

TRANSCRIPT OF RECORD

FROM THE
CLERK OF THE CIRCUIT COURT FOR CECIL COUNTY
IN THE CASE OF

STATE OF MARYLAND

vs.

LIDGE SCHOWGUROW

TO THE

CIRCUIT COURT FOR GARRETT COUNTY

WALTER M. BAKER

STATE'S ATTORNEY

J. GRAHAM WALKER

DEFENDANT'S ATTORNEY

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CRIMINAL NO. 1390

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State of Maryland,
Cecil County, to-wit:

The Jurors of the State of Maryland, for the body of Cecil County, do on their oath present that

..... **Lidge Schowgurow**

late of the County aforesaid on the **5th** day of **January** in the year

of our Lord nineteen hundred and **sixty-four** with force and arms, at the County aforesaid,

**feloniously, wilfully and of deliberate premeditated malice afore-
thought, did kill and murder Joyce Schowgurow;**

contrary to the form of the Acts of Assembly in such case made and provided, and against the peace, govern-
ment and dignity of the State.

.....
The State's Attorney for Cecil County

STATE OF MARYLAND

VS.

LIDGE SCHOWGOUROW

IN THE CIRCUIT COURT
FOR CECIL COUNTY
CRIMINAL NO. 1390

O R D E R

It is this 7th day of MARCH, 1966,

ORDERED BY THE CIRCUIT COURT FOR CECIL COUNTY, that leave
is granted to the Clerk of said Court 45 additional days
to prepare the record for removal to Garrett County for
trial.

Geo. B. Rosin Jr
JUDGE

CLERK'S CERTIFICATE

STATE OF MARYLAND

CECIL COUNTY, TO-WIT:

I, W. ANDREW SETH, Clerk of the Circuit Court for Cecil County, do HEREBY CERTIFY that the foregoing is a TRUE, FULL and COMPLETE RECORD of the proceedings in the case of STATE OF MARYLAND vs. LIDGE SCHOWGUROW, being Criminal No. 1390, of the Circuit Court for Cecil County, and which is now on file and of record in the office of the Clerk of the Circuit Court for Cecil County.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Seal of the Circuit Court for Cecil County, this day of March Nineteen Hundred and Sixty-six.

Clerk of the Circuit Court
for Cecil County

And the same is transmitted herewith:

Clerk of the Circuit Court
for Cecil County

WALKER, COE & BASTIAN
ATTORNEYS AT LAW
8400 WISCONSIN AVENUE
BETHESDA, MARYLAND 20014

J. GRAHAME WALKER
LOWRY N. COE
DAVID C. BASTIAN

TELEPHONE
AREA CODE 301
656-1600

March 9, 1966

Honorable W. Andrew Seth
Clerk of the Circuit Court
for Cecil County, Maryland
Elkton, Maryland

Re: State of Maryland vs. Lidge Schowgurow
Criminal No. 1390

Dear Mr. Seth:

I am in receipt of your letter addressed to me under date of March 7, 1966, and enclose herewith a form of waiver and consent.

With every good wish

Sincerely,


J. GRAHAME WALKER

JGW:ss

Enclosure

RECEIVED FOR RECORD
& RECORDED

MAR 12 10 31 AM '66

ONE OF THE RECORDS
CECIL COUNTY AND DEAN
PER W. ANDREW SETH

In the Circuit Court for Cecil County,

STATE OF MARYLAND

VS.

LIDGE SCHOWGUROW

~~1390~~

No. 1390 Criminals

I HEREBY CERTIFY, That on the 14th day of March Nineteen Hundred and ~~Thirty~~ 66, I received under cover from the Clerk of the Circuit Court for Cecil County, Transcript of Record in the above entitled cause.

IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Seal of the Circuit Court for Garrett County on this 14th day of March, Nineteen Hundred and ~~Thirty~~ 66.

Richard L. Davis
Clerk of the Circuit Court for Garrett County.

