOT SUMMARIZE UNLESS NECESSARY.

9s PAGE NO. 3 10s ARREST DATA NAME (LAST, FIRST, MIDDLE) D.O.B. BCI NUMBER, ARREST NUMBER, MISC. INFO.

11s BLOCK NO. 12s FRONT OF 8068 DELHAVEN RD

56 ROBBED HER, SHE STATED THAT SHE DID NOT REMEMBER LOOKING AT ANYONE.

ON 12-7-85 AT 2215 HRS. THE UNDERSIGNED SPOKE TO THE VICTIM'S BOYFRIEND, WHO ADVISED THAT THE VICTIM WAS ADMITTED TO THE HOSPITAL.

SCREENING FACTORS REVISED TOTAL	13s INITIAL	A 2	B 2	C 0	D 4	E 0	F 12	14s CASE CONTINUANCE PC 12	15s. CASE STATUS OPEN <input checked="" type="checkbox"/> EX. CLEAR <input type="checkbox"/> SUSP. <input type="checkbox"/> CLOSED <input type="checkbox"/>	25s. C.C. NUMBER E-662-990				
	13s REVISED							16s TOTAL FACTORS 20						
17s. Distribution: Cent. Rec. _____ Juv. _____ Detective _____ Intel. _____ Other _____	18s. INVESTIGATING OFFICER I.D. OFF. J. QUINN 1575		19s. APPROVAL CYL R. LKRAM 18/6		20s. DATE 12-7-85		21s. REPORT REVIEW WC		22s. REPORTING AREA		23s. REC'D - CENT. REC. DEC 09 1985		24s. TELETYPE NUMBER	

I.T.N. M. LGZ 1114

FORM 11 SUPPLEMENT

12-11-82
12-11-82

12-11-82

REPORTING OFFICER
DETECTIVE

APPROXIMATE TIME OF INCIDENT: 12-11-82
LOCATION: FRONT OF 3003 DELAWARE RD

DO NOT REPEAT RESULTS OF PREVIOUS INVESTIGATION. QUARRY DATA, SEARCHING FACTORS, PROBABLE CAUSE, ETC. ENTER ANY ADDITIONAL INFORMATION.

APPROXIMATE TIME OF INCIDENT: 12-11-82
LOCATION: FRONT OF 3003 DELAWARE RD

APPROXIMATE TIME OF INCIDENT: 12-11-82
LOCATION: FRONT OF 3003 DELAWARE RD

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LOCATION: FRONT OF 3003 DELAWARE RD

APPROXIMATE TIME OF INCIDENT: 12-11-82
LOCATION: FRONT OF 3003 DELAWARE RD

DEFENDANT'S
EXHIBIT
NO. 2 10

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BALTIMORE COUNTY POLICE DEPARTMENT - FORM 11 SUPPLEMENT

1s. DIV. 2s. PS 3s. C.C. NUMBER
 CID 12 E669990

4s. OFFENSE/INCIDENT **ARMED ROBBERY** 5s. VICTIM/FIRM NAME LAST, FIRST, MIDDLE **BRADBURN, DERRA ANN** 6s. DATE-ORIGINAL REPORT **12-7-85**
 7s SUPPLEMENT STATUS: **CONT.** **FOLLOW-UP** 8s. IF MULTIPLE CLEARANCE, LIST C.C. NUMBERS

NARRATIVE: DO NOT REPEAT RESULTS OF PRELIMINARY INVESTIGATION. CLARIFY DATA, SCREENING FACTORS, PROBABLE CAUSE, ETC. ENTER ANY ADDITIONAL INFORMATION. DO NOT SUMMARIZE UNLESS NECESSARY.

9s PAGE NO. 10s ARREST DATA (NAME (LAST, FIRST, MIDDLE) D.O.B. BCI NUMBER, ARREST NUMBER, MISC. INFO.)

11s BLOCK NO. 12s **8068 DELHAVEN RD. BALTO. MD 21222**

12^S ON 12-11-85 THE UNDERSIGNED CONTACTED THE VICTIM BY PHONE. THE VICTIM DESCRIBED THE SUSPECT AS A B/M, 30-35 YRS., 5'-8" - 5'10", SHORT HAIR, MED BUILD AND DRESS NICE IN DARK CLOTHING. THE VICTIM STATED THAT THE CAR THE SUSPECT GOT INTO WAS A BIG DARK CAR, UNKNOWN MAKE AND MODEL.
 A MR. HARRY JOINES (B.C.I. 137956) WAS ARRESTED ON 12-7-85 AND CHARGED WITH CASE # 662969 AND # 662981. IN BOTH OF THE CASES MR. JOINES APPROACHED A FEMALE VICTIM AS THEY WERE GETTING OUT OF THEIR VEHICLES AND DEMANDED THEIR PURSES. MR. JOINES WAS UNSUCCESSFUL IN OBTAINING ANY MONEY FROM THE TWO VICTIMS. BOTH VICTIMS RESPONDED TO THE LOCATION WHERE MR. JOINES WAS ARRESTED FOR A ONE ON ONE IDENTIFICATION AND THEY POSITIVELY IDENTIFIED HIM AS BEING THE PERSON RESPONSIBLE FOR THE ATTEMPT ROBBERIES. ALL OF THE OFFENSES TOOK PLACE WITHIN A ONE MILE RADIUS AND WITHIN 45 MIN. MR. JOINES WAS ARRESTED APPROX. FOUR MINUTES AFTER MRS. BRADBURN WAS ASSAULTED AND ROBBED AND HE WAS ABOUT 1/2 MILE FROM 8068 DELHAVEN RD.

THE UNDERSIGNED CHARGED MR. JOINES WITH THIS OFFENSE ON A STATEMENT OF CHARGES BECAUSE THE M.O. WAS THE SAME ON ALL THREE CASES. FORM 166 MADE AND \$5000.00 ADDITIONAL BAIL WAS SET ON MR. JOINES

MRS. BRADBURN STATED THAT SHE COULD IDENTIFY THE SUSPECT AND THE UNDERSIGNED WILL DO A PHOTO SHOW OR LINE UP WITH HER AT A LATER DATE.

INVESTIGATION TO CONTINUE

SCREENING FACTORS REVISED TOTAL	13s INITIAL	A 2	B 2	C 0	D 4	E 0	F 12	14s CASE CONTINUANCE CID	15s. CASE STATUS OPEN <input type="checkbox"/> EX. CLEAR <input checked="" type="checkbox"/> SUSP. <input type="checkbox"/> CLOSED <input type="checkbox"/>	25s. C.C. NUMBER E669990
	REVISED	12	-	-	-	-	-			
17s. Distribution: Cent. Rec. _____ Detective _____ Other _____	18s. INVESTIGATING OFFICER I.D. DET. FOLIO 2107	19s. APPROVAL [Signature]	20s. DATE 12-12-85	21s. REPORT REVIEW C	22s. REPORTING AREA	23s. REC'D DEC 14 1985	24s. TELETYPE NUMBER 1027			

CIRCUIT COURT FOR BALTIMORE COUNTY
Towson, Maryland 21204

District Court Case No. -----

Case No. 86 cr 0627 -----

----- 2/20, 1990 -----

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner ----- Harry Jones -----

Date Of Trial ----- 2/20, 1990 ----- Judge Murphy -----

Charge ----- Robb DW ----- Guilty ----- NOT GUILTY -----

DISPOSITION:

A. REMAND Sentenced To Department Of Correction ----- per detainer -----
Length Of Sentence -----

B. Sentenced To Baltimore County Detention Center -----
Length Of Sentence -----

C. Remanded To Baltimore County Detention Center -----
Probation Report Of Psychiatric Evaluation -----

D. Placed On Probation -----
Length Of Probation -----

E. Sentenced To Baltimore County Detention Center Work Release Recommended -----

F. Stet -----

G. Nol Pros -----

H. Arraignment -----

I. Trial Continued -----

J. Trial Postponed -----

K. Bail Hearing -----

L. Defendant Released From This Case Only.
Release In Transit.

*A request for Post Conviction
Relief : granted*

*Case to be set for a
new trial
No Bail Auth.*

SUZANNE MENSCH, CLERK

Per M.P. Smith -----
Deputy Clerk

CIRCUIT COURT FOR BALTIMORE COUNTY
Towson, Maryland 21204

District Court Case No. _____

Case No. 86CR0627

3/5, 19 90

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner Henry Jones

Date Of Trial 3/5, 19 90 Judge WRBS

Charge Armed Assault Guilty _____ NOT GUILTY _____

DISPOSITION:

A. Sentenced To Department Of Correction _____
Length Of Sentence _____

B. Sentenced To Baltimore County Detention Center _____
Length Of Sentence _____

C. Remanded To Baltimore County Detention Center _____
Probation Report Of Psychiatric Evaluation _____

D. Placed On Probation _____
Length Of Probation _____

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G. Nol Pros _____

H. Arraignment _____

I. Trial Continued _____

J. Trial Postponed _____

K. Bail Hearing _____

L. Defendant Released From This Case Only.
Release In Transit.

SUZANNE MENSCH, CLERK

Per [Signature]
Deputy Clerk

NOTICE OF HEARING

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. Harry Joines

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

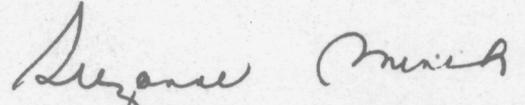
TO: William H Murphy JR , Esquire
Suite 404
1007 N. Calvert Street
Baltimore, MD 21202

You are hereby NOTIFIED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, on June 18, 1990 at 09:15 A.M. for the Trial of the above entitled case.

Any postponement of this date must be in accordance with MD. Rule 4-271.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: March 8, 1990


SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per Joan Mather Deputy
Criminal Assignment Commissioner
887-2694

CC: James Gentry, Esquire

VS.

Harry Jones

86 CR 0627

* * * * *

STATE'S ANSWER TO DEFENDANT'S MOTION FOR DISCOVERY AND INSPECTION

Now comes Sandra A. O'Connor, State's Attorney For Baltimore County, and *James Gentry*, Assistant State's Attorney for Baltimore County, and in Answer to Defendant's Motion for Discovery and Inspection, says the following:

1. Upon reasonable notice to this office, the Defendant or his Counsel may inspect and copy any books, papers, documents, recordings or photographs which the State intends to use at trial; inspect and photograph any tangible objects which the State intends to use at trial; and to inspect, copy and photograph any item obtained from or belonging to the Defendant.

2. Upon reasonable notice to this office, the Defendant or his Counsel may inspect and copy all written reports or statements made in connection with this case by each expert consulted by the State. If any oral report has been made by such an expert, a report will be attached hereto indicating the substance of the report and any conclusions reached. A copy of any written reports, if available, will be attached hereto.

3. _____ The Defendant made no statements or confessions, oral or written, which are known to the State at the present time.

The Defendant made a written statement or confession, the copy of which is attached hereto.

_____ The Defendant made an oral statement or confession, the substance of which is as follows:

4. The Co-defendant(s) made no statements or confessions, oral or written, which are known to the State at the present time.

_____ The Co-defendant(s) made a written statement or confession, the copy of which is attached hereto.

_____ The Co-defendant(s) made an oral statement or confession, the substance of which is as follows:

5. At the present time, there is no information known to the State which is exculpatory, in any manner, to the Defendant.

6. The State reserves the right to amend and/or supplement this answer, upon reasonable notice to the Defendant or his Counsel before the trial, by supplying information not presently known to the State's Attorney's Office.

7. As to all other requests by the Defendant (except for the answer to 8 below), the State declines to answer because those requests do not come within the purview of Maryland Rule 4-263.

8. The names and addresses of the witnesses now known that the State intends to call to prove its case in chief or to rebut alibi testimony are as follows:

see attached

FILED MAR 31 1990

9. Upon notice to the State, the Defendant may inspect the contents of the State's file in this case, excluding those items otherwise privileged by law.

Sandra A. O'Connor
SANDRA A. O'CONNOR
STATE'S ATTORNEY FOR BALTIMORE COUNTY

James C. Gendron
ASSISTANT STATE'S ATTORNEY FOR BALTIMORE COUNTY

I HEREBY CERTIFY that a copy of the foregoing State's Answer to Defendant's Motion For Discovery and Inspection was sent this 26th day of March, 19 90, to

William H. Murphy
1007 N. Calvert St
Balto., Md 21202

James C. Gendron
ASSISTANT STATE'S ATTORNEY FOR BALTIMORE COUNTY
COUNTY COURTS BUILDING
TOWSON, MARYLAND 21204

COPY FOR STATE'S ATTORNEY

STATE OF MARYLAND

VS

HARRY (NMN) JOINES (bail by A. Cohan)
BCI 137956
dob 11/10/58
11 N. Wheeler Avenue, 21223

8800-0027

CHARGE: Robbery with a dangerous and deadly weapon, etc

CRIMINAL INFORMATION

WITNESSES:

Debra Ann Bradburn
8072 Delhaven Rd., 21222
off. Quinn #1575
PC #11
Off. Booz #2340
PC #12
Det. Folio #2167
CID PERS

STATE OF MARYLAND

: IN THE

v.

: CIRCUIT COURT

HARRY JOINES

: FOR

: BALTIMORE COUNTY

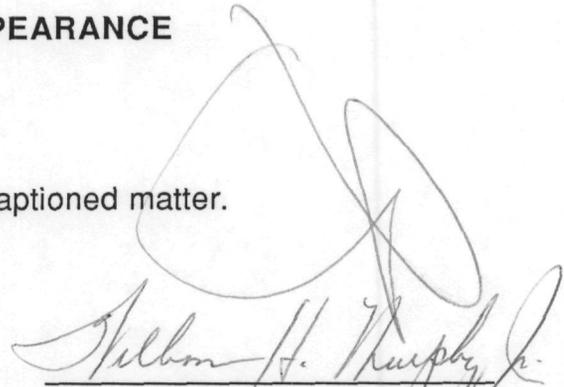
: Case No.: 86-CR0627

: : :

NOTICE OF APPEARANCE

Madam Clerk:

Kindly enter my appearance in the above-captioned matter.

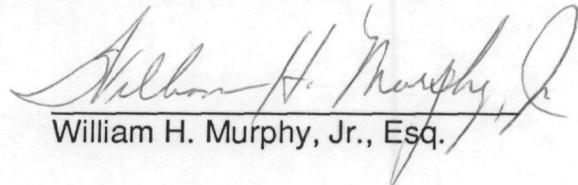


William H. Murphy, Jr., Esq.
1007 North Calvert Street
Baltimore, Maryland 21202
(301) 539-6500

Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of March, 1990, a copy of the foregoing Notice of Appearance was mailed, postage-prepaid, to the Office of the State's Attorney for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland 21204.



William H. Murphy, Jr., Esq.

