

FILED APR 1 1965
J. LLOYD YOUNG, CLERK
COURT OF APPEALS OF MARYLAND

IN THE COURT OF APPEALS OF MARYLAND

No. 91

SEPTEMBER TERM, 1961

ROBERT MACK BELL, et al.,

Appellants,

v.

STATE OF MARYLAND,

Appellee.

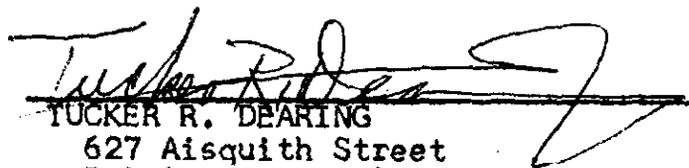
MOTION FOR ORDER VACATING JUDGMENT OF
CONVICTION OR, IN THE ALTERNATIVE, TO
SET CASE FOR ARGUMENT ON REHEARING

This Court filed an opinion, October 22, 1964, again affirming appellants' convictions after remand of this case by the United States Supreme Court. Appellants requested rehearing, directing the court's attention to the pendency of similar issues in the United States Supreme Court. This Court granted rehearing and deferred argument awaiting the outcome of those cases which were Hamm v. City of Rock Hill and Lupper v. State of Arkansas.

The issues involved have been settled by the Supreme Court in accord with the appellants' arguments that such prosecutions are abated by the Civil Rights Act of 1964. The abovementioned cases were decided in a single opinion, sub nom. Hamm v. City of Rock Hill, 379 U.S. 306, on December 14, 1964. The Hamm opinion was again followed in Blow v. North Carolina, 33 U.S.L. Week 3264 (U. S. Sup. Ct., February 1, 1965). Appellants submit that these rulings are completely dispositive of the present

case and that the convictions should be reversed without further argument. However, if the court desires further argument, we request that the case be set as early as may be convenient because numerous trial courts in the State of Maryland are awaiting the final disposition of this case.

Respectfully submitted,


TUCKER R. DEARING
627 Aisquith Street
Baltimore, Maryland

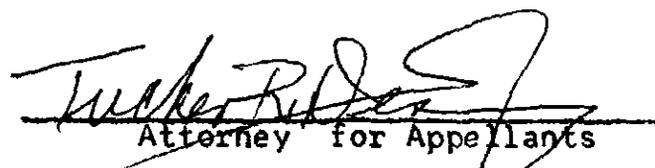
JUANITA JACKSON MITCHELL
1239 Druid Hill Avenue
Baltimore, Maryland

JACK GREENBERG
JAMES M. NABRIT, III
10 Columbus Circle
New York 19, New York

Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of March, 1965, I served a copy of the foregoing Motion for Order Vacating Judgment of Conviction Or, in the Alternative, to Set Case for Argument on Rehearing on the Honorable Thomas B. Finan, Attorney General of the State of Maryland; Robert C. Murphy, Esq., Deputy Attorney General, Baltimore, Maryland; and William J. O'Donnell, Esq., State's Attorney for Baltimore City, by United States mail, postage prepaid, addressed as indicated above.


Attorney for Appellants

[1965-4]

I received a copy of the foregoing motion for order vacating
I hereby certify that on the _____ day of March, 1965,

OFFICIALS OF SERVICE

Motion for Order
Vacating judgment
of conviction or,
in the alternative,
to set case for
rehearing.

NEW YORK 12, NEW YORK
CO. COMPANY
W. W. W. W.
RESEARCH
SEE ORDER OF
COURT ATTACHED
HEREIN

Respectfully submitted,

For the [redacted] distribution of this case,
because numerous first courts in the State of New York are seeing
redoubt that the case be set as well as may be convenient
and/or. However, if the court decides further proceedings are
warranted that the convictions should be reversed without further

Filed: April 1-1965