INSTRUCTIONS TO DELIVERING EMPLOYEE	
<input type="checkbox"/> Deliver ONLY to addressee	<input type="checkbox"/> Show address where delivered
<i>(Additional charges required for these services)</i>	
CN# 1390 RECEIPT	
Received the numbered article described on other side.	
SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)	
CLERK OF THE CIRCUIT COURT FOR GARRET CO. <i>R. L. Davis, Clerk</i>	
SIGNATURE OF ADDRESSEE'S AGENT, IF ANY	
DATE DELIVERED	SHOW WHERE DELIVERED (only if requested)
3/14	

CEB-16-71540-S-7 GPO



STATE OF MARYLAND - DEPARTMENT OF MENTAL HYGIENE

THE CLIFTON T. PERKINS STATE HOSPITAL

TELEPHONE 799-1700

DORSEY RUN ROAD
JESSUP, MARYLAND 20794

April 29, 1966

JOHN M. HAMILTON, M.D.
SUPERINTENDENT

EDWARD G. BARNETT
BUSINESS MANAGER

The Honorable George B. Rasin, Jr.
Judge
The Circuit Court for Cecil County
Court House
Elkton, Maryland

RE: SCHOWGUROW, Lidge
Hospital #1669
Criminal No. 1390

Dear Judge Rasin:

The above named patient was readmitted to our hospital on February 11, 1966, by an Order of your Court, for the purpose of a pre-trial mental examination in association with Criminal No. 1390. Mr. Schowgurow had previously been in our hospital from March 10, 1964 to July 8, 1964 for a pre-trial mental examination in association with Criminal No. 1040 which has the same offense as listed in Criminal No. 1390.

Since being in the Clifton T. Perkins State Hospital, Mr. Schowgurow has received a comprehensive psychiatric evaluation with psychological testing, social service investigation, electroencephalography and other pertinent clinical and Laboratory studies. He was presented before a Medical Staff Conference*, on April 28, 1966, at which time it was the unanimous opinion of the Medical Staff, and I concur, that Mr. Schowgurow is currently competent to stand trial.

Two members of the Medical Staff felt that Mr. Schowgurow was "probably" of such mental capacity and reason at the time of the alleged offense so as to be properly able to distinguish between right and wrong and to know the nature and consequences of his acts as applied to himself. Two other members of the staff, and I am in agreement with these members, felt that they were unable to reach a valid opinion as to Mr. Schowgurow's responsibility at the time of the alleged offense.

In view of the difficulty the staff and I had in coming to a definitive conclusion about this man's responsibility, I think that it is useful that I elaborate at length about the circumstances which caused me to be so inconclusive. Mr. Schowgurow claims amnesia for the time during which the alleged offense occurred. He has only vague recollections of his actions during the entire months of November and December of 1963 and the first part of January, 1964. He knows what happened during this period, he says, because of his reading of the events in the press and his exposure in various court hearings, however, he insists that he has no personal recollection of the events which transpired during this time.

Significantly, some time earlier in 1963, Mr. Schowgurow had sustained what must be considered to have been a head injury, probably concussion, when he was struck by a bat held by his father-in-law. Subsequent to that head injury, he claims to have experienced multiple episodes of "black-out" and increasing forgetfulness. He had been employed successfully as a journeyman electrician

* A representative of the Department of Mental Hygiene was present at this Conference.

for about ten years prior to this injury and had always performed adequately on the job. Following the injury, however, he began to lose his ability to perform skillfully in areas where he had previously done well, so much so that he lost the job which was current at that time. He was re-employed by the employer for whom he was working at the time of the alleged offense and claims to have been able to do an adequate job because less intricate things were required of him.

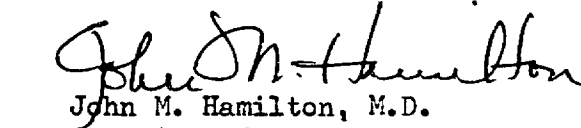
This man has no significant alcoholic history of long standing but it is possible that his alcoholic intake increased rather markedly just two months prior to the alleged offense. Mr. Schowgurow has no past criminal record and the family circumstances under which he lived have been documented as quite horrendous and, therefore, considerably stressful. He had adjusted to them without violence for a considerable period of time.

There are several possibilities which might adequately explain what may have happened at the time of the alleged offense. Mr. Schowgurow may have suffered a post-traumatic amnesia resulting from the injury mentioned earlier; he may have experienced simply an alcoholic black-out or he may have experienced a true Dissociative Reaction. There is also the possibility that his amnesia is a post-crime one and, therefore, of no consequence to the criminal responsibility consideration and it may also be true that he is consciously suppressing the material incident to the alleged offense.

