

IN THE  
COURT OF APPEALS  
OF MARYLAND

ROBERT M. BELL, ET. AL. :  
APPELLANTS : SEPTEMBER TERM, 1961  
V. : NO. 91  
STATE OF MARYLAND :  
APPELLEE :

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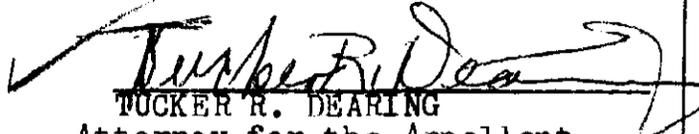
STIPULATION EXTENDING TIME FOR FILING  
APPELLANTS' AND APPELLEE'S BRIEF

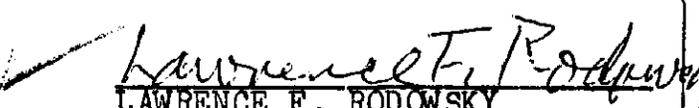
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Pursuant to the Provision of Rule 830 Paragraph (3) of the rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, counsel for the Appellants and counsel for the Appellee, do hereby enter into the stipulation, agreeing to extend the time for filing the briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing of said brief of the appellant Robert M. Bell and the other Appellants, due to be filed in this Court on September-15- 1961 is this 13th day of September, 1961, extended to September-25-1961.

It is further stipulated and agreed between the respective counsels that the time for filing the Appellee's, the State of Maryland's brief shall be extended to October-28-1961.

  
TUCKER R. DEARING  
Attorney for the Appellant

  
LAWRENCE F. RODOWSKY  
Assistant Attorney General of  
Maryland

*also  
State's atty (Harris)*

9/14/61  
Joh

IN THE  
COURT OF APPEALS  
OF MARYLAND

ROBERT M. BELL, et. al. :  
Appellant :  
September Term, 1961  
VS. :  
No. 91  
STATE OF MARYLAND :  
Appellee

STIPULATION EXTENDING TIME FOR FILING  
APPELLANT'S AND APPELLEE'S BRIEFS

Pursuant to the Provision of Rule 830 Paragraph (3) of the Rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, Counsel for the Appellants and Counsel for the Appellee, do hereby enter into a stipulation, agreeing to extend the time for filing the Briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing of said Brief of the Appellant Robert M. Bell and the other Appellants, due to be filed in this Court on August-15-1961 is 14th day of August, 1961, extended to September-15-1961.

It is further stipulated and agreed between the respective counsels that the time for filing the Appellee's, the State of Maryland's Brief shall be extended to October-18-1961.

*also  
State's ally (Harris)*

*[Signature]*  
LUCKER R. DEARING  
Attorney for the Appellant

*[Signature]*  
Lawrence F. Rodowsky  
Assistant Attorney General of  
Maryland

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jmk

IN THE  
COURT OF APPEALS  
OF MARYLAND

ROBERT M. BELL, et al  
Appellant

vs.

September Term, 1961

STATE OF MARYLAND

No. 91

Appellee

\* \* \* \* \*

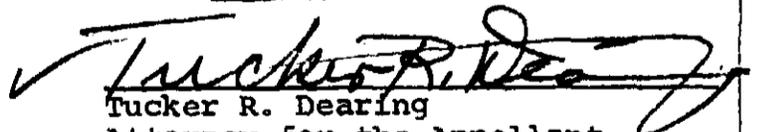
STIPULATION EXTENDING TIME FOR FILING

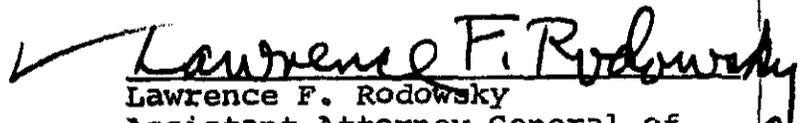
APPELLANT'S AND APPELLEE'S BRIEFS

Pursuant to the Provision of Rule 830 Paragraph (3) of the rules of the Court of Appeals of Maryland, Michie Publishing Company for 1957, Counsel for the Appellants and Counsel for the Appellee, do hereby enter into a stipulation, agreeing to extend the time for filing the Briefs of the Appellants and Appellee.

Now, therefore, it is hereby stipulated and agreed that the time for filing the said Brief of the Appellant Robert M. Bell and the other Appellants, due to be filed in this Court, on July 5, 1961 is this 3rd day of July, 1961, extended to August 15, 1961.

It is further stipulated and agreed between the respective counsels that the time for filing Appellee's the State of Maryland's Brief shall be extended to October 2, 1961.

  
Tucker R. Dearing  
Attorney for the Appellant

  
Lawrence F. Rodowsky  
Assistant Attorney General of Maryland

*also  
state's atty (Harris)*

5 7/5/61  
JLL

December 10, 1964

E. P. Cullinan, Esquire  
Chief Deputy Clerk  
Supreme Court of the United States  
Washington, D. C. 20025

Dear Mr. Cullinan:

I enclose the Petition for Rehearing, filed in this Court on November 23, 1964, in the case of Robert Mack Bell, et al. v. State of Maryland, No. 91, September Term, 1961, and a copy of the letter advising counsel of the action of the Court.