FILED MAR 6 1990

STATE OF MARYLAND : IN THE
 : CIRCUIT COURT
v. : FOR
HARRY JOINES : BALTIMORE COUNTY
 : Case No.: 86-CR0627

: : :

**DEFENDANT'S OMNIBUS MOTION
UNDER RULE 4-252**

The defendant, by his undersigned counsel, hereby makes the following omnibus motion pursuant to Rule 4-252:

**I. MOTION FOR DISCOVERY, INSPECTION, AND DESIGNATED
BRADY MATERIAL.**

Defendant, pursuant to Rules 4-263 and 4-601; *Brady v. Maryland*, 373 U.S. 83 (1963); *Giles v. Maryland*, 386 U.S. 66 (1967); *United States v. Agurs*, 427 U.S. 97 (1976); *Carr v. State*, 284 Md. 455 (1979); *Leonard v. State*, 46 Md. App. 631 (1980); *Jones v. State*, 297 Md. 7 (1983); and *Martinez v. State*, 309 Md. 124 (1987); moves for the disclosure of the following material and information from the State's Attorney, members of his staff, and any others who have participated in the investigation or evaluation of this case:

A. DISCLOSURE WITHOUT REQUEST (4-263a - PARTICULARIZED)

1. Any material or information which tends to negate the guilt of the defendant or which is material to the innocence of the defendant, including, but not limited to, the following:

a. Any oral or written statements by any witness, co-defendant, or any other person, including his name(s) and address(es), indicating:

(1) that he or others, and not the defendant, committed the crime(s) alleged; or

(2) that the defendant was not one of the persons who perpetrated the alleged crime; or

FILED MAR 6 1990

- (3) that the defendant's participation in the alleged crime was less serious than his co-defendant(s); or
- (4) that the defendant's participation in the alleged crime was coerced or otherwise involuntary; or
- (5) that the defendant's participation in the alleged crime was not knowing or intentional; or
- (6) that the defendant's participation in the alleged crime occurred while he was under the influence of drugs or alcohol; or
- (7) that the defendant acted in a bizarre or unusual fashion before, during, or after the commission of the alleged crime; or
- (8) that the defendant's conduct was accidental, inadvertent or negligent, rather than intentional; or
- (9) that the defendant's conduct was provoked by the victim or any other person; or
- (10) that the defendant acted in self-defense or defense of another; or
- (11) that the defendant acted in the heat of passion; or
- (12) that the defendant was engaged in mutual combat with the victim and/or others at the time of the death or injury; or
- (13) that the defendant was not at the scene of the alleged crime when it was committed; or
- (14) that the defendant was physically, mentally, or otherwise incapable of committing the alleged crime; or
- (15) that the defendant had a good reputation for truthfulness, peacefulness, honesty, or any other relevant character traits at the time of the commission of the alleged crime.

b. Any scientific, psychiatric, psychological, or medical test results which indicate conclusively or inconclusively:

- (1) that the defendant did not fire the gun used to perpetrate the alleged crime; or
- (2) that the gun allegedly possessed by the defendant was inoperable, defective, or otherwise incapable of being used as alleged; or
- (3) that the bullets or projectiles which struck or were fired at the victim(s) were not fired by any gun(s) linked to defendant or were not suitable for comparison; or

(4) that the death of the victim was caused by an act of God, disease, accident, mistake, inadvertence, carelessness, or unknown forces and was not caused by the defendant; or

(5) that any burning or other damage to property was caused by an act of God, carelessness, accident, or unknown forces and was not intentionally caused; or

(6) that the substance or mechanism used to intentionally or recklessly burn or damage the property involved in the case was not identified; or

(7) that conduct of the defendant not amounting to criminal behavior could have caused the act(s) alleged; or

(8) that the substances seized from the defendant or any other relevant person or place were not the controlled dangerous substances alleged or were not in fact controlled dangerous substances; or

(9) that the skin, hair, blood, or other bodily substances collected by the State were not those of the defendant; or

(10) that the fingerprints found at the scene or at any other relevant place were not those of the defendant; or

(11) that the defendant did not commit any or all of the crimes alleged; or

(12) that the defendant committed crimes different than those alleged; or

(13) that the defendant had a mental disorder or abnormality before, during, or after the commission of the alleged crime; or

(14) that the defendant was physically incapable of committing the crime or of performing any one or more of the act(s) attributed to the person who committed the crime; or

(15) that a third person committed the acts or crimes alleged; or

(16) that the defendant was under the influence of any drug(s) and/or alcohol before during, or after the alleged offense; or

(17) that although accused of being under the influence of, or intoxicated by, drugs and/or alcohol, he was not; or he was, but not to the degree alleged; or

(18) that the scientific test(s) performed were not generally accepted in the appropriate scientific community or approved by the Department of Mental Health and Hygiene, by the Association of Official Analytical Chemists, or incorporated into the Department's lab notes; were not properly performed, or were performed on equipment which did not properly perform, or which was not properly operated or calibrated;

c. The names, addresses, physical descriptions and photographs, if any, of any persons other than the defendant who were identified, whether positively or not, arrested, or otherwise taken into custody by the State as possible suspects in this case and any reports made concerning same.

d. Any reports, material or information which indicate:

(1) that the police do not believe that the defendant was the person who committed the crime; or

(2) that the police investigation to determine who committed the crime is still continuing; or

(3) that the police investigation to determine how the crime was committed, or whether a crime was committed, is still continuing; or

(4) that the police or any other State agents committed a trespass, illegal eavesdrop or wiretap, illegal search or seizure, unnecessarily suggestive identification, or any other illegal act which led to the discovery of any evidence against defendant; or

(5) that the police made any promises, threats, or inducements, however slight, or used any physical force to obtain a statement from defendant; or

(6) that the police did not comply with *Miranda v. Arizona*, in obtaining a statement from defendant.

e. Any evidence supporting or corroborating defendant's exculpatory statement(s) to police or others, including, but not limited to, oral or written statements of witnesses, records, reports, documents, or physical evidence.

f. Any evidence substantiating, supporting, or corroborating defendant's statement(s) as to alibi, including, but not limited to, oral or written statements of witnesses, records, reports, documents, or physical evidence.

g. Any reports, material, or information that any of the witnesses:

(1) have made any written or oral statements which conflict with their proposed trial testimony;

(2) have made any agreement(s) with the prosecution and the substance of, and documentary support for, any such agreements;

(3) were under the influence of alcohol or drugs at the time of the commission of the alleged crime or at the time they gave statements to any state agent or grand jury;

(4) were at any time under the care or treatment of any psychologist, psychiatrist, or institution;

(5) were suffering from any mental, emotional, or physical impairment or condition which would tend to make their observations, testimony, or conclusions less reliable than a person who was not impaired;

(6) were an accomplice or accessory with the defendant in the commission of the crimes alleged;

(7) have at any time been convicted of any crime of moral turpitude, have been found delinquent or any juvenile offense involving fraud, dishonesty, or false statement, or have been convicted of any military offense of like nature;

(8) have committed any crimes for which they were not prosecuted or convicted;

(9) have any bias, prejudice, or hostility towards defendant or any of his witnesses;

(10) have identified, whether positively or not, any person(s) other than the defendant as being, resembling, or looking like the perpetrator of the alleged crime;

(11) were in such physical location that they were not able accurately or completely to observe the alleged crime;

(12) were less than positive in their identification of defendant as the perpetrator of the alleged crime;

(13) were of the opinion that defendant was not, or did not look like, the perpetrator of the alleged crime;

(14) made a previously mistaken identification of any co-defendant in the case.

h. Any evidence of the violent character of the victim, including, but not limited to, prior assaultive behavior or threats by him against anyone and any prior convictions of crimes of violence.

2. Any material or information which would tend to reduce the punishment of defendant, including, but not limited to, the following:

a. As to any prior conviction of the defendant, that at the time, he was not represented by counsel or was under 18 years of age or both; or

b. Any other mitigating circumstance favorable to the defendant;

or

c. Any oral or written statement by any person that defendant is of good character or cooperated with the police or the State in any way.

3. Any relevant material or information regarding specific searches and seizures, including, but not limited to, the following:

a. The places and persons searched and the dates and times thereof;

b. The names and addresses of all persons who either conducted or witnesses the search(es);

c. An inventory of the evidence seized;

d. A copy of all reports and each search and/or seizure including affidavits, applications, and search warrants.

4. Any relevant material or information regarding wiretaps and eavesdropping, including, but not limited to, the following:

a. All logs, reports, and other records kept concerning all wiretaps and eavesdrops except those containing the opinions, theories, or conclusions of the Assistant State's Attorney assigned to the case.

5. Any relevant material or information regarding statements made by the defendant, including, but not limited to, the following:

a. A copy of each written and recorded statement;

b. The substance of each oral statement;

c. A copy of all reports of each oral or written statement;

d. The time and place of each oral or written statement;

e. The names and addresses of the persons to whom the statements were made and the witnesses to the taking of same.

6. Any relevant material or information concerning any pre-trial identification of the defendant by witnesses for the State, whether positive or not, including, but not limited to, the following:

a. The names and addresses of such identification witnesses;
b. Any oral or written statement by such identification witnesses whether written by the witnesses or by the police;
c. The dates, times, and places of all identifications of defendant or co-defendants made by such identification witnesses, including, but not limited to, identifications made under the following circumstances:

(1) At the scene of the alleged crime or some other place where the witnesses were taken on or about the time of the commission of the alleged crime to observe the defendant or vice-versa;

(2) At photographic showings;

(3) At lineups, show ups, or other corporeal identifications;

(4) At courthouse encounters arising from any juvenile hearing, arraignment, bail hearing, preliminary hearing, pre-trial motion hearing, previous trial date, etc.

d. The names and addresses of all persons who either conducted or witnessed the identifications in (c) above.

e. A copy of all reports of each identification of defendant.

f. All of the above information concerning any voice identification of defendant.

B. DISCOVERY BY DEFENDANT (4-263b).

1. Witnesses (4-263b1)

a. The name and address of each person whom the State intends to call as a witness at a hearing or trial to prove its case in chief.

b. The name and address of each person whom the State intends to call as a witness at a hearing or trial to rebut alibi testimony.

2. Statements of Witnesses (Carr and Leonard)

a. The pre-trial statements of all State's witnesses made to the State before trial, whether written or oral.

3. Statements of Defendant (4-263b2)

a. A copy of each written or recorded statement made by the defendant to a State agent which the State intends to use at a hearing or trial.

b. The substance of each oral statement made by the defendant to a State agent which the State intends to use at a hearing or trial.

4. Statements of Co-defendants, Accomplices and Accessories (4-263b3)

a. A copy of each written or recorded statement made by a co-defendant, accomplice, or accessory to a State agent which the State intends to use at a hearing or trial.

b. The substance of each oral statement made by a co-defendant, accomplice, or accessory to a State agent which the State intends to use at a hearing or trial.

c. A copy of all reports of each oral statement made by a co-defendant, accomplice, or accessory to a State agent which the State intends to use at a hearing or trial.

5. Reports of Experts (4-263b4)

a. A copy of all written reports or statements made in connection with the defendant's case by each expert consulted by the State, including the results of any physical or mental examination, scientific test, experiment, or comparison.

b. The substance of any oral report and conclusion made in connection with the defendant's case by each expert consulted by the State, including the results of any physical or mental examination, scientific test, experiment, or comparison.

6. Evidence for Use at Trial (4-263b5)

a. A copy of any books, papers, documents, recordings, or photographs which the State intends to use at a hearing or trial.

b. Inspection of any photographs which police or prosecuting authorities may have exhibited to a witness for purposes of identification of the defendant, and any other photographs which the State intends to use in the trial of the defendant, and the presentation of its case in chief, and to furnish the defendant with copies of said photographs, the names and addresses of witnesses who viewed said photographs and the results of each viewing of said photographs.

c. Produce and permit the defendant to inspect and photograph any tangible objects which the State intends to use at a hearing or trial.

d. Whether the defendant was confronted by identification witnesses in any manner other than a line-up while defendant was in custody

of police or prosecution authorities, and if so, to furnish the defendant the time, place and circumstances of such confrontation including the names and addresses of all persons participating in said confrontation.

7. Property of the Defendant (4-263b6)

a. Produce and permit the defendant to inspect, copy, and photograph any item obtained from or belonging to the defendant, whether or not the State intends to use the item at a hearing or trial.

8. Informants (4-263c2)

a. The name and address of any informant, confidential or otherwise, who was a participant in, or witness to, the alleged illegal act which is the basis for this indictment.

b. The name and assignment of any law enforcement officer, city, county, state, or federal, who participated in any sale, purchase, or negotiation for the sale or purchase, of any contraband or evidence, said sale, purchase, or negotiation having formed any part of the basis for the charge against the defendant or any part of the alleged probable cause for an arrest or search involving the defendant.

9. Miscellaneous (4-263c; 4-260d,e,f)

a. Copies of any and all statements or reports of prosecution witnesses which have been reduced to writing which do not contain the opinions, theories, conclusions, or other work product of the Assistant State's Attorneys assigned to this case.

b. Inspection and review of any photographs, film, slides, or moving pictures containing relevant evidence in this case which the State has in its possession.

c. Copies of any warrants, affidavits, inventories, returns and other related papers involved in these proceedings.

II. MOTION TO SUPPRESS EVIDENCE

Defendant, hereby moves to suppress the following evidence on the grounds stated below:

A. Extrajudicial and in-court identification evidence and testimony concerning defendant's person, voice and tangible evidence.

1. Resulting from a pre-trial confrontation at which defendant was not represented by counsel in violation of the right to counsel guaranteed by the Sixth Amendment to the U.S. Constitution.

2. Resulting from a pretrial confrontation which was so unnecessarily suggestive and conducive to irreparable mistaken identification that defendant was denied due process of law guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution and Article 22 of the Maryland Declaration of Rights.

3. Resulting from observations by the witness at the scene of the alleged crime which occurred so long ago that to permit that witness to attempt an in-court identification of defendant would deny defendant due process of law guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution and Article 22 of the Maryland Declaration of Rights.

4. Resulting from an illegal arrest or search and seizure conducted in violation of the common law of Maryland, the Fourth and Fourteenth Amendments to the U.S. Constitution, and Article 26 of the Maryland Declaration of Rights.

5. Resulting from an involuntary or otherwise illegally obtained statement by defendant in violation of the common law of Maryland due process of law guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution and Article 22 of the Maryland Declaration of Rights, and the right to counsel guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution and Article 21 of the Maryland Declaration of Rights.

6. Resulting from an illegal eavesdrop or wiretap conducted in violation of Article 27, §125A of the Maryland Code, 18 U.S.C., §2510, *et seq.*, and the right to counsel guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution and Article 21 of the Maryland Declaration of Rights.

7. Resulting from the failure by the State or the Court to properly sequester identification witnesses in violation of Maryland Rule 4-321, the common law of Maryland, and due process of law guaranteed by the Fifth Amendment and Fourteenth Amendments to the U.S. Constitution and Article 21 of the Maryland Declaration of Rights.

8. Resulting from witnesses whose identifications were not disclosed to defendant as required by Rules 4-263(a)(2)(c) and (i).

B. Statements, Admissions, and Confessions.

1. Which were obtained in violation of (a) the common law of Maryland; (b) due process of law guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution and by Article 22 of the Maryland Declaration of Rights; (c) defendant's right against self-incrimination guaranteed

by the Fifth and Fourteenth Amendments to the U.S. Constitution; and (d) defendant's right to counsel guaranteed by the Sixth and Fourteenth Amendment to the U.S. Constitution and Article 21 of the Maryland Declaration of Rights.

2. Obtained from an arrestee during a period of unnecessary delay in producing him before a judicial officer in violation of Rule 4-212 or obtained after such period and tainted by it.

3. Resulting from an illegal eavesdrop or wiretap conducted in violation of Article 27 §125A of the Maryland Code, 18 U.S.C. §2510 *et seq.*, and the right to counsel guaranteed by the Sixth and Fourteenth Amendments to the U. S. Constitution and Article 21 of the Maryland Declaration of Rights.

4. Which were not disclosed to defendant as required by Rules 4-263 (a)(2)(B) and (i).

5. Which were illegally obtained but are offered by the State either to impeach an issue which it first solicited from defendant on cross-examination or to impeach his general, rather than specific, credibility.

6. By co-defendants, for use in a joint trial where the co-defendants do not testify, which implicate defendant and deprive him of his right to confrontation guaranteed by the Sixth and Fourteenth Amendments, and Article 21 of the Maryland Declaration of Rights.

C. Tangible Evidence from Searches and Seizures.

1. Resulting from a search warrant issued in violation of the common law, statutes, and Rules of Maryland, the Fourth and Fourteenth Amendments to the U.S. Constitution, and Article 26 of the Maryland Declaration of Rights which:

- a. was not issued by a neutral and detached magistrate;
- b. was issued by a magistrate who acted as an adjunct law enforcement officer;
- c. did not describe the persons or places to be searched and the items to be seized with sufficient particularity;
- d. described the items to be seized or the places to be searched with such breadth that the warrant was a "general warrant" which left it entirely to the discretion of the officers conducting the search to decide what items were to be seized and which places to be searched;
- e. was supported by an affidavit which
 - (1). lacked probable cause;

- (2). was based on stale information;
 - (3). contained false information which, if redacted, would have rendered the balance of the information contained in the affidavit insufficient to establish probable cause;
 - (4). contained deliberate omissions of information material to the determination of probable cause which, if included, would have caused the magistrate not to have issued the warrant or would have rendered the affidavit insufficient to establish probable cause.
 - (5). deliberately concealed or falsely named the sources of police information.
 - (6). was signed by a person who used a false name.
 - (7). contained information which resulted from an illegal search, confession, or identification which, if redacted, would have rendered the balance of the information contained in the affidavit insufficient to establish probable cause.
- f. was not properly executed because:
- (1). the items seized were not named in the warrant and
 - (a). were not inadvertently discovered by the seizing officer;
 - (b). when seized, the seizing officer did not have probable cause to believe the item was evidence;
 - (c). before seizure, the police moved the item for inspection.
 - (2). the persons searched were not named or adequately described in the warrant and were not properly searched because the searching officers
 - (a). lacked reasonable belief or suspicion that the person frisked had a weapon;
 - (b). lacked independent probable cause to search or arrest them;
 - (c). did not witness them committing, or have probable cause to believe they were committing, a misdemeanor in their presence;
 - (3). the warrant was so facially deficient that the executing officers could not have reasonably believed it to be valid.

(4). the delay in executing the search caused the probable cause to be stale, and the affidavit did not describe criminal activity which was ongoing in nature.

(5). The executing officers unreasonably destroyed property
(a). by unnecessarily breaking into the premises to execute the search;

(b). by unnecessarily destroying or damaging property during the execution of the search.

(6). without reasonable explanation, the police began the search of areas of the premises which, and of people who, were known to have the least association with the individual connected with the criminal conduct under investigation.