The psychiatric examination at this time does not shed enough light on the personality adjustment of Mr. Schowgurow at the time of the alleged offense, principally, because that period of time is so remote from this period of examination. We can only say that, currently, he is Without Mental Disorder and certainly entirely competent for trial. The history which we have been able to compile, however, does not allow me, in retrospect, to establish and, therefore, elucidate a valid opinion as to Mr. Schowgurow's responsibility at the time of the alleged offense.

In view of the above opinions, I would appreciate it if you would make arrangements for Mr. Schowgurow's return to your custody, as soon as possible, since our evaluation has been completed. If there is any other information that Your Honor might require concerning our evaluation of this man, or his course in our hospital, please do not hesitate to request it of me.

Sincerely yours,


John M. Hamilton, M.D.
Superintendent

JMH:tbt

cc: The Honorable Walter M. Baker
State's Attorney
Dr. Wilfried R. Freinek

WALKER, COE & BASTIAN
ATTORNEYS AT LAW
8400 WISCONSIN AVENUE
BETHESDA, MARYLAND 20014

J. GRAHAME WALKER
LOWRY N. COE
DAVID C. BASTIAN

TELEPHONE
AREA CODE 301
656-1600

June 24, 1966

A. 1390

Mr. Richard L. Davis
Clerk of the Circuit Court
Oakland, Maryland

Re: State of Maryland vs Lidge Schowgurow

Dear Mr. Davis:

I addressed a letter under date of June 8, 1966 to you and enclosed a copy of a petition for counsel fee. Through inadvertency the letter was addressed to Elkton and it may not have reached you.

I will be greatly obliged if you will advise me if you had received it.

With kind regards, I am

Sincerely,

J. Grahame Walker

CC: Clerk of the Circuit Court
Elkton, Maryland

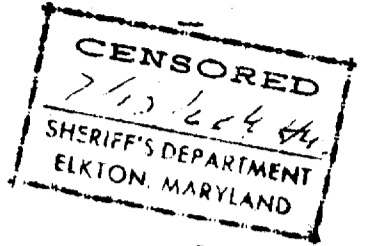
RECEIVED FOR RECORD
& RECORDED

JUN 27 11 10 AM '66

ONE OF THE _____ RECORDS
CECIL COUNTY, MD. & EXAM
PER W. ANDREW SETH
CLERK

C
O
P
Y

IN THE CIRCUIT COURT OF
CECIL COUNTY ELKTON M.D.



L. L. SCHWARZ SCHOWGURROW
P.S.
STATE OF MARYLAND

CR. 11 NO 1390

MOTION TO DISMISS

THE DEF L. SCHOWGURROW HAS BEEN INDICTED BY THE
CECIL COUNTY GRAND JURY FOR MURDER IN THE FIRST
DEGREE BY TIMELY MOTION HE SEEKS DISMISSAL OF THE
INDICTMENT ON BASIC THAT THE GRAND JURY WAS NOT
LEGALLY CONSTITUTED BECAUSE PERSON OF HIS RACE OR COLOR
WAS DISCRIMINATION IN GRAND JURY SELECTION WERE
EXCLUDED FROM THE GRAND JURY WHICH RETURNED THE
INDICTMENT AGAINST THE DEFENDANT WHO IS A ORIENTAL
THEREFORE THE INDICTMENT IS CONSTITUTIONAL DEFECTIVE
OVER ON NEXT PAGE.

2
IT IS PART OF THE ESTABLISHED IN
THE USE OF JURIES AS INSTRUMENTS OF
PUBLIC JUSTICE THAT THE JURY BE A BODY
TRULY REPRESENTATIVE OF THE COMMUNITY.
FOR RACIAL DISCRIMINATION TO RESULT IN
THE EXCLUSION FROM JURY SERVICE OF
OTHERWISE QUALIFIED GROUPS NOT ONLY
VIOLATE OUR CONSTITUTION AND THE LAWS
ENACTED UNDER IT BUT IS AT WAR WITH OUR
BASIC CONCEPTS OF A DEMOCRATIC SOCIETY
AND A REPRESENTATIVE GOVERNMENT.

RECEIVED FOR RECORD
& RECORDED

JUL 14 11 00 AM '64

ONE OF THE RECORDS
CECIL COUNTY, MD. EXAM
PPR V. ANDREW SETH
CLERK

DENIAL OF THE DUE PROCESS OF THE CONSTITUTIONAL GUARANTEE
OF EQUAL PROTECTION OF THE LAWS.