I hope this information will be of assistance.

Very truly yours,

Clerk

JLY/mjm  
Enclosure

*File*  
*"Rehearing" Dearing*  
*JHR*

December 8, 1964

Tucker R. Dearing, Esq.  
Attorney at Law  
627 Aisquith Street  
Baltimore, Maryland 21202

Dear Sir:

The Court has considered your "Petition for Rehearing," filed on November 23, 1964, in the case of Robert Mack Bell, et al. vs. State of Maryland, No. 91, September Term, 1961, and, for your information, the Court has granted the petition, but has instructed the Clerk not to reschedule this appeal awaiting the outcome of similar issues now pending before the United States Supreme Court.

Very truly yours,

Clerk

JLY/ojr

cc: Office of the Attorney General  
Office of the State's Attorney of  
Baltimore City  
Mrs. Juanita Jackson Mitchell,  
Attorney at Law  
Jack Greenberg, Esq. (N.Y.C.)

LAW OFFICES

DEARING & TOADVINE

627 AISQUITH STREET

BALTIMORE 2, MD.

PEABODY 2-6651

TUCKER R. DEARING  
WILLIAM M. TOADVINE

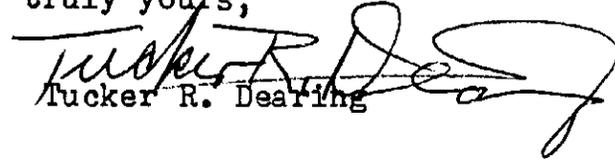
November 19, 1964

Clerk of Court of Appeals of  
Maryland  
Annapolis, Maryland

Dear Sir:

Enclosed find the original and six copies of a motion which we have prepared requesting a rehearing in The Case of Robert Mack Bell, et al v. State of Maryland, No. 91, which was decided October 22, 1964.

Very truly yours,

  
Tucker R. Dearing

11/23/64 - Dearing pl. Is sending  
check to cover filing fee. - <sup>OK</sup> <sup>Rec'd</sup> JR

Copies of petition marked to judges.

JR

IN THE COURT OF APPEALS OF MARYLAND

No. 91

SEPTEMBER TERM, 1961

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ROBERT MACK BELL, et al.,

v.

STATE OF MARYLAND.

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FILED NOV 23 1964  
J. LLOYD YOUNG, CLERK  
COURT OF APPEALS OF MARYLAND

PETITION FOR REHEARING

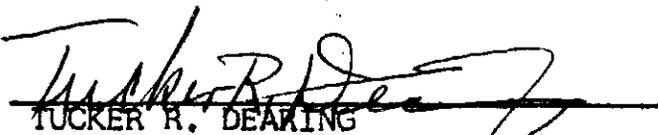
The appellants herein, by their attorneys, respectfully request that the court grant rehearing in this case on the grounds set forth below.

The opinion on remand filed herein on October, 22, 1964, decided that the Civil Rights Act of 1964 did not require abatement of these prosecutions or prohibit punishment of appellants. It is submitted that this issue presents substantial federal statutory and constitutional questions not yet decided by the United States Supreme Court. However, these very same issues are now pending before the United States Supreme Court in two cases which have already been briefed, argued and taken under advisement. Hamm v. City of Rock Hill, cert. granted, 377 U.S. 988, and Lupper v. Arkansas, cert. granted, 377 U.S. 989 (both cases argued October 12, 1964; 33 U.S.L. Week 3141). Appellants submit that, particularly in view of the prior opinion of the Supreme Court in this case on the abatement question (Bell v. Maryland, 378 U.S. 226), there is a substantial likelihood that the Supreme Court may hold that the Civil Rights Act of 1964 abates such

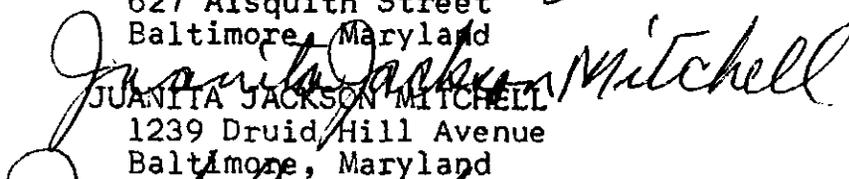
prosecutions. Such a decision would, of course, be determinative of this case and binding upon this Court.

In view of these circumstances, it is respectfully requested that this Court grant rehearing and defer final action on this appeal until the effect of the Civil Rights Act of 1964 is authoritatively determined. We believe that this course of action would be consonant with sound judicial management, in that, whatever the outcome of the pending cases in the United States Supreme Court, this Court can, by postponing final decision, avoid a possible unnecessary appeal concerning a settled question. Basic equity considerations favor the avoidance, where possible, of unnecessary appeals for the convenience of the courts and the parties.

