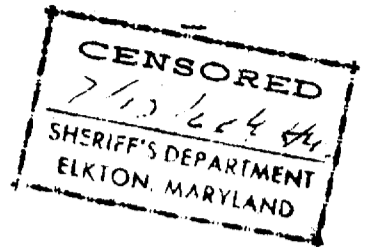


IN THE CIRCUIT COURT OF
CECIL COUNTY ELKTON M.D.



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.

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& 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 2D 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 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
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 *STRAUDER V. W. V.*, 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.

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

Sincerely, [Signature]

RECEIVED FOR RECORD
& RECORDED

JUL 14 11 00 AM '58

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