(7). instead of immediately seizing the one item named in the warrant after seeing it almost immediately upon entry, the police bypassed the item and first searched for other things;

(8). instead of immediately searching where defendant told the officers the described items were, the police first searched other parts of the premises.

(9). during the search, the police or their agents conducted unauthorized scientific tests, on or off the premises, of the place searched or the items seized;

(10). the police disregarded the limits imposed by the warrant on the scope and intensity of the search and conducted a general search for evidence;

(11). the searching officers remained on the premises longer than was reasonably necessary to conduct the search.

(12). the searching officers remained on the premises after the search to arrest a person they believed would return.

(13). the searching officers executed the same warrant more than once.

2. Resulting from a warrantless search or seizure which was conducted in violation of Maryland common law, the Fourth and Fourteenth Amendments of the Constitution of the United States, and Article 26 of the Maryland Declaration of Rights.

D. Evidence from wire communications.

1. The communications on the designated telephone lines were unlawfully intercepted because:

a. The State failed to make a full and complete statement of the facts and circumstances they relied upon under the particular facts of this case to justify its belief that an order for interception should be issued.

b. The State failed to make a full and complete statement as to (i) whether or not under the particular facts of this case other investigative procedures had been tried and failed; and (ii) why under the particular facts of this case other investigative procedures appear to be unlikely to proceed if tried; and (iii) why under the particular facts of this case other investigative procedures would have been too dangerous. *See, e.g., United States v. Kalustian*, 529 F.2d 585, 590 (9th Cir. 1975).

c. The State failed to conduct the interception in such a way as to adequately minimize the interception or communications otherwise not subject to interception under 18 U.S.C., §2516. *See, e.g., State v. Thompson*, 464 A.2d 799, 812 (Conn. 1983), *cert. denied*, 465 U.S. 1006 (1984).

d. The State deliberately, or as the result of gross negligence, failed to cause to be served on the defendants the inventory required by §2518(8)(d). *United States v. Civella*, 533 F.2d 1395, 1406 (8th Cir. 1976), *cert. denied*, 430 U.S. 905 (1977); but *see, United States v. Williams*, 580 F.2d 578 (D.C. Cir. 1977).

e. The State deliberately failed to identify known persons who were the object of the interception as targets of the investigation. *United States v. Donovan*, 429 U.S. 413, 426, 97 S.Ct. 658, 672, 50 L.Ed.2d 652, 673, n. 23 (1977); *United States v. Moore*, 513 F.2d 485 (D.C. Cir. 1975), *vacated*, 556 F.2d 77 (1977).

f. The State's non-compliance with Maryland wiretap statute was the result of recklessness. *United States v. Sullivan*, 586 F.Supp. 1314, 1323 (D.Mass. 1984).

g. The State failed to obtain an amendment to the wiretap order after obtaining windfall evidence. *United States v. Marion*, 535 F.2d 697, 704 (2nd Cir. 1976).

2. The orders of authorization and approvals under which these communications were intercepted are insufficient on their face.

3. The interceptions were not made in conformity with the orders of authorization and approval.

4. The communications were obtained in violation of defendants' right to privacy guaranteed by the Fourth and Ninth Amendments to the United States Constitution, and due process of law guaranteed by the Fifth Amendment to the United States Constitution.

F. Evidence from "consensual" eavesdrops.

These conversations, and any recordings or transcripts of them, should be suppressed because:

1. The recordings of these conversations are so inaudible or garbled that it is impossible to accurately reconstruct them and, where marginally audible, impossible to put those words which can be heard into their proper context so that they can be accurately understood and interpreted.

2. The purported consenting parties did not in fact consent to having these conversations overheard, recorded or transcribed.

3. The conversations do not contain declarations made in furtherance of the alleged conspiracy.

4. The conversations are the fruit of the unlawful wiretap.

5. The conversations were taped in violation of CJ Article § 10-401, *et seq.*, which, absent a court order, prohibits the use of such conversations if they were not overheard, transcribed, or recorded with the knowledge or consent of all parties to the conversation.

6. The use of the taped statements would be a breach of the State's promise not to disclose these conversations in violation of the principles enunciated in *Santobello v. New York*, 404 U.S. 257, 92 S.Ct. 495, 30 L.Ed.2d 427 (1971) and *United States v. Carter*, ___ F.2d ___ (4th Cir. 1970) and the other grounds stated herein.

7. The conversations were overheard, transcribed, and recorded in violation of the right to privacy guaranteed by the Fourth and Ninth Amendments to the United States Constitution and the rights to confrontation and counsel guaranteed by the Sixth Amendment to the United States Constitution.

8. Request for a hearing

Concerning whether there was voluntary consent to the recording of the conversations with defendant, this is a question of fact which must be determined at a pretrial hearing from the totality of the circumstances. *See, e.g., United States v. Kelly*, 708 F.2d 121, 125, (3rd Cir. 1983); *United States v.*

Cortese, 558 F.Supp. 114, 116 (N.D. Pa. 1983). These cases hold that the court must determine under the totality of circumstances that the alleged consenting party did so consciously, freely, and independently, and not as a result of a "coercive overbearing of the will". An evidentiary hearing is necessary in order for factual determinations to be made, and at the hearing, the testimony of the alleged consenting person is essential for these issues to be determined and preserved.

As to the other issues, evidentiary hearings are required because (1) the State has the burden of proof as to these allegations; (2) this burden cannot be met by State affidavits because the defendants have the right to discover the totality of the circumstances surrounding the events described above by cross-examining State's witnesses and by calling State's witnesses or others to establish grounds for suppression; and (3) the State is in sole possession of many of the facts necessary for a correct determination of these matters.

E. All other evidence and testimony (fruit of the poisonous tree).

1. Resulting from an illegal arrest or search and seizure conducted in violation of the common law of Maryland, the Fourth and Fourteenth Amendments to the U.S. Constitution, and Article 26 of the Maryland Declaration of Rights.

2. Resulting from an involuntary or otherwise illegally obtained statement by defendant in violation of the common law of Maryland, due process of law guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution and Article 22 of the Maryland Declaration of Rights, and the right to counsel guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution and Article 21 of the Maryland Declaration of Rights.

3. Resulting from an illegal identification conducted in violation of the common law of Maryland, due process of law guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution and Article 22 of the Maryland Declaration of Rights, and the right to counsel guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution and Article 21 of the Maryland Declaration of Rights.

4. Resulting from an illegal eavesdrop or wiretap conducted in violation of Article 27, §125A of the Maryland Code; 18 U.S.C. §2510 *et seq.*;

and the right to counsel guaranteed by the Sixth and Fourteenth Amendments to the U.S. Constitution and Article 21 of the Maryland Declaration of Rights.

III. MOTION TO EXCLUDE AND SEQUESTER IDENTIFICATION WITNESSES

Defendant, pursuant to Rule 4-321 and *Bullock v. State*, 219 Md. 67, 148 A.2d 433 (1959), hereby moves for an order by this court to exclude all known or potential identification witnesses, including police officers, from the courtroom, the public areas of this courthouse, and from any other place where it reasonably can be foreseen that such witnesses could see or hear defendant before, during, or after his appearance in the courthouse for any proceedings in this case. The grounds for this motion are as follow:

A. Rule 4-321a provides that "when necessary for proper protection of the defendant a witness may exclude on motion of the defendant's counsel, before the defendant appears in court."

B. In *Bullock*, the Court of Appeals stated:

"If identification is a crucial or important factor in a case, exclusion of witnesses, before the accused is put physically in a position where it is apparent that he is the accused, may be necessary for his proper protection." 148 A.2d at 435.

C. In *Coleman v. State*, 8 Md. App. 65 (1969), involving a defendant before a preliminary hearing, Judge Orth said:

"It was entirely feasible for the [authorities] to arrange, with the consent of the hearing judge, that the confrontation not be one-to-one and that it not be made apparent to the witness that the appellant was the one who stood accused." 8 Md. App. at 74.

D. In *Witcher v. State*, 17 Md. App. 426, 302 A.2d 701 (1973), Judge Thompson said:

"Where there has been a misidentification or a failure to identify an accused prior to trial, if adequate safeguards are not developed to protect the rights of the accused, there may be a violation of due process by an improperly suggestive appearance in court." 302 A.2d at 701-702.

E. In *Green v. State*, 281 Md. 483 (1978), there was an allegedly accidental encounter between the identification witness and the defendant in the courthouse before trial. Holding that a pretrial hearing was required to determine whether both the judicial and extrajudicial identifications should be suppressed, Judge Orth said:

"The ascertainment of such facts, circumstances and environment is properly the object of a suppression hearing, and would enable the trial court, in the first instance, and an appellate court, on appeal in the discharge of its responsibility, to reach a considered determination of primary illegality *vel non* of the pre-trial confrontation. Adherence to, rather than departure from, the established substantive and procedural rules to be followed upon due challenge to evidence of the criminal agency of a defendant is called for.

* * *

Green urges only that the circumstances here required that he be afforded the opportunity through a suppression hearing to establish that the judicial identification of him was tainted. He contends that the opportunity was improperly denied him. We agree."

Such a hearing would consume valuable judicial time and could be avoided by granting this motion.

F. A hearing would also be required under Rule 4-321 and *Bullock* if an identification was made after a failure to properly sequester an identification witness, to determine whether the witness "was helped to positive identification by the fact that [he] saw the accused" in the courthouse. 148 A.2d at 435. This hearing, too, could be avoided by granting this motion.

G. Now that the State is on notice by this motion under Rule 4-321a, and because all witnesses and the defendant must be present in the courthouse at the initiative of the State, it is difficult to conceive how any identification which results from the failure by the State to impose "adequate safeguards", *Witcher*, supra; *Bullock*, supra, Rule 4-321a, would not be the product of State action and a violation of due process. See, e.g., *Palmer v. State*, 5 Md. App. 691, 249 A.2d 482 (1969).

IV. MOTION TO DISMISS CHARGING DOCUMENT

Defendant hereby moves to dismiss the charging document against him on the following grounds:

A. The charging document does not contain a concise and definite statement of the essential facts of the offense(s) charged to enable defendant to prepare a proper defense in violation of Rule 4-102(a), the common law, and state and federal due process of law;

B. The charging document does not describe any of the acts alleged with sufficient particularity to insure that the prosecution will not fill in elements of its case with facts other than those considered by the grand jury (or the commissioner) in violation of the common law and state and federal due process of law ;

C. The charging document does not tell defendant if he is charged with a single act for each count or with multiple acts, in violation of the common law and state and federal due process of law ;

D. The charging document does not allege each of the essential elements of the offense in violation of the common law and state and federal due process of law ;

E. The charging document is duplicative because it charges two or more substantive offenses in a single count in violation of the common law and state and federal due process of law .

F. The charging document alleges, without specifying a continuous course of conduct, or that the offenses occurred at any particular time of the day or on any particular day, and without alleging that the State was unable to obtain additional information concerning the date and time of the offenses or that all that is known about the date and time is contained therein, a time range so broad that defendant is not adequately placed on notice of the crimes charged and cannot possibly defend, in violation of Rule 4-202(a), the common law, and state and federal due process of law.

G. The charging document was served by the court commissioner who is without authority to serve process. *State v. Preissman*, 22 Md. App. 454 (1974). Constitution Article IV, Part VI, Section 41G. CJP §2-605, Rule 4-212(h).

V. MOTION FOR SEVERANCE OF DEFENDANTS

Defendant, pursuant to Rule 4-253 (c), hereby moves for a trial separate from the co-defendants in this case on the following grounds:

A. Evidence not admissible against all defendants probably will be considered against this defendant, notwithstanding cautionary instructions, in violation of due process of law guaranteed by the Fifth and Fourteenth

Amendments to the U. S. Constitution and Article 23 of the Maryland Declaration of Rights.

B. The defenses in this case are hostile to, and inconsistent with, each other because:

1. The co-defendant may testify to exculpate himself and incriminated defendant.

2. Defendant, to establish his innocence, will attempt to establish the guilt of the co-defendant.

3. The defendants, because of adverse interests, cannot exercise their peremptory challenges without conflict notwithstanding the Rules.

C. Defendant requires the testimony of a co-defendant to establish his defense and the co-defendant is willing to give such testimony but for the fear that by taking the stand in a joint trial he would jeopardize his own defense.

VI. MOTION FOR DISCLOSURE OF CONFIDENTIAL INFORMANTS

Defendant hereby moves for disclosure of the confidential informants in this case, who are not mere "tipsters" but are either participants in the illegal acts or eyewitnesses who will exculpate defendant.

VII. DEMAND FOR PRESENCE OF CHEMIST

Demand is made in accordance with CJ Section 10-1003 that the State's Attorney produce at trial as a prosecution witness the chemist, technician or other person who analyzed any substance alleged by the prosecution to be a controlled dangerous substance, including any substance used as a standard of comparison. Additionally, demand is made for the presence at trial as prosecution witnesses all persons who had possession or custody of any of these alleged controlled dangerous substances, including any substance used as a standard of comparison.

VIII. DEMAND FOR PRESENCE OF BREATHALIZER TECHNICIAN

Demand is made in accordance with CJ Section 10-306 that the State's Attorney produce at trial as prosecution witnesses all persons involved in the administering of the breathalyzer or blood test, if any, in this case.

IX. MOTION FOR SPEEDY TRIAL

Defendant hereby moves for a speedy trial and consents to no postponements or delays whatsoever in this case unless he personally so states on the record in open court. Further, unless defendant so states on the record in open court, he does not authorize his attorney to agree to any postponements or delays whatsoever in this case.

MEMORANDUM IN SUPPORT OF RULE 4-252 OMNIBUS MOTIONS

I. MEMORANDUM IN SUPPORT OF MOTION FOR DISCOVERY, INSPECTION, AND DESIGNATED BRADY MATERIAL.

A. Categories of Discovery

These are the four categories of discovery recognized in criminal cases in Maryland and below is a brief outline of each, which includes (1) the time for disclosure of such material; (2) the limitations on discovery of such material; (3) whether the material is subject to *in camera* screening by the trial judge before disclosure; and (4) whether disclosure is in any way limited by *Pennsylvania v. Ritchie*.

1. Rule 4-263 material and Brady

- a. Time of disclosure, depending upon which section of the Rule is invoked, either is immediate, upon defendant's request, or as soon as discovered by the State.
- b. No *in camera* screening by the trial judge.
- c. Not affected by *Pennsylvania v. Ritchie*.
- d. No limits on scope except those imposed by 4-263(g); no other limits, including those imposed by statute or privilege, are recognized unless expressly stated in such statute or privilege.

2. Carr-Leonard material [Jencks]

- a. Time for disclosure:
 - (1). after direct at trial;
 - (2). after direct at pre-trial suppression hearing where the State has burden of proof and of calling witnesses; and
 - (3). before direct of defendant's witnesses where defendant has burden of proof and of calling witnesses;

b. *In camera* screening by trial judge prohibited by *Jones v. State*;
c. Limited to statements and grand jury testimony of State's witnesses; and

d. Not limited by *Ritchie*.

3. "Good Cause" material

a. Time for disclosure determined by terms of subpoena or by court order under Rule 4-262;

b. No *in camera* inspection required under *In Re Robert G.*, 296 Md. 1 (1983), and

c. Not limited by *Ritchie*.

4. Due Process and Compulsory Process material [*Ritchie*]

a. *Ritchie* does not limit defendant's access to any of the above materials.

b. Time for disclosure determined by terms of subpoena; and

c. *In camera* inspection required unless disclosure also required by Rule 4-263, *Carr-Leonard*, or "good cause" standards above.

B. Rule 4-263 material and *Brady*

1. Under FL §5-903(a) and (b), the Department of Social Services ("DSS"), the Health Department ("HD"), and other agencies or persons receiving complaints of child abuse are required to make written reports of all incidents of child abuse and FL §5-903(c) requires them to include in these reports the following information:

"(4) the nature and extent of the abuse of the child, including any evidence or information available to the reporter concerning previous injury possibly resulting from abuse; and

(5) any other information that would help to determine:

(i) the cause of the suspected abuse; and

(ii) the identify of any individual responsible for the abuse."

2. These written reports are required to be given to the local State's Attorney within 48 hours under FL §5-903(b)(ii) and under FL §5-903(b)(i), or reports containing the same information shall be made to the State's Attorney "as soon as possible." Thus, the State's Attorney is in possession of all these records and presumably has made its own reports from the oral reports furnished above.

3. Under the specific terms of Rule 4-263(a)(2)(C), and subject only to Rule 4-263(c)(3), and:

"Without the necessity of a request, the State's Attorney shall furnish to the defendant . . . [a]ny relevant material or information regarding . . . pre-trial identification of the defendant by a witness for the state."

Thus, by the express command of the Court of Appeals, the reports to the State's Attorney of alleged child abuse are discoverable under Rule 4-263(a)(2)(C).

4. Even if these records were not in possession of the State's Attorney, the records would be discoverable because under Rule 4-263(g), DSS, HD, and others "participated in the investigation . . . of the action and . . . with reference to the particular action have reported to the office of the State's Attorney."