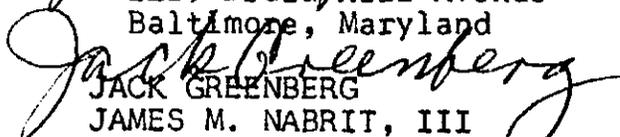
Respectfully submitted,



TUCKER R. DEAKING  
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 16<sup>th</sup> day of November, 1964, I served a copy of the foregoing Petition for 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



April 9, 1965

Tucker R. Bearing, Esq.  
Attorney at Law  
627 Aisquith Street  
Baltimore, Maryland 21202

Dear Sir:

The Court has considered the motion for order vacating judgment, etc. in the case of Robert Mack Bell, et al. vs. State of Maryland, No. 91, September Term, 1961. For your information, an Order of Court was filed in the matter today and a copy is enclosed.

The Clerk of the Criminal Court of Baltimore has been instructed to attach a copy of this Order to the supplemental mandate issued from this office on October 23, 1964.

Very truly yours,

Clerk

JLY/ojr  
Enclosure

cc: Lawrence R. Mooney, Esq.,  
Clerk, Criminal Court of Baltimore  
Office of the Attorney General  
Mrs. Juanita Jackson Mitchell,  
Attorney at Law  
Office of the State's Attorney of Baltimore City

ROBERT MACK BELL, et al	*	In The
	*	Court of Appeals
v.	*	of Maryland
	*	No. 91
STATE OF MARYLAND	*	September Term, 1961
	*	

O R D E R

Upon consideration of the motion for order vacating judgment of conviction, or in the alternative, to set case for argument on rehearing,

It is, this 9<sup>th</sup> day of April, 1965, ORDERED by the Court of Appeals of Maryland that the supplemental mandate of this Court filed on October 23, 1964, affirming the judgments of the Criminal Court of Baltimore be, and the same is hereby, vacated, and it is further

ORDERED that the judgments of the Criminal Court of Baltimore be, and they are hereby, reversed with costs, and it is further

ORDERED that the Mayor and City Council of Baltimore pay the court costs below and in this Court, and that the State of Maryland pay the sum of four hundred and sixty-two dollars and ninety-three cents (\$462.93) to Robert Mack Bell, et al, for their costs expended in the prosecution of their appeal to the Supreme Court of the United States, as directed by that Court.

  
 \_\_\_\_\_  
 Chief Judge

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

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ROBERT MACK BELL, et al.,

Appellants,

v.

STATE OF MARYLAND,

Appellee.

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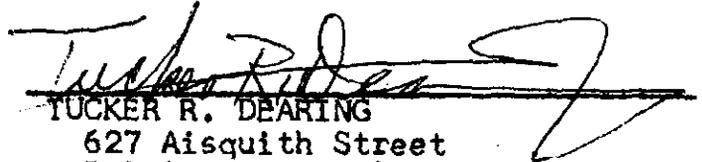
MOTION FOR ORDER VACATING JUDGMENT OF  
CONVICTION OR, IN THE ALTERNATIVE, TO  
SET CASE FOR ARGUMENT ON REHEARING

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

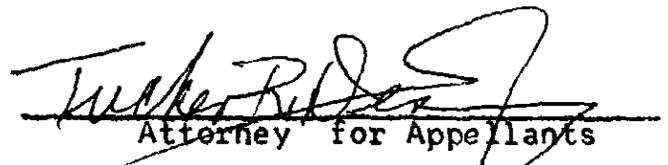
JUANITA JACKSON MITCHELL  
1239 Druid Hill Avenue  
Baltimore, Maryland

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 30<sup>th</sup> 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  
hereto.

Filed: April 1-1965

Respectfully submitted,

For the [redacted] distribution of this case.  
Persons concerned with service in the State of New York are notified  
that this case has set as well as may be convenient  
and/or. However, if the court desires further information,  
it is noted that the conviction should be reversed without further

April 19, 1965

Tucker R. Dearing, Esquire  
627 Aisquith Street  
Baltimore, Maryland 21202

Re: Bell v. Maryland

Dear Tucker:

#91-1961

I am now in receipt of the Order dated April 9, 1965 by the Court of Appeals of Maryland in connection with the above captioned case, wherein it reverses the judgments of the Criminal Court of Baltimore, with costs, the same to be paid by the Mayor and City Council of Baltimore.

In reviewing the several mandates of the Court of Appeals, it appears to me that the following costs are payable to you:

Costs in the Supreme Court of the United States	\$462.93
Costs in the Court of Appeals of Maryland	604.66
Costs in the Criminal Court of Baltimore	<u>79.00</u>
TOTAL	\$1,146.59

By letter dated August 14, 1964, Jack Greenberg, Director-Counsel, requested that check for the costs be made payable to him and that he would make the necessary adjustments with other counsel.

Tucker R. Dearing, Esquire  
April 19, 1965  
Page Two

Please let me know if the costs as above stated correctly coincide with your statement of such costs and also if it is agreeable to you that we make our check payable to Jack Greenberg, Attorney at Law.

Sincerely,

Robert C. Murphy  
Deputy Attorney General

RCM:1hh

cc: Jack Greenberg, Esquire  
Mr. James H. Norris, Jr.  
Miss Lucy Ann Garvey

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