SEE IN EUBANKS V. LOUISIANA. 356 US 582. 78. S. CT.
970 2. L. ED 2. D. 991 1958.

HERNITDEZ V. TEXAS. 347 US 475. 74. S. CT 667. 98.
L. ED 966. 1954.

MR. CHIEF JUSTICE WARREN MADE THE FOLLOWING
OBSERVATIONS 347 U.S. AT 477, 478, 479-81
IN NUMEROUS DECISIONS THIS COURT HAS HELD
THAT IT IS A DENIAL OF THE EQUAL PROTECTION
OF THE LAWS TO TRY A DEFENDANT OF A PARTICULAR
RACE OR COLOR UNDER AN INDICTMENT ISSUED BY A
GRAND JURY OR BEFORE A PETIT JURY FROM WHICH
ALL PERSONS OF HIS RACE OR COLOR BEEN EXCLUDED
BY STATE WHETHER ACTING THROUGH ITS

LEGISLATURE ITS COURTS OR ITS EXECUTIVE OR
ADMINISTRATIVE OFFICERS. ALTHOUGH THE COURT
HAS HAD LITTLE OCCASION TO RULE ON THE
QUESTION DIRECTLY, IT HAS BEEN RECOGNIZED
SINCE STRAUDEY V. W. V. 100 US 303.
25, L. ED 664, THAT THE EXCLUSION OF A CLASS
OF PERSONS FROM JURY SERVICE ON GROUND,
OTHER THAN RACE OR COLOR MAY ALSO DEPRIVE
A DEFENDANT WHO IS A MEMBER OF THAT
CLASS OF THE CONSTITUTIONAL GUARANTEE
OF EQUAL PROTECTION OF THE LAWS

DEFENDANT IS PRAYING TO BE GRANT HIS
MOTION AND CLEARLY NULL AND VOID.

Ludely, Wynne DEF.

RECEIVED FOR RECORD
& RECORDED

JUL 14 11 50 AM '58

ONE OF THE RECORDS
CECIL COUNTY, MD. EXAM
PER W. ANDREW SETH
CLERK

COPY

SUPREME BENCH OF BALTIMORE CITY

July 13, 1966

Mr. Lidscha Schowgurow
c/o Sheriff of Cecil County
Elkton, Maryland

Dear Sir:

Judge Jones has received the motion to dismiss the indictment which is now pending against you. Appended to the motion to dismiss is a notice "To the Superior Court of Baltimore, Maryland."

Judge Jones has directed me to advise you that to her knowledge there is no criminal indictment outstanding against you in the City of Baltimore and she, therefore, cannot entertain your motion. Judge Jones is forwarding the motion to dismiss, together with the note appended thereto, to the Clerk of the Circuit Court for Cecil County so that the same may be brought to the attention of the presiding judge in that county.

Very truly yours,

Allan B. Rabineau
Bailiff

cc: ✓ Clerk of the Circuit Court for Cecil County

RECEIVED FOR RECORD
& RECORDED

JUL 15 11 02 AM '66

CLERK OF THE CIRCUIT COURT
CECIL COUNTY, MARYLAND

Supreme Bench
of
Baltimore City

SHIRLEY B. JONES
JUDGE

BALTIMORE, MARYLAND 21202

July 13, 1966

Clerk of the Circuit Court for Cecil County
Elkton
Maryland

Re: State v. Schowgurow

Dear Sir:

Enclosed herewith is a "Motion to Dismiss" forwarded to me by the defendant in the above case, together with a copy of my letter to him. Could you see that this is brought to the attention of the presiding judge and also the State's Attorney of your county?

Very truly yours,

Shirley B. Jones

RECEIVED FOR RECORD
& RECORDED

JUL 15 11 02 AM '66

ONE OF THE
OFFICIALS OF THE COURT

7/10/66

TO THE SUPERIOR COURT
OF BALTIMORE, MARYLAND

~~IN THE CIRCUIT COURT
FOR CECIL COUNTY
ELKTON MARYLAND~~

LIDSCHA SCHWIGURROW | NO ? CRIMINALS
vs. STATE OF MARYLAND

MOTION TO DISMISS

THE DEFENDANT LIDSCHA SCHWIGURROW HAS BEEN INDICTED BY THE CECIL COUNTY GRAND JURY FOR MURDER IN THE FIRST DEGREE BY TIMELY MOTION HE SEEKS DISMISSAL OF THE INDICTMENT ON THE BASIS THAT THE GRAND JURY WAS NOT LEGALLY CONSTITUTED BECAUSE PERSON OF HIS RACE OR COLOR WAS DISCRIMINATION IN GRAND JURY SELECTION WERE EXCLUDED FROM THE GRAND JURY WHICH RETURNED THE INDICTMENT AGAINST THE DEFENDANT WHO IS A ORIENTAL THEREFORE THE INDICTMENT IS CONSTITUTIONAL DEFECTIVE