5. This, therefore, is not a case where defendant is trying to utilize compulsory process to enlarge his right to criminal discovery beyond that provided by the Rules as in *Falk v. State's Attorney for Harford County*, 299 Md. 493 (1984) and *Pennsylvania v. Ritchie*, ___ U.S. ___, 40 Cr.L.Rptr. 3277 (February 26, 1987).

6. Assuming the requested records are confidential under SG §10-615 or Article 88A, §6(b) of the Code, defendant falls within the category of persons to whom disclosure may be made without a court order under SG §10-615 Article 88A, §6(b); or court-ordered disclosure can be granted to defendant upon a showing of good cause as defined in *In Re Robert G.*, 296 Md. 175 (1983) and defendant can show good cause. Assuming *arguendo* that defendant does not fall within the category of persons to whom disclosure may be made without a showing of good cause, defendant has shown good cause under the rationale of *In Re Robert G.* because:

(a). Refusal to grant disclosure would affect defendant's "substantial rights" under Rule 4-263(a)(2)(C); and

(b). Entitlement to this information under Rule 4-263(a)(2)(C) is "a showing of [a] special circumstance in addition to relevancy." *Id.* at 7; and

(c). Defendant wishes to inspect these records to determine whether information contained therein that probably would have changed the outcome of his trial;

Thus, as a matter of state law, defendant is entitled to these records; and his entitlement under the due process and compulsory process analysis of *Ritchie* is therefore immaterial. SG §10-615 says in pertinent part:

"A custodian shall deny inspection of a public record if:

- (1). By law, the public record is privileged or confidential; or
- (2). The inspection would be contrary to:
 - (i) a state statute;
 - (ii) a federal statute or a regulation that is issued under the statute and has the force of law;
 - (iii) the rules adopted by the Court of Appeals; or
 - (iv) an order of a court of record."

These records are not privileged because all of the persons who received the information and created the records are persons who do not have a privilege not to disclose the information under CJ §9-121 or under other statutory privileges. As noted above, even if inspection would be contrary to Article 88A, §6(c) such information is obtainable by court order upon a showing of good cause. Inspection of these records is not contrary to any rules adopted by the Court of Appeals because such records fall within the ambit of Rule 4-263 as noted above. Obviously, SG §10-615(2)(ii) does not apply to this case. Thus, the records must be disclosed under Rule 4-263(a)(2)(C), *Ritchie*, and *Brady*, as discussed above.

7. Such *Brady* material is not subject to *in camera* screening by the trial judge.

8. Because *Ritchie* reaffirmed the holding of *U.S. v. Bagley*, 473 U.S. 667 (1985) that there is no distinction between exculpatory and impeachment evidence for purposes of *Brady* disclosure, any prior statements contained in the records must be immediately disclosed without further analysis or discretion as outlined above.

C. *Carr-Leonard Materials [Jencks]*

1. In addition to any entitlement to these records defendant has under Rule 4-263, defendant is entitled to all witness statements before they are called to testify at the pre-trial hearing on defendant's motions to suppress their in-court and extra-judicial identifications of defendant and to suppress their testimony. This entitlement comes from *Carr v. State*, 284 Md. 455 (1979); *Leonard v. State*, 46 Md. App. 631 (1980); and *Martinez v. State*.

2. Unlike *Ritchie* material, *Carr-Leonard* material must be furnished to defendant without prior *in camera* screening by the trial judge.

3. Because of the statutory format outlined above, and the requirement that this information be recorded accurately, they can be no doubt that these statements of complaining children in a child abuse case are *Carr-Leonard* material. *See, e.g., Kanaras v. State*, 54 Md. App. 568 (1983). Thus, the statements made by the complaining children to employees of DSS and HD, and to various individuals must be disclosed to the defense immediately as *Jencks* material.

D. Good Cause Material

1. Where a defendant demonstrates "good cause" as defined in *In Re Robert G.* for the disclosure of material made confidential by statute, it is obvious that the court should order disclosure of this material without prior *in camera* screening because such screening was not required in *Robert G.* Such screening is never required unless, as indicated, *infra*, the material is sought under *Ritchie* when "good cause" cannot be shown.

E. Ritchie material

1. For the reasons stated above, and in addition to entitlement under Rule 4-263 and *Carr-Leonard*, defendant is entitled under *Ritchie* to subpoena records to permit this court to determine *in camera* the existence of statements of the witnesses that might be used to impeach their testimony by demonstrating any bias towards the defendant or by revealing prior inconsistent statements. Once a prior statement is discovered by the court, it must be turned over to the defendant without any further analysis or exercise of discretion by the court under the rationale of *Jones v. State*, 297 Md. 7 (1983).

2. The defendant is entitled at a minimum to all material and information in the records which is defined as being "material" in *Ritchie*. In *Ritchie*, a plurality of the Supreme Court said:

"Given that the Pennsylvania Legislature contemplated *some* use of CYS records in judicial proceedings, we cannot conclude that the statute prevents all disclosure in criminal prosecutions. In the absence of any apparent state policy to the contrary, we therefore have no reason to believe that relevant information would not be disclosed when a court of competent jurisdiction determines that the information is "material" to the defense of the accused. . . . *Ritchie* is entitled to have the CYS file reviewed by the trial court to determine whether it contains information that probably would have changed the outcome of his trial." 40 Cr.L.Rptr. at 3282.

The plurality also said:

"Although courts have used different terminologies to define 'materially, a majority of this Court has agreed, '[e]vidence is material only if there is a reasonable probability that, had the evidence been disclosed to the defense, the result of the proceeding would have been different. A 'reasonable probability' is a probability sufficient to undermine the confidence in the outcome." 40 Cr.L.Rptr. at 3282.

Mr. Justice Blackmun, the fifth vote, said:

"Under the Court's prescribed procedure, the trial judge is directed to review CYS file for "material" information This information would certainly include such evidence as statements of the witness that might have been used to impeach her testimony by demonstrating any bias towards respondent or by revealing inconsistencies in her prior statements. When reviewing confidential records in future cases, trial courts should be particularly aware of the possibility that impeachment evidence of a key prosecution witness could well constitute the sort whose unavailability to the defendant would undermine confidence in the outcome of the trial. As the Court points out, moreover, the trial court's obligation to review the confidential record for material information is ongoing." 40 Cr.L.Rptr. at 3284.

Mr. Justice Blackmun also observed that:

"Impeachment evidence is precisely the type of information that might be deemed to be material only well into the trial, as, for example, after the key witness has testified." 40 Cr.L.Rptr. at 3284.

However, he also observed that:

"In *U.S. v. Bagley*, 473 U.S. 667 (1985), the court ejected any distinction between exculpatory and impeachment evidence for the purposes of *Brady v. Maryland*, 373 U.S. 83 (1963) We noted that non-disclosure of impeachment evidence falls within the general rule of *Brady* "[w]hen the 'reliability of a given witness may well be determinative of guilt or innocence.' " We observed, moreover, that, while a restriction on pre-trial discovery might suggest a direct violation on the confrontation right as would a restriction on the scope of cross-examination at trial, the former was not free from confrontation concerns." 40 Cr.L.Rptr. at 3284 n.2.

Since *Brady* must be produced immediately, and since the reliability of these children "may well be determinative of [defendant's] guilt or innocence" in this case, statements of the children contained in DSS and HD files which may be used to impeach them at trial must be disclosed immediately. Under the rationale of *Martinez v. State*, 309 Md. 124 (1987), the Court of Appeals ruled analogously that a witnesses' grand jury testimony must be disclosed when he is called at a pre-trial suppression hearing. Because the DSS records are required to contain the child's initial report of "the nature and extent of the abuse, . . . the cause of the suspected abuse, and the identity of any individual responsible for the abuse," they are obviously "material" as defined by *Ritchie* and because they are also *Brady*, they must be immediately disclosed.

II. MEMORANDUM IN SUPPORT OF MOTION TO SUPPRESS EVIDENCE.

- A. 1. *Moore v. Illinois*, 434 U.S. 220 (1977).
2. *Simmons v. U.S.*, 390 U.S. 377 (1968); *Neil v. Biggers*, 409 U.S.188 (1972); *Mason v. Braithwaite*, 425 U.S. 957, 97 S.Ct. 2243 (1977); *Dobson v. State*, 29 Md. App. 644 (1975).
3. *Ham v. South Carolina*, 109 U.S. 524, 526 (1973); *Stovall v. Denno*, 388 U.S. 293 (1967).
4. *Beale v. State*, 230 Md. 181 (1962); *Anderson v. State*, 24 Md. App. 128 (1975); *Wong Sun v. U.S.*, 371 U.S. 471 (1963); *Ryon v. State*, 29 Md. App. 62 *aff'd*, 278 Md. 302 (1976).
5. *Brown v. Illinois*, 422 U.S. 590 (1975); *Michigan v. Tucker*, 417 U.S. 433 (1974); *Wong Sun v. United States*, 471 U.S. 371 (1963).
6. *Pennington v. State*, 19 Md. App. 253 (1973); *State v. Seigel*, 266 Md. 256 (1972).
7. *Bullock v. State*, 219 Md. 67 (1959).
8. Rule 4-263(a)(2)(c) and (i).
- B. 1. "To be voluntary, a statement cannot be extracted by any sort of threats or violence, nor obtained by any direct or implied promises, however slight, nor by the execution of any improper influence." *Pharr v. State*, 3 Md. App. 666 (1968); *State v. Kidd*, 281 Md. 32 (1977) (interprets federal due process standard); *Malloy v. Hogan*, 378 U.S. 1 (1964) (federal due process standard applied to states); *Miranda v. Arizona*, 384 U.S. 436 (1966) (explicates role of Fifth Amendment).

Beale v. State, 230 Md. 18 (1962) (state common law exclusionary rule parallel to Fourth Amendment). *Brown v. Illinois*, 422 U.S. 590 (1975) (Fourth Amendment exclusion of voluntary confession); *Ryon v. State*, 29 Md. App. 62, *aff'd*, 278 Md. 302 (1976) (interprets and follows *Brown*).

2. In *Johnson v. State*, 282 Md. 314 (1978), the Court of Appeals said:

"We therefore hold that any statement, voluntary or otherwise, obtained from an arrestee during a period of unnecessary delay in producing him before a judicial officer, thereby violating M.D.R. 4-231(c) (a), is subject to exclusion when offered into evidence against the defendant as part of the prosecution's case-in-chief. A statement is automatically excludable if, at the time it was obtained from the defendant, he had not been produced before a commissioner for his initial appearance within the earlier of 24 hours after arrest of the first session of court following arrest, irrespective of the reason for the delay. Where, however, the delay in presentment falls within the outer limits established by M.D.R. 4-231c, it is incumbent upon the trial court to determine whether the State has met its burden of showing that the delay was necessary under the circumstances of the particular case."

In *Johnson*, the Court of Appeals also suppressed a subsequent statement, saying:

"We cannot say, on the record before us, that the second confession was an independent act, occurring after time for deliberate reflection and therefore free from the taint of the preceding illegal detention."

Rule 4-212 does not countenance delay for the principle purpose of obtaining a statement or confession from the defendant. *Young v. State*, 68 Md. App. 121 (1986).

3. *Pennington v. State*, 19 Md. App. 253 (1973) (no statutory exclusionary rule for Article 27, §125A), 18 U.S.C. §1510, *et seq.*, (federal exclusionary rule applicable to states).

4. Rules 4-263(a)2(B) and (i); *Jackson v. State*, 288 Md. 191 (1980); *Smith v. State*, 62 Md. App. 627 (1985)

5. *Oregon v. Hass*, 420 U.S. 714 (1975); *Harris v. New York*, 401 U.S. 222 (1971); *State v. Kidd*, 281 Md. 32 (1977); *State v. Franklin*, 281 Md. 51 (1977);

6. *Bruton v. United States*, 391 U.S. 123 (1968).

C. Evidence from searches and seizures:

a. "The participation of a detached magistrate in the probable cause determination is an essential element of a reasonable search or seizure."

Steagald v. U.S., 451 U.S. 204, 216 (1981).

b. "A magistrate failing to 'manifest that neutrality and detachment demanded of a judicial officer when presented with a warrant application' and who acts instead as 'an adjunct law enforcement officer' cannot provide valid authorization for an otherwise unconstitutional search." *U.S. v. Leon*, 468 U.S. 897, 914 (1984).

c. "The requirement that warrants shall particularly describe the things to be seized . . . prevents the seizure of one thing under a warrant describing another. As to what is to be taken, nothing is left to the discretion of the officer executing the warrant." *Marron v. U.S.* 275 U.S. 192, 196 (1927).

"Where the standard is probable cause, a search or seizure of a person must be supported by probable cause particularized with respect to that person." *Ybarra v. Illinois*, 444 U.S. 85, 91 (1979).

d. "The warrant left it entirely to the discretion of the officials conducting the search to decide what items were likely obscene and to accomplish their seizure. The Fourth Amendment does not permit such action . . . nor does the Fourth Amendment countenance open-ended warrants, to be completed while a search is being conducted and items seized or after the seizure has been carried out." *Lo-Ji Sales, Inc. v. New York*, 442 U.S. 319, 325 (1979).

"In the instant case, the warrant did not relate the documents sought to any particular offense, individual transaction, or even to a specific provision of the U.S. Code. We therefore hold that the search warrant, having no particularity in the description of the records to be searched and seized, constituted a general warrant violating the Fourth Amendment." *In re Grand Jury Proceedings*, 716 F.2d 493, 499 (8th Cir. 1983).

e. (1). "An affidavit must provide the magistrate with a substantial basis for determining the existence of probable cause, and [a] wholly conclusory statement fail[s] to meet this requirement Sufficient information must be presented to the magistrate to allow that official to determine probable cause; his action cannot be a mere ratification of the bare conclusions of others." *Illinois v. Gates*, 462 U.S. 213, 239 (1983).

(2). "It remains a fundamental principle of search and seizure law that information furnished in an application for a search warrant must be timely, and that probable cause must be found to exist 'at the time the warrant issues' . . . A warrant application based on stale information of previous misconduct is insufficient because it fails to create probable cause that similar or other improper conduct is continuing to occur No mechanical tests exist for determining whether information becomes fatally stale; rather, 'staleness is an issue which must be decided on the particular facts of each case.'" *U.S. v. Bascaro*, 742 F.2d 1335, 1345 (11th Cir. 1984)

(3). "[W]here the defendant makes a substantial preliminary showing that a false statement knowingly and intentionally, or with reckless disregard for the truth, was included by the affiant in the warrant affidavit, and if the allegedly false statement is necessary to the finding of probable cause, the Fourth Amendment required that a hearing be held at the defendant's request." *Franks v. Delaware*, 438 U.S. 154, 155-56 (1978). "Suppression . . . remains an appropriate remedy if the magistrate or judge in issuing a warrant was misled by information in an affidavit that the affiant knew was false or would have known was false except for his reckless disregard of the truth." *U.S. v. Leon*, 468 U.S. 897, 923 (1984).

(4). "We acknowledge that the rationale of *Franks* applies to omissions and that several courts have permitted litigants to challenge affidavits on the ground that facts were omitted [T]he omitted fact must be material - that is, if the fact were included, the affidavit would not support a finding of probable cause." *U.S. v. Williams*, 737 F.2d 594, 604 (7th Cir. 1984).

(5). "By failing properly to identify their sources of information the affiants . . . made it impossible for the magistrate to evaluate the existence of probable cause. *Franks* teaches that when, as in this case, that failure is intentional the warrant must be invalidated. The fact that probable cause did exist and could have been established by a truthful affidavit does not cure the error While under *Franks* a warrant based upon a false affidavit may be upheld if the falsity was not material, the State in using such an affidavit runs a risk that a reviewing court may subsequently determine "that a truthful answer would have been of sufficient probative importance to the inquiry so that, as a minimum, further fruitful investigation would have occurred." *U.S. v. Davis*, 714 F.2d 896, 899, 900 (9th Cir. 1983).

(6). A false-name affidavit does not comply with the Fourth Amendment requirement that warrants be "supported by oath or affirmation," in that someone must take the responsibility for the facts alleged, giving rise to the probable cause for the issuance of the warrant." *U.S. ex rel. Pugh v. Pate*, 401 F.2d 6 (7th Cir. 1968); *Cannon v. U.S.*, 282 F.2d 398 (4th Cir. 1960). This is especially true where the affiant deceived the magistrate as to his true identity, particularly if he used a quality fictitious name to add reliability to his application. LaFave, *Search and Seizures* 2d.Ed. (West, 1987), Vol. 2 at 183.

(7). *Carter v. State*, 274 Md. 411 (1975); *Everhardt v. State*, 274 Md. 459 (1975).

f. (1). "The warrant . . . [requires] a particular description of things to be seized." *Coolidge v. New Hampshire*, 403 U.S. 443, 467 (1971). Instead of immediately seizing the one item named in the warrant after seeing it almost immediately upon entry, the police bypassed the item and first searched for other things.

