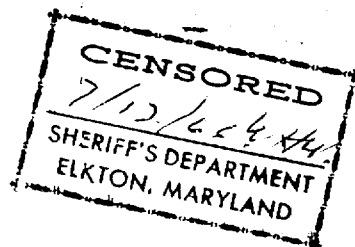


No. 541 Criminal Trials

MOTION TO DISMISS
INDICTMENT

Filed August 1st, 1966.

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



LIDSCHA SCHOWGURON.
STATE OF MARYLAND.

CR.1 NO 1390

MOTION TO DISMISS

THE DEF L. SCHOWGURON 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 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
OVER ON NEXT PAGE.

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 05 AM '66

ONE OF THE _____ RECORDS
CECIL COUNTY, MD. & EXAM
PER W. 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 587, 78 S. CT. 970, 2 L. ED 2D 991 1958.

HERNITDEZ V. TEXAS, 347 US 475, 74 S. CT 667, 98 L. ED 866, 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 *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, *by* DEF.

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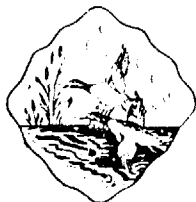
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ONE OF THE RECORDS
CECIL COUNTY, MD. SEAM
PER W. ANDREW SETH

Motion denied 5/1/66
Stuart F. Hamill
Judge

Soffawgurood #
90 SHERIFF'S OFFICE

CECIL COUNTY
ELKTON, MARYLAND



TO THE CIRCUIT COURT
OF ~~ELKTON~~ MARYLAND
KENT COUNTY

RECEIVED FOR RECORD
& RECORD

HON JUDGE RAISETH.

JUL 14 11 30 AM '66

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