DENIAL OF THE

1. DUE PROCESS OF THE CONSTITUTIONAL GUARANTEE OF EQUAL PROTECTION OF THE LAWS

EUBANKS V. LOUISIANA 356 U.S. 582, 78 S. CT. 970, 2 L. ED. 2D 991 (1958)
HERNANDEZ V. TEXAS 347 U.S. 475, 74 S. CT. OYER.

CHIEF JUSTICE WARREN SAID
667, 98, L. ED. 366 (1954)
MINORITY IN THE COUNTY FROM JURY
SERVICE IN THE COURSE OF HIS OPINION
FOR THE COURT MR. CHIEF JUSTICE WARREN
MADE THE FOLLOWING OBSERVATION
347 US AT 477, 478, 479, -81

IN NUMEROUS DECISIONS THIS COURT HAS
HELD THAT IT IS A DENIAL OF THE EQUAL
PROTECTION OF THE LAWS TO TRY A
DEFENDANT OF A PARTICULAR RACE OR
COLOR UNDER AN INDICTMENT ISSUED BY
A ALL PERSONS OF HIS RACE OR COLOR
HAVE SOLELY BECAUSE OF THAT RACE OR
COLOR BEEN EXCLUDED BY THE STATE WHETHER
ACTING THROUGH ITS
LEGISLATURE ITS COURTS OR ITS EXECUTIVE OR
ADMINISTRATIVE OFFICERS ALTHOUGH THE COURT
HAS HAD LITTLE OCCASION TO RULE ON THE
QUESTION DIRECTLY IT HAS BEEN RECOGNIZED
SINCE STRAUER V. W. VA 100 US 303, 25
L. ED. 664.

THAT THE EXCLUSION OF A CLASS OF PERSONS
FROM JURY SERVICE ON GROUNDS OTHER
THAN RACE OR COLOR MAY ALSO
DEPRIVE A DEFENDANT WHO IS A MEMBER
OF THAT CLASS OF THE CONSTITUTIONAL
GUARANTEE OF EQUAL PROTECTION OF THE
LAWS.

THE DEFENDANT IS A REQUESTING MOTION
SHOULD BE GRANTED DISMISS AND VOID

SINCERELY YOUR

Lidley Schuymer
DEFENDANT.

HOW COMES THE DEFENDANT L. SCHONGUROW
DECLARING TRUTH AND SWARING THAT HE
IS NOT A LAWYER NOR EVER BEEN IN LAW
OR STUDIED LAW THEREFORE PRAY HE WILL
BEFORE THE HONORABLE COURT FOR THE RELIEF
AND LEAVE TO PROCEED WITH HIS MOTION AND
HIS MISTAKES IN PUNCTUATION SPELLING
QUOTATION BE EXCUSED AND NONE DETERMININ
TO HIS COURSE OR MOTION AS HE IS NOT A
PERSON LEARNED IN THE MATTER OF LAW
NOR CLAIM ANY KNOWLEDGE OF LAW

THANK YOU

Schuymer

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& RECORDED

JUL 15 11 03 AM '66

ONE OF THE RECORDS
CECIL COUNTY, MD. CLERK
PER W. ANDREW SEYMOUR
CLERK

.W. ANDREW SETH
CLERK OF THE CIRCUIT COURT
FOR CECIL COUNTY
ELKTON, MD.

July 18, 1966

Mr. Walter M. Baker
State's Attorney for Cecil County
Elkton, Maryland 21021

Re: State of Maryland Vs. Lidge Schowgurow

Mr. Baker:

Enclosed herewith is a copy of a letter from Shirley B. Jones, a Judge of the Supreme Bench of Baltimore City, also a letter from Lidge Schowgurow to Judge Jones along with a "Motion to Dismiss", by the defendant, all of which were received and filed by our office on the 15th day of July, 1966.