(a). "[T]he discovery of evidence in plain view must be inadvertent. The rationale of this exception to the warrant requirement . . . is that a plain-view seizure will not turn an initially valid (and therefore limited) search into a "general" one where the inconvenience of procuring a warrant to cover an inadvertent discovery is great. But where the discovery is anticipated, where the police know in advance the location of the evidence and intend to seize it, the situation is altogether different. The requirement of a warrant to seize imposes no inconvenience whatsoever, or at least none which is constitutionally cognizable in a legal system that regards warrantless searches as 'per se unreasonable' in the absence of 'exigent circumstances'." *Coolidge v. New Hampshire*, 403 U.S. 443, 467 (1971).

(b). *Andressen v. Maryland*, 427 U.S. 463 (1976); *Arizona v. Hicks*, ___ U.S. ___, 40 Cr.L.Rptr. 1085 (March 4, 1987)

(c). Even the small movement of an object not named in the warrant, such as turning it over to check for serial numbers, is not permitted unless before moving it, it is immediately apparent to the seizing officers that the item is evidence of a crime. *Arizona v. Hicks*, ___ U.S. ___, 40 Cr.L.Rptr. 1085 (March 4, 1987).

(2). *Ybarra v. Illinois*, 444 U.S. 85 (1979).

(a). "The *Terry* case created an exception to the requirement of probable cause, an exception whose 'narrow scope' this court 'has been careful

to maintain' That 'narrow scope' of the *Terry* exception does not permit a frisk for weapons on less than reasonable belief or suspicion directed at the person to be frisked, even though that person happens to be on premises where an authorized narcotics search is taking place." *Id.*

(b). *Ybarra v. Illinois*, 444 U.S. 85 (1979).

(c). *Salmon v. State*, 2 Md. App. ____ (1969) (police cannot search a person found on premises during the execution of a search and seizure warrant but not named in the warrant unless the arresting officer has probable cause to believe that he has committed a felony or committing a misdemeanor in his presence.)

(3). *U.S. v. Leon*, 468 U.S. 897 (1984).

(4). "Cases in which staleness becomes an issue arrive in two different contexts. First, the facts alleged in the warrant may have been insufficient to establish probable cause when the warrant was issued, but the State's delay in executing the warrant possibly tainted the search. Second, the warrant itself may be suspect because the information on which it rested was arguably too old to furnish "present" probable cause [W]hen, as here, however, the criminal activity alleged in the warrant is not ongoing in nature, nor the evidence sought intrinsically likely to remain at the location where it was originally observed, indicia external to the evidence itself should demonstrate that probable cause has not lapsed." *U.S. v. McCall*, 740 F.2d 1331, 1336, 1337 (4th Cir. 1984).

(5). The amount of time an officer must wait between announcement and entry depends on the circumstances of each case. *U.S. v. McConney*, 728 F.2d 1195, 1206 (9th Cir. 1984). "[18 U.S.C. §3109] excuses preliminary notice '[when entry is] necessary to liberate [the officer] or person aiding him in the execution of the warrant.' In addition . . . the Supreme Court has apparently approved three other exceptions: '(1) where the persons within already know of the officers' authority and purpose, or (2) where the officers are justified in the belief that persons within are in imminent peril of body harm, or (3) where those within, made aware of the presence of someone outside (because, for example, there has been a knock at the door) are then engaged in activity which justifies the officers in the belief that an escape or the destruction of evidence is being attempted. . . .' [Also] 'a police officer's reasonable belief that announcement might place him or associates in physical peril' would excuse compliance with the statute."

"[T]he method of entering the home may offend federal constitutional standards of reasonableness and therefore vitiate the legality of an accompanying search." *Kerr v. California*, 374 U.S. 23, 38 (1963). *U.S. v. Noland*, 718 F.2d 589, 596 (3rd Cir. 1983).

"The requirement of prior notice of authority and purpose before forcing entry into a home is deeply rooted in our heritage and should not be given grudging application. Congress, codifying a tradition embedded in anglo-american law, has declared in [18 U.S.C.] §3109 the reverence of the law for the individual's right of privacy in his house. Every householder, the good and the bad, the guilty and the innocent, is entitled to the protection designed to secure the common interest against unlawful invasion of the house. The petitioner could not be lawfully arrested in his home by officers breaking in without first giving him notice of their authority and purpose." *Miller v. U.S.*, 357 U.S. 301, 313 (1958).

(6). For example, in a joint occupancy situation, it would seem that the police should first search those areas under the most direct control of the suspect. LaFave, *Search and Seizure*, 2 Ed. (West 1987), at 327 n.65, 66.

(7). *Purcell v. State*, 325 So.2d 83 (Fla. App. 1976).

(8). *But see United States v. Chadwell*, 427 F.Supp. 692 (D.Del. 1977); *Commonwealth v. Wood*, 389 Mass. 552, 451 N.E.2d 714 (1983).

(9.) It is preferable to obtain specific authorization in the warrant to conduct scientific tests on the searched premises. *State v. Swain*, 269 N.W.2d 707 (Minn. 1978) (Benzidine tests to identify blood stains conducted on the premises).

(10). "We recognize that in some cases a flagrant disregard for the limitations in a warrant might transform an otherwise valid search into a general one, thereby requiring the entire fruits of the search to be suppressed If in this case law enforcement officers had conducted a document search as if no limiting warrant existed, rummaging at will among defendants' offices and files, then the mere existence of a valid but practically irrelevant warrant for certain specified documents would not be determinative of whether the search was so unreasonable as to require suppression of everything seized." *United States v. Heldt*, 668 F.2d 1238 (D.C. Cir. 1981).

(11). *United States v. American Brewing Co.*, 296 F. 772 (E.D. Pa. 1924); *People v. Boehm*, 411 N.E.2d 1192 (Ill. App. 1980); *People v. Van Note*, 379 N.E.2d 834 (Ill. App. 1978). When the purposes of the warrant have been

carried out, the authority to search is at an end; and any evidence discovered in a continuation of the search of the premises beyond that time must be suppressed. *United States v. Feldman*, 366 F.Supp. 356 (D.Haw. 1973); *Commonwealth v. Wood*, 451 N.E.2d 714 (Mass. 1983); *United States v. Highfill*, 334 F.Supp. 700 (E.D. Ark. 1971); *People v. Nuniz*, 597 P.2d 580 (Colo. 1979).

(12). *People v. Boehm*, 411 N.E.2d 1192 (Ill. App. 1980) (once search completed, improper for police to remain inside of apartment another hour and a half to await return of occupant so he could be arrested). *State v. Chaisson*, 486 A.2d 297 (N.H. 1984).

(13). "[T]he rule [is] that a warrant is executed when a search is conducted, and its legal validity expires upon execution" . . . [so that] "after execution, no additional search can be undertaken on the same warrant." *State v. Trujillo*, 624 P.2d 44 (N.N. 1981) (overturning a search where police unsuccessfully searched premises for a gun and departed but then returned an hour later and searched further because in the interim an informant told the police of the precise location of the gun; the second search could not be justified as an additional search under authority of the warrant).

IV. MEMORANDUM IN SUPPORT OF MOTION TO DISMISS CHARGING DOCUMENT

A. The charging document as defined in Rule 4-102 is fundamentally deficient under the requirements of Rule 4-102(a) which says:

"a charging document shall contain the name of the defendant or any name or description by which defendant can be identified by reasonable certainty, except that the defendant need not be named or described in a citation for parking violation. It shall contain a concise and definite statement of the essential facts of the offense with which the defendant is charged. . ."

In assessing the factual specificity of a charging instrument by constitutional standards, courts start from the assumption that the defendant is innocent and consequently "has no knowledge of the facts charged against him". *Fontana v. United States*, 262 F. 283 (9th Cir. 1919); see Note 70 Columbia L.Rev. 876, 884-894. When the statutory definition of an offense includes generic terms or acts, the indictment may not simply repeat those terms: "it must state the species - it must descend to particulars". *United States v. Cruikshank*, 92 U.S. 542, 23

L.Ed. 588 (1876); *Russell v. United States*, 369 U.S. 749, 82 S.Ct. 1038, 8 L.Ed.2d 240 (1962).

In *Bonds v. State*, 51 Md. App. 102 (1982), the Court of Special Appeals cited with approval the following language from *State v. Canova*, 278 Md. 483, 498-99, 364 A.2d 988, 997-98 (1976):

"It was early noted by this Court that '[c]ertainty, to a reasonable extent, is an essential attribute of all pleadings, both civil and criminal, but is more especially necessary in the latter, where conviction is followed by penal consequences'. In *State v. Lassotovitch*, 162 Md. 147, 156, 159A. 362, 366 (1932), we explained:

'every charge or accusation, whether at common law or under statute, must include at least two elements: first, the characterization of the crime; and second, such description of the particular act alleged to have been committed by the accused as will enable him to properly defend against the accusation. In statutory crimes, where the statute includes the elements necessary to constitute a crime, the first of these requirements is gratified by characterizing the offense in words of the statute; the second requires such definite and specific allegations as reasonably to put the accused on notice of the particular act charged, to enable him to prepare a defense. . .'

Even if the charging document employs the statutory words, this does not mean that 'it is unnecessary to allege such facts in connection with the commission of the offense as will certainly put the accused on full notice of what he is called upon to defend, and establish such a record as will effectually bar a subsequent prosecution for that identical offense. . . . However, it is clear that an indictment which charges the accused with the act that is prohibited by the statutory language, and nothing more will be fatally defective in failing to allege such other facts as would enable the accused to prepare his defense'. *Id.*, at 150, 159 A. at 363."

B. As the Supreme Court has long noted, the indictment is the product of the grand jurors and the defendant is entitled to be tried only on the offense that they desired to charged. To allow a defendant "to be convicted on the basis of facts not found by, and perhaps not even presented to, the grand jury which indicted him" is to deprive him "of a basic protection which the guarantee of the intervention of the grand jury was designed to secure." *Russell v. United States*, 369 U.S. 749, 82 S.Ct. 1038, 8 L.Ed.2d 240 (1962). This concern is reflected in "the prohibition against the amendment of indictments except by resubmission

to the grand jury, and the bar against the 'curing' of defective indictments by issuance of a bill of particulars." *United States v. Abrams*, 539 F.Supp. 278 (S.D.N.Y. 1982). Courts today suggest that the grand jury's function also controls basic pleading standards. It requires "that an indictment contain some amount of factual particularity to ensure that the prosecution will not fill in elements of its case with facts other than those considered by the grand jury. *State v. Wein*, 404 A.2d 302 (N.J. 1979); *United States v. Keith*, 605 F.2d 462 (9th Cir. 1979). In Maryland, a commissioner serves the same function as the grand jury and is regarded as a quasi-judicial officer.

C. *Fitzsimmons v. State*, 48 Md. App. 193 (1981); *United States v. McClennan*, 672 F.2d 239 (5th Cir. 1982).

D. *Ayre v. State*, 291 Md. 155 (1981); *Putman v. State*, 234 Md. 537 (1964); *Kearney v. State*, 48 Md. 16 (1877) (an essential element requisite in every indictment is that it alleges all matters material to constitute the particular offense with such particularity as not to need the aid of intendment or implication). In *Phenious v. State*, 11 Md. App. 385 (1971), the Court of Special Appeals held that if an indictment or information fails to state an offense, this is a matter of jurisdiction which may be reviewed by an appeals court whether or not it was decided below. In *Ayre*, involving a charge of violation of the obscenity laws, the word "knowing" was not included in the charging document. In deciding that the charging document was defective, the Court of Appeals said:

"We espouse no novel doctrine in announcing that under the law of this State, in charging documents the elements to constitute the offense are to be averred. (citations omitted). Article 21 of our Declaration of Rights imposes no requirement unduly burdensome, and parallels similar mandates existing by virtue of the constitutions of the federal government and many of our sister states. (citations omitted). The failure to allege material elements of the offense is not a mechanical defect in the charge, and thus, cannot be brushed off by the facile citation of cases which indicate that the modern trend of courts is to reject outworn legalistic formulas for criminal allegations. We deal here not with hypertechnical rules of pleading which plague unwary prosecutors and free fortuitous defendants, but rather a requirement imposed upon the State as a constitutional minimum". *Id.*, at 165.

The Court of Appeals also said:

"Nor are the defects in these particular charging documents ameliorated by the citation of the statutory section, the violation of which the defendants were intended to be charged; reference to the criminal enactment does not supply the missing elements and satisfy the requirements of our constitution." *Id.*, at 167-168.

This defect cannot be cured by amendment because it is one of substance, not form. *Brown v. State*, 285 Md. 105 (1979); *Thanos v. State*, 282 Md. 709 (1978). In *Pedzich v. State*, 33 Md. App. 620, 625 (1976), the Court of Special Appeals said:

"A failure of the charging document to charge an offense, whether in the District Court or upon transfer to the Circuit Court, raises an issue of jurisdiction. Even a plea of guilty constitutionally accepted does not waive a jurisdictional defect."

E. A charging document is duplicative when it charges two or more substantive offenses in a single count. The rule that only one offense may be charged in a single count was set forth in *State v. Warren*, 77 Md. 121 (1838), in which the Court of Appeals said "The object of all pleading, civil and criminal, is to present a single issue in regard to the same subject matter, and it would be against this fundamental to permit two or more distinctive offenses to be joined in the same count."

Rule 4-251(b) provides that this argument should be raised by mandatory pre-trial motion waived if counsel does not raise it before trial. The rule concerning whether a charging document is duplicative was lucidly stated in the Court of Special Appeals' version of *Ayre v. State*, 21 Md. App. 61 (1974):

"It is firmly established that only one offense may be charged in a single count. In other words, an indictment charging two or more substantive offenses in the same count is objectionable as being [duplicative]. This rule has been recognized in the Maryland Rules of Procedure in the Maryland District Rules. Thus, neither two or more common law offenses nor two or more statutory offenses may be charged in the same count."

There are exceptions, however, to this rule:

"When a statute creates an offense and specifies several different acts, transactions, or means by which it may be committed, an indictment of violation thereof may properly allege the offense in one count by charging the accused in

conjunctive terms with any or all of the acts, transactions, or means specified in the statute." 21 Md. App. at 65 (1974).

Obviously, it is not within this exception to charge two separate offenses in the same count, whether the word "or" or the word "and" is used to separate these two separate and distinct offenses, because this does not fall within the exception that one offense can be charged in a single count which also enumerates "several different acts, transactions, or means by which it may be committed."

Under Rule 4-204, the State cannot amend this charge without defendant's consent because "the amendment changes the character of the offense charged."

G. *State v. Priceman*, 22 Md. App. 454 (1974), Rule 4-212.

V. MEMORANDUM IN SUPPORT OF MOTION FOR SEVERANCE OF DEFENDANTS

A. *Peterson v. United States*, 344 F.2d 419 (5th Cir. 1965); *People v. Wong*, _____, P.2d _____, Ill Cal. Rptr. 314 (Cal. 1973)

B. In *Day v. State*, 196 Md. 384, 76A.2d (1950), the Court said:

"A joint trial under the circumstances in this case would necessarily raise in the minds of the jury the question which of the defendants was telling the truth, or whether both were lying. Under such circumstances it would be practicably impossible for the jurors to dismiss from their minds the statements of Lewis against Day when considering the Day case, and to dismiss the statements of Day against Lewis when considering Lewis' case. No juror, no matter how intelligent and how desirous of doing his duty, and obeying the instructions of the court, could rid his mind of the impression necessarily made upon him by these statements of each of the defendants against the other". *Id.*, at 384, 76 A.2d at 729.

See also People v. Hurst, 238 N.W. 2d 6 (Mich. 1976); *State v. Holup*, 355 A. 2d 119 (Conn. 1974); *State v. Alford*, 222 S.E. 2d 222 (N.C. 1976); *Commonwealth v. Dominico*, _____ N.E. 2d 835 (Mass. App. 1974).

C. *United States v. Shuford*, 454 F.2d (4th Cir. 1971); *United States v. Martinez*, 486 F. 2d 15 (5th Circ. 1973); *United States v. Echeles*, 352 F. 2d 1892 (7th Cir. 1965).

VI. MEMORANDUM IN SUPPORT OF MOTION TO DISCLOSE IDENTITY OF INFORMERS

Under the common law, and by rule and statute, the State has a

qualified privilege to refuse to disclose the identity of a person who has furnished information to law enforcement officers concerning the commission of a crime. *McCoy v. State*, 216 Md. 332, 336-37, 140 A.2d 689, 692 (1958), *cert. denied* 358 U.S. 853, 79 S.Ct. 82, 3 L.Ed.2d 87(1958); *Nutter v. State*, 8 Md. App. 635, 636, 262 A.2d 80, 82 (1970); Md. Ann.Code, State Gov't §10-618 (f)(2)(iv) and (vii) (1984).

Md. Rule 4-263(c)(2) provides:

The rule does not require the State to disclose . . . the identity of a confidential informant, so long as the failure to disclose the informant's identity does not infringe a constitutional right of the defendant and the State's Attorney does not intend to call the informant as a witness. . .

The rule is derived from former Md. Rule 741c, which was identical. Md. Rule 4-263, source note. *See also Lee v. State*, 235 Md. 301, 201 A.2d 502 (1964) (former Md. Rule 728 did not require disclosure of informant's name); *Hundley v. State*, 3 Md. App. 402, 407, 239 A.2d 593, 595 (1968) (*per curiam*), *cert. denied* 251 Md. 750. *See generally* J. Waltz, *Criminal Evidence* 261-69 (2d ed. 1983); Donnelly, *Judicial Control of Informants, Spies, Stool Pigeons and Agent Provocateurs*, 60 Yale L.J. 1091 (1951); Hoover, *The Confidential Nature of FBI Reports*, 8 Syracuse L. Rev. 2 (1956); Note, *An Informer's Tale: Its Use in Judicial and Administrative Proceedings*, 63 Yale L.J. 206 (1953); Note, *The Informer's Privilege in Criminal Cases*, 1967 U. Ill.L. F. 665; Note, *Disclosure of an Informant's Identity — The Substantive and Procedural Balance Tests*, 39 Albany L. Rev. 561 (1975). Furnishing information to others, who have no responsibility or duty to investigate wrongs and enforce the law, will not trigger the privilege. 8 *Wigmore* §2374 at 765 (rev. 1961). Administrative officials may sometimes qualify as law enforcement officials. *Id.* The privilege applies only to the identity of the informer and not to non-identifying information he or she gave the officers. 8 *Wigmore* §2374 at 765 (rev. 1961). *But see McCormick* §111 at 272 (jurisdictions are divided on this question; the communication should be privileged if its disclosure would disclose the informer's identity).

The "informer's privilege" was created to encourage informants to come forward with information without committing themselves to testifying at trial (*McCormick* §111 at 270-71; 8 *Wigmore* §2374 at 762 (rev. 1961)). *See Nutter*

v. State, 8 Md. App. 635, 262 A.2d 80 (1970)) and to protect informers from retaliation by those against whom they gave information. See Md. State Gov't. Code Ann. §10-618(f)(2)(vii) (1984). But it is "grounded on public policy for protection of the public interest in obtaining a flow of information and not for the protection of the informer." *Gulick v. State*, 252 Md. 348, 350 Mn. 1-2, 249 A.2d 704, Mn. 1-2 (1969). The privilege, therefore, is held by the State, not by the informer. E.g., *Gulick v. State*, 252 Md. 348, 353, 249 A.2d 702, 705 (1969); *McCormick* §111 at 271. The State may waive it without the informer's consent. Of course, the informer also may waive it, by disclosing his or her identity.

The privilege is unavailable when the name of the informer is necessary to the defendant's opportunity for a fair defense. *Gulick v. State*, 252 Md. 348, 353-57, 249 A.2d 702, 706-08 (1969); *Nutter v. State*, 8 Md.App. 635, 643, 262 A.2d 80, 86 (1970). If the State has not voluntarily provided the informer's identity to the defense, the defense may request disclosure. *Nutter v. State*, 8 Md. App. 635, 642, 262 A.2d 80, 85 (1970). *Accord McCoy v. State*, 216 Md. 332, 337-39, 140 A.2d 689, 692-93 (1958) (no error in failure to disclose informer's identify if accused failed to demand it at trial), *cert. denied* 358 U.S. 853, 79 S.Ct. 82, 3 L.Ed.2d 87 (1958). If the State refuses disclosure, the defense may move for the trial court to compel disclosure. *Nutter v. State*, 8 Md. App. 635, 642, 262 A.2d 80, 85 (1970).

In ruling on such a motion, the court must balance the public's interest in effective law enforcement against the accused's interest in preparing a defense, taking into account such matters as the nature of the offense charged, the importance of the informer's identity to a determination of innocence, including whether the informer was a participant in the crime, and the possible defenses. *Dorsey v. State*, 34 Md. App. 525, 528-31, 368 A.2d 1036, 1039 (1977). The court should compel disclosure "if the name of the informer is useful evidence to vindicate the innocence of the accused, lessens the risk of false testimony or is essential to a proper disposition of the case." E.g., *Drouin v. State*, 222 Md. 271, 286, 160 A.2d 85, 93 (1960). See 8 *Wigmore* §2374 at 765 (rev. 1961). Disclosure is compelled if the informer was a participant or played an integral role in the alleged crime. See *McCormick* §111 at 272. See also *supra* note 12 and *infra* note 18.

The defense has the burden to establish by a preponderance of the evidence that the informer has information necessary to the preparation of the defense and it may meet this burden merely by making a proffer. *Jones v. State*,

56 Md. App. 101, 108-14, 466 A.2d 895, 898-901 (1983) (trial court's failure to require State to justify nondisclosure, after defendant's proffer showing the informer's integral role in bringing about accused's sale of drugs to narcotics agent, was reversible error). Once it has met this burden, the burden shifts to the State to rebut, by clear and convincing evidence, the defense's showing. *Gill v. State*, 11 Md. App. 593, 596, 275 A.2d 505, 507 (1971), *cert. denied* 262 Md. 747.

In order to preserve the question for appeal if the court refuses to compel disclosure, the defense either must move to strike the evidence based on the informer's tips or, if appropriate, move to dismiss the case. *Nutter v. State*, 8 Md. App. 635, 642 262 A.2d 80, 85 (1970) ("Even though a case is a proper one for disclosure, the court will not on its own motion require the State to reveal the source of its information. The defense must demand disclosure, and if it is refused, move to strike the related testimony or to dismiss the action, as circumstances indicate.") *See Whittington v. State*, 8 Md. App. 676, 262 A.2d 75 (1970) (no abuse of discretion in refusing to compel disclosure when, at time request was made, defense had made inadequate showing of necessity and defense failed to renew request after it had made further showing). The trial court's decision will be reversed only if it was an abuse of discretion. *Nutter v. State*, 8 Md. App. 635, 643, 262 A.2d 80, 85 (1970); *Jones v. State*, 56 Md. App. 101, 108-14, 466 A.2d 895, 898-901 (1983) (trial court's failure to require State to justify nondisclosure, after defendant's proffer showing the informer's integral role in bringing about accused's sale of drugs to narcotics agent, was reversible error); *Hardiman v. State*, 50 Md. App. 98, 436 A.2d 923 (1981) (disclosure required when defense asserted entrapment by informer); *Wilson v. State*, 8 Md. App. 653, 667-69, 262 A.2d 91, 99-100 (1970) (abuse of discretion in failing to require disclosure of informer's identity when informer was "an integral part of the illegal transaction"), *cert. denied* 258 Md. 731.

If the State refuses to disclose an informer's identity after the court has ordered disclosure, the court should grant the defense's request for appropriate sanctions, including, if justice requires, dismissal of the case. *Gulick v. State*, 252 Md. 348, 355, 249 A.2d 702, 706 (1969).

The informer's privilege is not available to the State if the informer appears as a witness for the State. *Whittington v. State*, 8 Md. App. 676, 678 n. 2, 262 A.2d 75, 77 n. 2 (1970); *Nutter v. State*, 8 Md. App. 635, 643, 262 A.2d 80, 86 (1970); Md. Rule 4-263(c)(2). The defendant's constitutional right to

confront the witnesses against him or her mandates the negation of the privilege. *Nutter v. State*, 8 Md. App. 635, 641, 262 A.2d 80, 84 (1970). Nor is the privilege available if the accused knows the identity of the informer, as then there is no reason to conceal it. *McCoy v. State*, 216 Md. 332, 337-39, 140 A.2d 689, 692-93 (1958), *cert. denied* 358 U.S. 853, 79 S.Ct. 82, 3 L.Ed.2d 87 (1958); *Hardiman v. State*, 50 Md. App. 98, 110-11, 436 A.2d 923, 929-30 (1981); *Nutter v. State*, 8 Md. App. 635, 638, 262 A.2d 80, 83 (1970); 8 *Wigmore* §2374 at 766 & n. 6 (*rev.* 1961).

Because in this case, "the name of the informer is useful evidence to vindicate the innocence of the accused, lessens the risk of false testimony [and] is essential to a proper disposition of the case", the name, address, and telephone number of the informant must be disclosed. *Jones v. State*, 56 Md. App. 101, 108-14, 466 A.2d 895, 898-901 (1983). Likewise, if the State intends to call this witness and the confidential source at trial and has listed them on the witness list given to defendant, the State must disclose them and identify their statements in the affidavit. *Whittington v. State*, 8 Md. App. 676, 678 n. 2, 262 A.2d 75, 77 n. 2 (1970); *Nutter v. State*, 8 Md. App. 635, 643, 262 A.2d 80, 86 (1970); Md. Rule 4-263(c)(2).

REQUEST FOR HEARING

Pursuant to Maryland Rule 3-311(d), defendant requests a hearing on this motion.

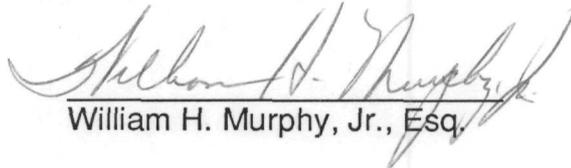


William H. Murphy, Jr., Esq.
1007 North Calvert Street
Baltimore, Maryland 21202
(301) 539-6500

Counsel for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 5th day of March, 1990, a copy of the foregoing Omnibus Motion was mailed, postage-prepaid, to the Office of the State's Attorney for Baltimore County, 401 Bosley Avenue, Towson, Maryland 21204.



William H. Murphy, Jr., Esq.

HARRY JOINES

Defendant-Petitioner

VS.

STATE OF MARYLAND

Post-conviction Respondent

* IN THE

* CIRCUIT COURT

* FOR

* BALTIMORE COUNTY

* CASE NO. 86 CR 0627

*

* * * * *

ORDER

GRANTING POST-CONVICTION RELIEF

At the conclusion of the February 20, 1990 Hearing, pursuant to Md. Rule 4-407, this Court dictated into the record its reasons for granting the Petition. Relevant portions of the Court's oral opinion have now been transcribed and are attached hereto. For those reasons,

IT IS, THIS 26th DAY OF FEBRUARY, 1990 BY THE
CIRCUIT COURT FOR BALTIMORE COUNTY

ORDERED that the Post-Conviction Petition of Harry Joines be and the same is hereby GRANTED; and it is further

ORDERED this Court's December 7, 1987 judgment of conviction be and the same is hereby VACATED; and it is further

ORDERED that the said Harry Joines be and is hereby granted a New Trial in the above captioned case; and it is further

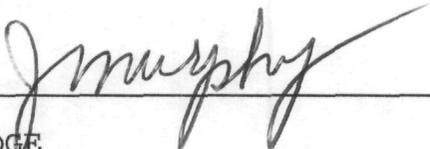
ORDERED that the said Harry Joines be and he is hereby remanded to the custody of the Division of Correction for completion of the sentence he was already serving on December 7, 1987; and it is further

✓
cc. Statty
Datty

FILED FEB 28 1990

ORDERED that any court costs be and the same are hereby waived;
and it is further

ORDERED that the Clerk forthwith mail copies of this Order, and
attached Oral Opinion, to the Petitioner and to all counsel of record.



JUDGE

1 of the out of court identifications and for suppression of an
2 in court identification, based on impermissibly suggested out
3 of court identifications. Mr. Cohen was incorrect about the
4 problems posed by conflicting offers of proof.

5 Earlier today I mentioned the case of Smith and
6 Samuels vs. State and the case of Barnes vs. State. Mr.
7 Cohen was not familiar with the principles of law announced
8 by the Court of Special Appeals in each of those cases.

9 Now, Mr. Cohen, himself, testified that he believed
10 that this defendant was innocent of the charges but he,
11 nonetheless, advised Mr. Joines to plead guilty in the hope
12 that Judge Turnbull would impose what amounted to a
13 concurrent sentence, since Mr. Joines was already serving
14 time when this case came on for trial.

15 The unfortunate lack of investigation caused a
16 specific problem for the petitioner because the State's
17 proffer on the issue of suppression of the out of court
18 identification included a false statement. I am not finding
19 that it was an intentional falsehood, it could have been
20 innocent misrecollection and it probably was simply an
21 incomplete proffer made in the rush of things since the
22 prosecutor was responding on an offer of proof presented on
23 behalf of Mr. Joines but nonetheless, Judge Turnbull was of
24 the impression a positive out of court identification of Mr.
25 Joines had been made of this victim and that's not true. At

1 best, tentative identification had been made.

2 It was, perhaps, good police work to pick Mr.
3 Joines up and to explore whether or not he participated in
4 this case as well as in the one for which he has been
5 convicted. But the State's disclosure to Mr. Cohen fell
6 short of ideal pretrial disclosure and Mr. Cohen's
7 investigation fell short of what is required of counsel who
8 undertakes to represent a defendant in a case as serious as
9 the one that involved the charges in Case No. 86-CR-0627.

10 Indeed, the plea that Mr. Joines entered in the
11 case was an Alford plea; so, for those reasons, I am
12 persuaded that the post-conviction petition must be granted.
13 The defendant is awarded a new trial in Case No.
14 86-CR-0627. The sentence that was imposed in this case was a
15 sentence consecutive to the sentence that Mr. Joines was
16 serving on December 7, 1987. So, the State is to schedule
17 this case 86-CR-0627 for trial on the merits as soon as
18 practicable. Anything else?

19 MR. MURPHY: Two things, judge. I want the record
20 to reflect as I read U.S. vs. Kronik as requiring that I show
21 affirmatively that but for Mr. Cohen's advice, the defendant
22 would not have pled guilty because that's the prejudice prong
23 under Strickland.

24 THE COURT: Mr. Joines already testified to that.

25 MR. MURPHY: That's what I was going to say. That

1 I didn't put him on there because my --

2 THE COURT: He has already testified to that.

3 MR. MURPHY: Second, Your Honor, I move for Mr.
4 Joines' immediate release because he has already served a
5 substantial part of his sentence. I believe -- how many
6 years of this sentence have you served?

7 THE DEFENDANT: A month from three years.

8 THE COURT: On this sentence?

9 MR. MURPHY: Um-hum. How much have you served
10 altogether?

11 THE DEFENDANT: Three years a month from -- three
12 years.

13 MR. MURPHY: The Court raises an interesting
14 point. Have you already been -- have you already finished
15 serving your first sentence?

16 THE DEFENDANT: No.

17 MR. MURPHY: Are you sure?

18 THE DEFENDANT: I am sure.

19 THE COURT: The first sentence was a sentence of
20 five years.

21 MR. MURPHY: So he couldn't be finished serving
22 that. I withdraw the motion for immediate release because
23 you wouldn't have the authority, absent some kind of
24 investigation by me that he has already served that first
25 sentence if I find that that is the case that he has maxed

1 out.

2 THE COURT: I am going to remand Mr. Joines to the
3 Division of Corrections for the completion of the sentence
4 that he was serving at the time of his conviction and order
5 that a detainer be lodged against him, in the event he is
6 released, the detainer would trigger a hearing in this Court
7 and at that time whoever gets assigned to that proceeding can
8 consider whether to set a bail or release him on his own
9 recognizance or what.

10 The State can investigate the case a little more
11 thoroughly and decide what the state wishes to do because I
12 didn't comment on it, it isn't necessary to the decision I
13 make but the testimony of the victim in this case is
14 inconsistent with the other evidence introduced by the way of
15 police report and proffer. She recalls now that she only
16 saw, she only identified one photograph. There is evidence
17 to the contrary. She recalls now that she was asked to make
18 an identification before she was taken to the hospital, she
19 was unable to do so. Other evidence presented indicates that
20 on the occasion after she was hospitalized, the victim could
21 not recall even having been shown someone to identify, so
22 whatever the State wishes to do is fine. I am not
23 exonerating Mr. Joines, I am simply finding his
24 post-conviction relief must be granted because he did not
25 have effective assistance of counsel when he was before Judge

1 Turnbull on the 7th of December, 1987.

2 MR. MURPHY: And because that prejudiced him.

3 THE COURT: Sure, yes. All right. Thank you very
4 much.

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Mike

please have a
copy of my ruling
sent to Jones as per
the last of my
order.

Honorable Judge Joseph F. Murphy
Circuit Court For Baltimore County
401 Bosley Ave.
Towson, Maryland 21204

RECEIVED

MAY 7 1990

May 2, 1990

JUDGE JOSEPH F. MURPHY, JR.

*ALL
CORR FROM A*

Dear Honorable Judge Joseph Murphy

Sir, I am writting this letter seeking your help. On February 20,1990 in your court room, you granted me a Post Conviction Relief on the following case, which is case number 86-CR-0627.