The Court has instructed me to bring this matter to your attention for your consideration.

On July 15, 1966 we delivered to you a copy of a "Motion to Dismiss", filed with us by the defendant on July 14, 1966, of which a copy was sent to Mr. J. Graham Walker, Atty. for the defendant.

Sincerely,

W. ANDREW SETH
CLERK OF THE CIRCUIT COURT

David T. Pinder, Deputy Clerk

cc: J. Grahame Walker

to the Circuit Court
of Cecil Co. Hon. Judge
GEORGE BRASEM JR.

Jul 24/66

DEAR SIR

Rec'd
7/24/66
[Signature]

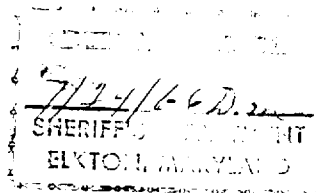
I AM WRITING IN REPLY OF YOUR ORDER
WHICH IS ORDER OF COURT IT IS ORDERED
THIS 21ST DAY OF JULY IT IS FURTHER ORDERED
THAT THE PETITION FOR THE WRIT OF HABEAS
CORPUS IS HEREBY DENIED FOR THE PURPOSE
OF HAVING THE STATE SHOW WHY HE'S HELD
IN CUSTODY

BUT I LIKE YOU TO ADVISE ME OF MY INTENT
TO DISMISS THE INDICTMENT WHICH ~~WAS~~
IS CONSTITUTED DEFECTIVE WHICH WAS
SENT BY JUDGE JONES ON JULY 13TH 1966
TO THE CLERK OF THE CIRCUIT COURT FOR
CECIL CO.

Thank You
Schowgarrow Lidge

P.S. PLEASE ANSWER ME IN THE EARLIEST OF YOUR
TIME PLEASE

C. C. III.



TO THE HON JUDGE
GEORGE RAISEN.

7/20/66

DEAR JUDGE

I'M WRITING THIS CONCERNING
MY MOTION WHICH WAS SENT
BY JUDGE JONES FROM BALTIMORE
TO THE CLERK OF THE COURT ON
DATE 7/13/66 PLEASE ADVISE
ME IMMEDIATELY OF YOUR ROLING
I WILL APPRECIATE VERY MUCH
OF IT IF YOU DENIED MY MOTION
PLEASE PUT IN MY RECORD
SO I CAN TAKE TO MD COURT OF
APPEAL AND TO FEDERAL COURT
OF M.D AND SO I CAN USE CERTIORARI
TO THE SUPREME COURT OF U. S AT

THANK YOU

Shelburne

c.c. copy. 1



CIRCUIT COURT FOR CECIL COUNTY

July 29, 1966

Lidge Schowgurow
Cecil County Jail
Elkton
Maryland

Dear Sir:

We are in receipt of two motions to dismiss the indictment which is now pending against you. One motion being filed in the Superior Court of Baltimore and forwarded to us at the direction of Judge Jones and one motion which was filed in this Court. Upon receipt of same photocopies of these motions were forwarded to the States Attorney of Cecil County and to your attorney, J. Grahame Walker.

Yesterday, Hon. George B. Rasin, Jr., Associate Judge of this Circuit reviewed these motions and took note of the fact that the case is now pending in the Circuit Court of Garrett County. Since jurisdiction is in the Circuit Court of Garrett County it is Judge Rasin opinion that any proceedings of this nature must be filed in Garrett County. We are therefore at the direction of Judge Rasin forwarding your motions to the Circuit Court for Garrett County for disposition.

Yours very truly,

W. ANDREW SEITH
CLERK OF THE CIRCUIT COURT


Nelson D. Stubbs, Law Clerk

cc:
Walter M. Baker, States Atty.
J. Grahame Walker
Circuit Court for Garrett Co.
Frederick A. Thayer III, States Atty.

July 29, 1966

Richard L. Davis
Clerk of the Circuit Court
of Garrett County
Oakland
Maryland

Dear Mr. Davis:

As directed by Judge Rasin of this Circuit we are enclosing herewith for filing in your Court motions as filed by Lidge Schowgurow. We are also enclosing the correspondence relating to these motions.

Yours very truly,

W. ANDREW SETH
CLERK OF THE CIRCUIT COURT

Nelson D. Stubbs, Law Clerk