Sir my problem is that there has been no official notification of what took place on that day in your court room, our committment office says that there is nothing concerning this matter in there files or mine here at Eastern Correctional Institution.

Your Honor, this information could greatly help in coming back to Towson and finishing our court proceedings. My counselor or the Warden here at Eastern Correctional Institution also has not received any information about my relief on case number 86-CR-0627.

Your Honor, I really don't understand why they have not receive the court papers but I would really appreciate it if you would have the clerk of your court send something concerning this matter pertaining to the out come of my court proceedings of February 20,1990.

Please have them send a copy to the record dept and myself here. Thanking you for your time and concern in this very important matter.

Respectfully

HARRY JOINES # 187-041
Eastern Correctional Institution
Route 1, Box 500
Westover Maryland 21871

FILED MAY 07 1990

HARRY JUINES # 187-041
EASTERN CORRECTIONAL INSTITUTION
ROUTE 1 BOX 500
WESTOVER, MARYLAND 21871



Honorable Judge Joseph F. Murphy
Circuit Court For Baltimore County
401 Bosley Ave.
Towson, Maryland 21204

DATE PRINTED. MAY 8, 1990

CASE NO. 86CR0626 STATE OF MARYLAND V. JOINES, HARRY

CHARGES: COUNT 01 ATTEMPTED ROBBERY
COUNT 02 ASSAULT
COUNT 03 BATTERY
COUNT 04 SEXUAL OFFENSE - FOURTH DEGREE

ACT DATE: 12/17/85 STATUS DATE: STATUS TYPE:
BAIL TYPE: BOND BAIL AMOUNT: \$10,000
SURETY BOND NO: XD4829
BONDSMAN: ALLAN COHAN
ADDRESS: AMERICAN BANKERS INS CO

PROSECUTOR:
MICHAEL DIPIETRO

ATTORNEY:
NANCY COHEN
GERALD SHIPLEY
MICHAEL MCCAMPBELL
SCOTT WHITNEY
WILLIAM H MURPHY JR

APPEARANCE ENTERED:
JULY 9, 1986
FEBRUARY 24, 1987
JUNE 23, 1987
JANUARY 27, 1989
MARCH 2, 1990

DATE	PROCEEDING	JUDGE	ACTION
MARCH 5, 1986	ARRAIGNMENT	JUDGE WILLIAM BUCHANAN	BW ISSUED
APRIL 2, 1986	ARRAIGNMENT		OUT ASSIGN
APRIL 2, 1986	BOND HEARING	JUDGE LEONARD S JACOBSON	COMPLETED
MAY 5, 1986	ARRAIGNMENT	JUDGE DANA LEVITZ	ADV.4-215 & 242
JULY 8, 1986	TRIAL	JUDGE JOHN G TURNBULL II	BW ISSUED
APRIL 20, 1987	TRIAL	JUDGE J WILLIAM HINKEL	SUB-CURIA PSI
MAY 26, 1987	DISP HEARING	JUDGE J WILLIAM HINKEL	TRIAL SENTENCE
MAY 9, 1989	POST CONVICTION	JUDGE A OWEN HENNEGAN	POSTPONED BY:
JUNE 27, 1989	POST CONVICTION	JUDGE A OWEN HENNEGAN	SUB-CURIA PSI
JUNE 13, 1990	POST CONVICTION		

FILING DATE: FEBRUARY 4, 1986 CASE TYPE: INFORMATION

01. FEB. 13, 1986 SERVICE NOT MADE, CITY SHFF'S RETURN.

02. MARCH 5, 1986 NO BAIL SET ON BENCH WARRANT.

03. APR. 2, 1986 HEARING HAD IN RE BAIL - BAIL

DATE PRINTED: MAY 8, 1990

CASE NO. 86CR0626 STATE OF MARYLAND V. JOINES, HARRY

REINSTATED AT \$25,000.00. DEFENDANT TO BE
RELEASED AS TO THIS CASE ONLY. RELEASE FORM
SENT. (TOTAL BAIL AS TO ALL THREE CASES)

04. MAY 1, 1986 BENCH WARRANT RETURNED.
05. MAY 21, 1986 PLEA OF NOT GUILTY ENTERED ON BEHALF
OF THE DEFENDANT UNDER MD. RULE 4-242.
06. JULY 8, 1986 NO BAIL AUTHORIZED
07. JULY 9, 1986 MOTIONS PURSUANT TO MARYLAND RULE
4-252
08. DEFENDANT'S REQUEST FOR DISCOVERY AND MOTION TO
PRODUCE DOCUMENTS.
09. APRIL 20, 1987 JURY TRAIL SWORN TESTIMONY TAKEN.
AT END OF STATE'S CASE, DEFENDANT'S MOTION FOR
JUDGMENT OF ACQUITTAL OVERRULED. AT END OF ENTIRE
CASE DEFENDANT'S MOTION FOR JUDGMENT OF ACQUITTAL
10. OVERRULED. PRIOR TO TRIAL, STATE'S MOTION TO AMEND
COUNT 1 OF CHARGING DOCUMENT BY INTERLINEATION TO
READ "POTTER" IN LIEU OF "PATER" GRANTED.
DEFENDANT'S ORAL MOTION FOR SEVERANCE FROM 86CR627
11. 86CR628, 86CR3944--GRANTED. TRIAL NOT CONCLUDED;
TO BE RESUMED ON 4/21/87.
12. APRIL 21, 1987 TRIAL RESUMED. DEFENDANT REMANDED
BCDC PENDING SENTENCING ON MAY 26, 1987 AT 9:00 AM
NO BAIL AUTHORIZED. PRE-SENTENCE INVESTIGATION IS
ORDERED BY THE COURT.
13. APRIL 28, 1987 BENCH WARRANT SERVED.
14. MAY 1, 1987 DEFENDANT'S MOTION FOR NEW TRIAL AND
MEMORANDUM.
15. MAY 6, 1987 DEFENDANT'S MOTION FOR POSTPONEMENT
AND ORDER OF COURT DENYING SAME (JWH)
16. MAY 16, 1987 NOTICE FROM DEFENDANT THAT GERALD
SHIPLEY IS NO LONGER REPRESENTING HIM.
17. MAY 26, 1987 HEARING HAD IN RE: DISPOSITION.
DEFENDANT'S MOTION FOR NEW TRIAL--DENIED. COMMIT
SENT.
18. JUNE 22, 1987 DEFENDANT'S APPLICATION FOR REVIEW
OF SENTENCE.
19. JUNE 22, 1987 DEFENDANT'S NOTICE OF APPEAL.
SEE DOCKET 3 FOR J 294.

DATE PRINTED: MAY 8, 1990

CASE NO. 86CR0626 STATE OF MARYLAND V. JOINES, HARRY

20. JUNE 23, 1987 DEFENDANT'S MOTION PURSUANT TO MARYLAND RULE 4-252.
21. JUNE 23, 1987 DEFENDANT'S REQUEST FOR DISCOVERY AND MOTION TO PRODUCE DOUCHMENTS.
22. JULY 1, 1987 APPEARANCE OF DENNIS HENDERSON ENTERED FOR THE APPEAL.
23. JULY 2, 1987 STATE'S ANSWER TO DEFENDANT'S MOTION FOR DISCOVERY AND INSPECTION.
24. JULY 15, 1987 CORRESPONDENCE (JWH)
25. JULY 24, 1987 CORESPONDENCE FROM JUDGE HINKEL
26. AUG. 20, 1987 ORIGINAL RECORD SENT TO THE COURT OF SPECIAL APPEALS OF MARYLAND.
27. OCT. 14, 1987 NOTICE THAT THE DEFENDANT'S MOTION FOR REDUCTION OF SENTENCE IS DENIED. (JWH)
28. OCT. 15, 1987 MANDATE FROM THE COURT OF SPECIAL APPEALS OF MARYLAND REC'D AND FD.
OCT. 14, 1987 LETTER FROM APPELLANT COUNSEL TREATED AS A LINE OF DISMISSAL. APPEAL
29. DISMISSED. OCT. 14, 1987 MANDATE ISSUED.
30. NOV. 2, 1987 CORRESPONDENCE FROM DEFENDANT.
31. NOV. 16, 1987 STATE'S SUPPLEMENTAL ANSWER TO DEFENDANT'S MOTION FOR DISCOVERY AND INSPECTION.
32. NOV. 25, 1987 CORRESPONDENCE.
33. JAN. 27, 1989 DEFENDANT'S PETITIO FOR POST CONVICTION RELIEF.
34. FEB. 13, 1989 STATE'S ANSWER TO PETITION FOR POST CONVICTION RELIEF.
35. MAY 9, 1989 DEFENDANT REMANDED TO THE DOC. CASE POSTPONED.
36. MAY 24, 1989 PETITION FOR WRIT OF HABEAS CORPUS AD TESTIFICANDUM.
37. JUNE 27, 1989 HEARING HAD IN RE POST CONVICTION, TESTIMONY TAKEN. DEFENDANT'S PETITION FOR POST CONVICTION RELIEF PENDING OPINION TO BE FILED. DEFENDANT REMANDED TO DOC.
38. STATE'S MOTION TO DISMISS PETITION: DENIED.

DATE PRINTED: MAY 8, 1990

CASE NO. 86CR0626 STATE OF MARYLAND V. JOINES, HARRY

39. JULY 21, 1989 MEMORANDUM OPINION AND ORDER FD.
40. AUGUST 17, 1989 DEFENDANT'S APPLICATION FOR LEAVE TO APPEAL. (SEE APPEALS DOCKET 4 FOLIO 172)
41. AUGUST 18, 1989 ORIGINAL PLEADINGS FOR POST CONVICTION PROCEEDINGS SENT TO THE COURT OF SPECIAL APPEALS OF MARYLAND.
42. OCT. 20, 1989 TRANSCRIPTS MAILED TO THE COURT OF SPECIAL APPEALS AS DIRECTED BY THE SAID COURT FD.
43. DEC. 18, 1989 MANDATE FROM THE COURT OF SPECIAL APPEALS OF MARYLAND REC'D AND FD. DEC. 12, 1989 PER CURIAM. APPLICATION FOR LEAVE TO APPEAL DISMISSED.
44. DEC. 18, 1989 CASE REVIEWED, NO ACTION.
45. MARCH 2, 1990 DEFENDANT'S SECOND PETITION FOR POST CONVICTION RELIEF.
46. MARCH 13, 1990 NOTICE OF POST CONVICTION RECEIVED FROM CLERK. (EAD)

DISPOSITIONS: APRIL 21, 1987

COUNT 01 ATTEMPTED ROBBERY

PLEA: NOT GUILTY FINDING: GUILTY
SENT DATE: 05/26/87 SENT TYPE: PRISON
LENGTH: 5Y SUSP LENGTH:
CC/CS: CREDIT T/S:
LITERAL: COSTS WAIVED

EXPL CODE: MD DOC
NOTES:

COUNT 02 ASSAULT

PLEA: NOT GUILTY FINDING: MERGED

COUNT 03 BATTERY

PLEA: NOT GUILTY FINDING: GUILTY
SENT DATE: 05/26/87 SENT TYPE: PRISON
LENGTH: 1Y SUSP LENGTH:
CC/CS: CONCUR CREDIT T/S:

EXPL CODE: MD DOC

COUNT 04 SEXUAL OFFENSE - FOURTH DEGREE

PLEA: NOT GUILTY FINDING: NOT GUILTY

DATE PRINTED. MAY 8, 1990

CASE NO. 86CR0627 STATE OF MARYLAND V. JOINES, HARRY

CHARGES: COUNT 01 ROBBERY W/DANGEROUS & DEADLY WEAPON
COUNT 02 ROBBERY
COUNT 03 ASSAULT
COUNT 04 THEFT
COUNT 05 BATTERY
COUNT 06 ATTEMPTED ROBBERY

ACT DATE: STATUS DATE: STATUS TYPE:
BAIL TYPE: CORPORATE BAIL AMOUNT:\$
SURETY BOND NO:
BONDSMAN: ALLAN COHAN
ADDRESS: AMERICAN BANKERS INS CO

PROSECUTOR:

ATTORNEY:

NANCY COHEN
MICHAEL MCCAMPBELL
CHESTER COHEN
SCOTT WHITNEY
GARY S BERNSTEIN
WILLIAM H MURPHY JR

APPEARANCE ENTERED:

JULY 9, 1986
JUNE 23, 1987
NOVEMBER 2, 1987
MAY 8, 1989
OCTOBER 11, 1989
MARCH 6, 1990

DATE	PROCEEDING	JUDGE	ACTION
MARCH 5, 1986	ARRAIGNMENT	JUDGE WILLIAM BUCHANAN	BW ISSUED
APRIL 2, 1986	ARRAIGNMENT		OUT ASSIGN
APRIL 2, 1986	BOND HEARING	JUDGE LEONARD S JACOBSON	COMPLETED
MAY 5, 1986	ARRAIGNMENT	JUDGE DANA LEVITZ	ADV.4-215 & 242
JULY 8, 1986	TRIAL	JUDGE JOHN G TURNBULL II	BW ISSUED
APRIL 20, 1987	TRIAL	JUDGE J WILLIAM HINKEL	POSTPONED BY: DEFENSE
JULY 16, 1987	TRIAL	JUDGE EDWARD DEWATERS	POSTPONED BY: DEFENSE
NOVEMBER 10, 1987	TRIAL	JUDGE EDWARD DEWATERS	POSTPONED BY: DEFENSE
DECEMBER 7, 1987	TRIAL	JUDGE JOHN G TURNBULL II	TRIAL SENTENCE
JULY 27, 1989	POST CONVICTION	JUDGE JOSEPH MURPHY JR	RESET
AUGUST 25, 1989	POST CONVICTION	JUDGE JOSEPH MURPHY JR	RESET
DECEMBER 11, 1989	POST CONVICTION	JUDGE JOSEPH MURPHY JR	POSTPONED

DATE PRINTED: MAY 8, 1990

CASE NO. 86CR0627 STATE OF MARYLAND V. JOINES, HARRY

BY:

FEBRUARY 20, 1990 POST CONVICTION JUDGE JOSEPH MURPHY JR

RESET

MARCH 5, 1990 ARRAIGNMENT JUDGE WILLIAM BUCHANAN

OUT ASSIGN

JUNE 18, 1990 TRIAL

FILING DATE: FEBRUARY 4, 1986 CASE TYPE: INFORMATION

01. FEB. 13, 1986 SERVICE NOT MADE, CITY SHFF'S
RETURN.

02. MARCH 5, 1986 NO BAIL SET ON BENCH WARRANT.

03. APR. 2, 1986 HEARING HAD IN RE BAIL - BAIL
REINSTATED AT \$25,000.00. DEFENDANT TO BE
RELEASED AS TO THIS CASE ONLY. RELEASE FORM
SENT.(TOTAL BAIL AS TO ALL THREE CASES)

04. MAY 1, 1986 BENCH WARRANT RETURNED.

05. MAY 21, 1986 PLEA OF NOT GUILTY ENTERED ON BEHALF
OF THE DEFENDANT UNDER MD. RULE 4-242.

06. JULY 8, 1986 NO BAIL AUTHORIZED

07. JULY 9, 1986 MOTIONS PURSUANT TO MARYLAND RULE
4-252

08. DEFENDANT'S REQUEST FOR DISCOVERY AND MOTION TO
PRODUCE DOCUMENTS.

09. APRIL 20, 1987 DEFENDANT WAIVES RIGHTS UNDER
MD RULE 4-271 IN OPEN COURT.

10. APRIL 28, 1987 BENCH WARRANT SERVED.

11. MAY 16, 1987 NOTICE FROM DEFENDANT THAT GERALD
SHIPLEY IS NO LONGER REPRESENTING HIM.

12. JULY 2, 1987 STATE'S ANSWER TO DEFENDANT'S
MOTION FOR DISCOVERY AND INSPECTION.

13. JULY 16, 1987 DEFENDANT'S MOTION TO STRIKE
APPEARANCE OF GERALD SHIPLEY.

14. JULY 16, 1987 ISSUE WRIT TO DOC.

15. JULY 24, 1987 ORDER OF COURT STRIKING THE APPEARA
APPEARANCE OF GERALD SHIPLEY AS COUNSEL ENTERED ON
FEB. 24, 1987.

16. NOV. 2, 1987 DEFENDANT'S REQUEST FOR POSTPONEMENT.

CASE NO. 86CR0627 STATE OF MARYLAND V. JOINES, HARRY

17. NOV. 2, 1987 CORRESPONDENCE FROM DEFENDANT.
18. NOV. 10, 1987 DEFENDANT REMANDED DOC. ISSUE WRIT TO DOC.
19. DEC. 3, 1987 DEFENDANT'S MOTIONS PURSUANT TO MD RULE 4-252.
20. DEC. 7, 1987 JURY TRIAL WAIVED, CASE SUBMITTED ON AGREED STATEMENT OF FACTS. PRIOR TO PRE-TRIAL MOTION TO AMEND THE CRIMINAL INFORMATION SHEET BY INTERLINEATION IN OPEN COURT TO CHANGE THE DATE
21. FROM "17" DAY TO "1ST" DAY - GRANTED. HEARING HAD ON DEFENDANT'S MOTION TO SUPPRESS IN COURT IDENTIFICATION-DENIED. DEFENDANT'S MOTION TO SUPPRESS EVIDENCE SEIZED-DENIED. DEFENDANT'S
22. MOTION TO SUPPRESS TESTIMONY OF CHEMIST-DENIED. COMMIT SENT.
23. JAN. 19, 1988 RULING FROM JUDGE TURNBULL THAT THE MOTION FOR MODIFICATION OF SENTENCE IS HEREBY DENIED.
24. MAY 4, 1989 PETITION FOR POST CONVICTION RELIEF.
25. MAY 10, 1989 STATE'S ANSWER TO PETITION FOR POST CONVICTION RELIEF.
26. MAY 11, 1989 NOTICE OF POST CONVICTION RECEIVED FROM CLERK. EAD
27. MAY 16, 1989 DEFENDANT'S AMENDED PETITION FOR POST CONVICTION RELIEF.
28. JULY 27, 1989 HEARING HAD IN RE POST CONVICTION - TESTIMONY TAKEN. CASE CONTINUED TO 8/25/89 AT 9:30 A.M.. DEFENDANT REMANDED DOC PER DETAINER.
29. AUGUST 25, 1989 HEARING HAD IN RE POST CONVICTION RESET FOR 8/28/89 AT 9:30 A.M..
30. DEC. 11, 1989 RESET FOR 12/15/89 AT 9 AM. DEFENDANT REMANDED BCDC PER THIS DETAINER. NO BAIL. ORDER FILED.
31. DEC. 11, 1989 RULING BY THE COURT THAT THE DEFENDANT, HARRY JOINES IS THE CONFINED TO THE BCDC AS OPPOSED TO THE DOC UNTIL FRIDAY, DECEMBER 15, 1989. (JFM)
32. FEB. 20, 1990 DEFENDANT'S PETITION FOR POST CONVICTION RELIEF-GRANTED.

DATE PRINTED: MAY 8, 1990

CASE NO. 86CR0627 STATE OF MARYLAND V. JOINES, HARRY

- 33. FEB. 20, 1990 DEFENDANT REMANDED DOC PER
DETAINER. NO BAIL AUTHORIZED.
- 34. FEB. 20, 1990 CASE TO BE RESET FOR TRIAL.
- 35. FEB. 28, 1990 ORDER GRANTING POST-CONVICTION
RELIEF. (JFM)
- 36. MARCH 5, 1990 INFORMATION AVAILABLE TO THE
COURT THAT B. MURPHY WILL ENTER APPEARANCE.
DEFENDANT REMANDED DOC.
- 37. MARCH 6, 1990 DEFENDANT'S OMNIBUS MOTION UNDER
RULE 4-252.
- 38. MARCH 30, 1990 STATE'S ANSWER TO DEFENDANT'S
MOTION FOR DISCOVERY AND INSPECTION.
- 39. MAY 7, 1990 CORRESPONDENCE.

DISPOSITIONS: DECEMBER 7, 1987

COUNT 01 ROBBERY W/DANGEROUS & DEADLY WEAPON
PLEA: GUILTY FINDING: GUILTY
SENT DATE: 12/07/87 SENT TYPE: PRISON
LENGTH: 6Y SUSP LENGTH:
CC/CS: CREDIT T/S:
LITERAL: COSTS WAIVED.
CONSECUTIVE TO PRESENT SENTENCE.

EXPL CODE: MD DOC
NOTES:

COUNT 02 ROBBERY
PLEA: FINDING: NOLLE PROSSE

COUNT 03 ASSAULT
PLEA: FINDING: NOLLE PROSSE

COUNT 04 THEFT
PLEA: FINDING: NOLLE PROSSE

COUNT 05 BATTERY
PLEA: FINDING: NOLLE PROSSE

COUNT 06 ATTEMPTED ROBBERY
PLEA: FINDING: NOLLE PROSSE

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

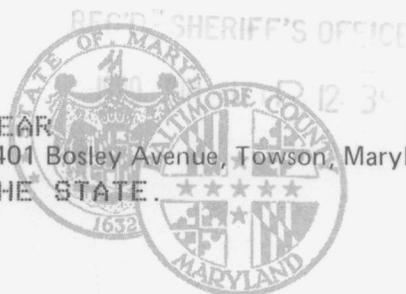
State of Maryland vs. HARRY JOINES

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO KEVIN W BOOZ
2340
CID2



You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JUNE 18, 1990 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 4, 1990

Suzanne Mensch
SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County

Per _____ Deputy



SHERIFF'S RETURN

DATE SERVED: 6/5/90 DC

DATE SERVICE NOT MADE: _____

REASON: *Edward Malone*
SHERIFF
SHERIFF OF BALTO. CO., MD.

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
887-6650

FEE: \$ 15

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

State of Maryland, Baltimore County to wit:

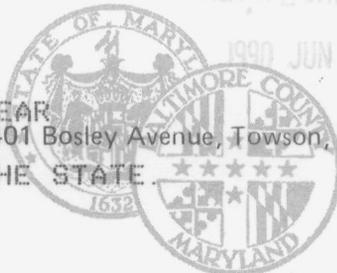
C.C. NO. E662990
CITATION NO.

TO: PO JOSEPH C JR FOLIO
2167
CID1

REC'D SHERIFF'S OFFICE

1990 JUN -4 P 12 34

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Issued: JUNE 4, 1990

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per *[Signature]*

Deputy

SHERIFF'S RETURN

DATE SERVED: *MC 6/5/90*

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Valne
SHERIFF
SHERIFF OF BALTO. CO., MD.

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
887-6650

FEE: \$ *15*

WITNESS SUMMONS

Unser

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. B6CR0627

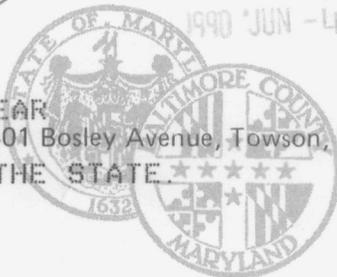
State of Maryland, Baltimore County to wit:

TO: DEBRA ANN BRADBURN
8072 DELHAVEN RD

BALTIMORE, MD 21222

REC'D SHERIFF'S OFFICE

1990 JUN -4 P 12-38



You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JUNE 18, 1990 AT 09:15 A.M. TO TESTIFY FOR THE STATE.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 4, 1990

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

[Signature]

Deputy

SHERIFF'S RETURN

DATE SERVED: 6-6-90

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Valone
SHERIFF OF BALTO. CO., MD.

SHERIFF

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
887-6650

FEE \$ 15

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE COUNTY

State of Maryland vs. HARRY JOINES

Case No. 86CR0627

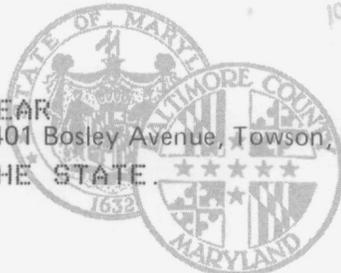
State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: CPL JOHN M QUINN
1575
PC12

REC'D SHERIFF'S OFFICE
1990 JUN -4 P 12:38

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JUNE 18, 1990 AT 09:15 A.M. TO TESTIFY FOR THE STATE.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 4, 1990

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County

[Signature]
Per

Deputy



SHERIFF'S RETURN

DATE SERVED: 6-5-90

DATE SERVICE NOT MADE: _____

REASON: _____

Edward Malone
SHERIFF
SHERIFF OF BALTO. CO., MD.

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
887-6650

FEE: \$ 15.00

WITNESS SUMMONS

CIRCUIT COURT FOR BALTIMORE CO.

State of Maryland vs. HARRY JOINES

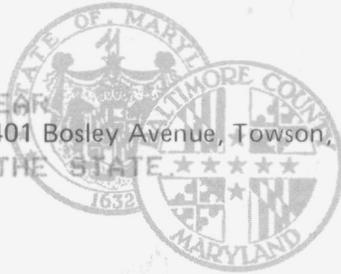
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

TO: DEBRA ANN BRADBURN
8072 DELHAVEN RD

BALTIMORE, MD 21222

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JUNE 18, 1990 AT 09:15 A.M. TO TESTIFY FOR THE STATE



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 4, 1990

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

Per _____

Deputy

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
887-6650

SHERIFF

FEE \$ _____

WITNESS SUMMONS

JIT COURT FOR BALTIMORE COU.

State of Maryland vs. HARRY JOINES

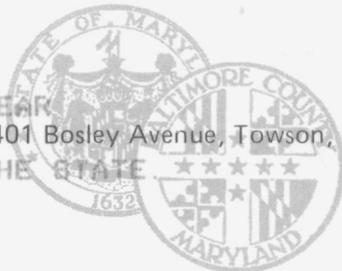
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: CPL JOHN M QUINN
1575
PC12

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JUNE 18, 1990 AT
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Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 4, 1990

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

WITNESS INFORMATION AND
ASSISTANCE
STATE'S ATTORNEY'S OFFICE
887-6650

SHERIFF

FEE: \$ _____

WITNESS SUMMONS

JUDICIAL CIRCUIT COURT FOR BALTIMORE COU.

State of Maryland vs. HARRY JOINES

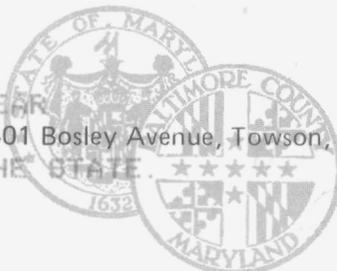
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PD KEVIN W BOOZ
2340
CID2

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Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 4, 1990

Suzanne Mensh

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

SHERIFF'S RETURN

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
887-6650

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SHERIFF

FEE: \$ _____

WITNESS SUMMONS

JIT COURT FOR BALTIMORE COU.

State of Maryland vs. HARRY JOINES

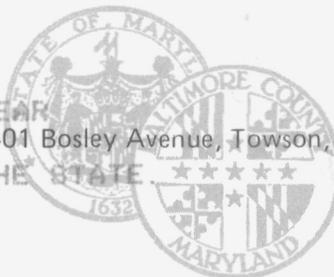
Case No. 86CR0627

State of Maryland, Baltimore County to wit:

C.C. NO. E662990
CITATION NO.

TO: PO JOSEPH C JR FOLIO
2167
CID1

You are hereby SUMMONED TO APPEAR before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JUNE 18, 1990 AT 09:15 A.M. TO TESTIFY FOR THE STATE.



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 4, 1990

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



SHERIFF'S RETURN

DATE SERVED: _____

DATE SERVICE NOT MADE: _____

REASON: _____

Per _____

Deputy

WITNESS INFORMATION AND ASSISTANCE
STATE'S ATTORNEY'S OFFICE
887-6650

_____ SHERIFF

FEE: \$ _____

JIT COURT FOR BALTIMORE COU

State of Maryland vs. HARRY JOINES

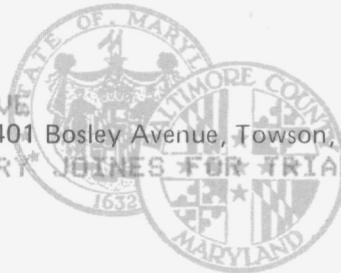
Case No. 86CR0627

I. D. NO.

State of Maryland, Baltimore County to wit: D. O. B. NOVEMBER 10, 1958

TO: WARDEN; MD. DIV. OF CORR. - TRANS. UNIT
550 E MADISON ST
BALTIMORE, MD 21202

You are hereby COMMANDED TO HAVE before the Judges of the Circuit Court for
Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON JUNE 18, 1990 AT
09:15 A.M. THE BODY OF HARRY JOINES FOR TRIAL



Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: JUNE 4, 1990

Suzanne Mensh

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

[Signature]

Deputy

COURT CLERK'S WORK SHEET

TRIAL DATE 6/18/90 Judge Turnbull

M. Norman STATE'S ATTORNEY W. Murphy, Jr. DEFENDANT'S ATTORNEY

P. Crisole COURT REPORTER JGP CLERK

CASE # 86CR0627/007161C0 NAME Harry Jones

CHARGE Rob B/W

TRIAL COURT PLEA JURY GUilty NOT GUILTY NOLO CONTENDERE

MOTIONS: 1. END of STATE'S CASE defs. Motion for Judgment of ACQUITTAL
 GRANTED OVERRULED

2. END of ENTIRE CASE defs. Motion For Judgment of ACQUITTAL
 GRANTED OVERRULED

VERDICT: GUilty ON COUNTS NOT GUILTY ON COUNTS

SENTENCE	TERM OF	SUSPENDED	PROB.	FINE & COSTS
Department of Correction				
Balto. Co. Detention Center				

REMARKS Not Pres. Present.
to be rel from Doc as to this
Case only Present.
Δ rem Doc per detainer.

NOTE: IF PRE-SENTENCE REPORT IS ORDERED OR DEFENDANT IS ON PROBATION — DEFENDANT MUST REPORT TO PROBATION DEPARTMENT FIFTH FLOOR, ROOM 508, COUNTY COURTS BUILDING IMMEDIATELY WITH COUNSEL.

CIRCUIT COURT FOR BALTIMORE COUNTY
Towson, Maryland 21204

District Court Case No. _____

Case No. 86 CR 0627

June 13, 19 90

REPORT OF PRISONER BROUGHT TO COURT FOR TRIAL

FROM: SUZANNE MENSCH, Clerk

TO: THE SHERIFF OF BALTIMORE COUNTY, MARYLAND

Name Of Prisoner joines, Harry

Date Of Trial June 13, 19 90 Judge John D. Turnbull

Charge Roll DW Guilty _____ NOT GUILTY _____

DISPOSITION:

Remanded
A. ~~Sentenced~~ To Department Of Correction per detainees _____
Length Of Sentence _____

B. Sentenced To Baltimore County Detention Center _____
Length Of Sentence _____

C. Remanded To Baltimore County Detention Center _____
Probation Report Of Psychiatric Evaluation _____

D. Placed On Probation _____
Length Of Probation _____

E. Sentenced To Baltimore County Detention Center Work Release Recommended _____

F. Stet _____

G. Nol Pros _____

H. Arraignment _____

I. Trial Continued _____

J. Trial Postponed _____

K. Bail Hearing _____

L. Defendant Released From This Case Only from Doc
Release In Transit.

SUZANNE MENSCH, CLERK

Per [Signature]
Deputy Clerk

STATE OF MARYLAND

VS.

IN THE CIRCUIT COURT
FOR
BALTIMORE COUNTY

Harry Joines

Case No. 86CR0627

District Court Case No. 007161C0

To The Warden Of The Department of Correction

You are hereby directed to release Harry Joines

held on the charge of Robbery with Dangerous and Deadly Weapon, Etc.

unto the Sheriff of Baltimore County for the following reason:

per verbal order of the Hon. John G. Turnbull, II as to this case only.

June 18, 1990

Date

PER: TA 10:40 a.m.

Suzanne Mench (Seal)
Clerk

2nd fl 6627
joined

Arraign 3/5

Doc ✓

WRIT OF HABEAS CORPUS

C. J. CIRCUIT COURT FOR BALTIMORE COUN

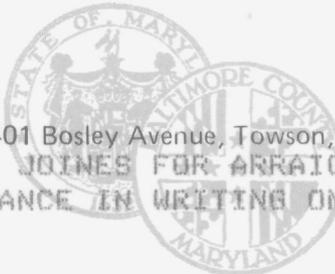
State of Maryland vs. HARRY JOINES

Case No. B6CR0627

I. D. NO.

State of Maryland, Baltimore County to wit P. O. B. NOVEMBER 10, 1958

TO: WARDEN; MD. DIV. OF CORR. - TRANS. UNIT
550 E MADISON ST
BALTIMORE, MD 21202



You are hereby COMMANDED TO HAVE before the Judges of the Circuit Court for Baltimore County, County Courts Building, 401 Bosley Avenue, Towson, Maryland, ON MARCH 5, 1990 AT 09:15 A.M. THE BODY OF HARRY JOINES FOR ARRAIGNMENT, UNLESS YOUR COUNSEL ENTERS AN APPEARANCE IN WRITING ON OR BEFORE THE TIME SPECIFIED IN THIS WRIT.

Witness the Honorable Chief Judge of the Third Judicial Circuit of Maryland.

Issued: FEBRUARY 21, 1990

Suzanne Mensch

SUZANNE MENSCH
Clerk, Circuit Court for Baltimore County



Per

Deputy

RETURN OF SERVICE

DATE DEFENDANT SERVED WITH WRIT & CHARGING DOCUMENT: _____

DATE SERVICE NOT MADE: _____

REASON: _____

SIGNATURE & TITLE