

541 *By [unclear]*

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
WALTER M. BAKER

STATE'S ATTORNEY

J. GRAHAM WALKER

DEFENDANT'S ATTORNEY

Filed March 14, 1966

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CRIMINAL NO. 1390

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Circuit Court for Cecil County:

The Grand Inquest of the State of Maryland, for the body of Cecil County, do on their oaths 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 aforethought, 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, government and dignity of the State.

WITNESSES

Wiley E. Fields
Tpr. Rodney E. Kennedy

August F. Robinson
Foreman

ment and dignity of the State.

Walter M. Baker
The State's Attorney for Cecil County

*Filed
12/22/65*

*Filed
12/22/65*

P R E S E N T M E N T

No. 1390

Criminals

STATE OF MARYLAND

vs.

LIDGE SCHOWGUROW

Filed

Dec 22

1965

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.

Walter M. Baker

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

*Filed
12/22/65*

STATE OF MARYLAND

vs.

LIDGE SCHOWGUROW

Indictment

(TRUE BILL)

August Robinson
Foreman

Filed

12/22/65

Witnesses:

Wiley E. Fields

Tpr. Rodney E. Kennedy

General

STATE OF MARYLAND

*

IN THE CIRCUIT COURT

vs.

*

FOR CECIL COUNTY

LIDGE SCHOWGUROW

*

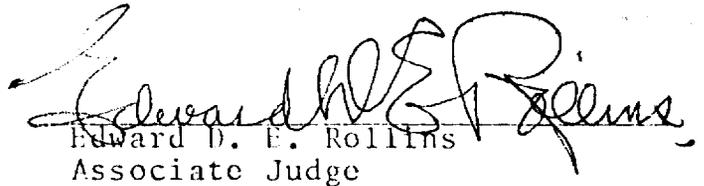
CRIMINAL NO. 1040
1390

* * * * *

ORDER

Lidge Schowgurow having been indicted for murder by the Cecil County Grand Jury on the 22nd day of December, 1965 and the said Lidge Schowgurow now being in the custody of the Warden of the Maryland Penitentiary;

It is hereby ORDERED by the Circuit Court for Cecil County this 29th day of December, 1965 that the said Warden deliver the said Lidge Schowgurow into the custody of Edgar U. Startt, Sheriff of Cecil County, or one of his designated deputies, for return to Cecil County for trial upon the said indictment.


Edward D. E. Rollins
Associate Judge

RECEIVED FOR RECORD
& RECORDED

DEC 29 3 51 PM '65

ONE OF THE _____ RECORDS
CECIL COUNTY, MD. 65248
PER W. ANDREW SETH
CLERK

BENCH WARRANT

CECIL COUNTY, SS.

THE STATE OF MARYLAND

TO THE SHERIFF OF CECIL COUNTY, GREETING:

You are hereby commanded to take the body of

Lidge Schowgurow

and it immediately have before the Circuit Court for Cecil County, now sitting at the Court House, in Elkton, Cecil County, aforesaid, to answer unto the State of Maryland upon

Criminal Indictment for Murder

contrary to the Act of Assembly, in such case made and provided, and against the peace, government and dignity of the State. And have you then and there this writ.

Witness, The Honorable J. DeWeese Carter

Chief Judge of the said Court the 4th

day of January Anno Domini, 1965

Issued the 22nd day of December

Anno Domini 1965

W. Andrew Sath
Clerk of the Circuit Court for Cecil County

SHERIFF'S RETURN

Copy: 7th of January 1965
Melber Baker

RECEIVED FOR RECORD & RECORDED

JAN 10 1 22 PM '65

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

Received of Walter M. Baker, State's Attorney for Cecil County, a copy of the Criminal Indictment in the case of State of Maryland, Versus Lidge Schowgurow

Dated:

Elkton, Maryland

Witness:

Dean H. Marshall

Traverser

STATE OF MARYLAND,)	
)	
)	Plaintiff
vs.)	
)	Criminal No. 1040
LIDGE SCHOWGUROW,)	
)	
)	Defendant

PLEA

As a further plea to the indictment, the Defendant alleges that he was insane or lunatic at the time of the commission of the alleged crime.

J. Grahame Walker
 J. GRAHAME WALKER
 8400 Wisconsin Avenue
 Bethesda, Maryland
 OL-6-1600
 Attorney for Defendant

*Filed
11-25-60*

STATE OF MARYLAND,)	
)	
)	Plaintiff
vs.)	
)	Criminal No. 1040
LIDGE SCHOWGUROW,)	
)	
)	Defendant
)	

SUGGESTION FOR REMOVAL

Lidge Schowgurow, Defendant, suggests to the Court that he can not have a fair and impartial trial in this Court, and pursuant to Rule 738, he prays the Court to order and direct the removal of the record of the proceedings in this case to some other Court having jurisdiction for trial.

Lidge Schowgurow

 Lidge Schowgurow
 Defendant

J. Grahame Walker

 J. GRAHAME WALKER
 8400 Wisconsin Avenue
 Bethesda, Maryland
 OL-6-1600
 Attorney for Defendant

*Ed
1/25/66*

STATE OF MARYLAND

:

IN THE CIRCUIT COURT

VS.

:

FOR CECIL COUNTY

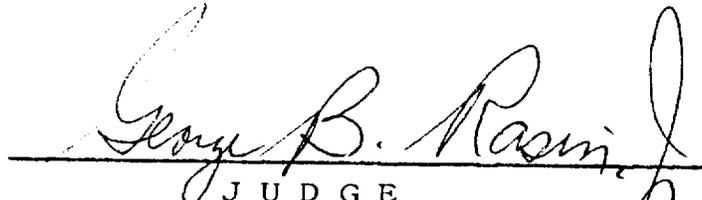
LIDGE SCHOWGUROW

:

CRIMINAL NO. 1390

O R D E R

Upon the foregoing Suggestion of Removal, it is this 25th day of January, 1966, ORDERED by the Circuit Court for Cecil County that the record of the proceedings and a copy of the docket entries in this case, be transmitted to the Circuit Court for Garrett County for trial.


J U D G E

Respectfully,
Honorable
Directing the Sheriff of Cecil County

Filed
1/25/66

STATE OF MARYLAND : IN THE CIRCUIT COURT
VS. : FOR CECIL COUNTY
LIDGE SCHOWGUROW : CRIMINAL NO. 1390

P E T I T I O N

TO THE HONORABLE, THE JUDGES OF SAID COURT:

The State of Maryland by Walter M. Baker, State's Attorney
for Cecil County, respectfully represents:

I.

That the defendant, Lidge Schowgurow, was indicted for
the crime of murdering his wife on January 5, 1964.

II.

That on January 25, 1966, the said Lidge Schowgurow was
called for arraignment upon the charge of murder.

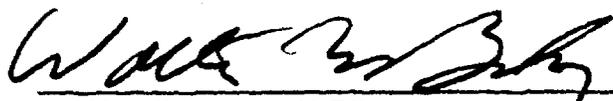
III.

That at the arraignment, J. Grahame Walker, attorney for
the said Lidge Schowgurow, requested that the defendant be examined
by the Department of Mental Hygiene.

IV.

That there is apparently some question as to the sanity
of the defendant.

WHEREFORE, your Petitioner prays this Honorable Court to
pass an Order directing the Sheriff of Cecil County to deliver the
said Lidge Schowgurow to the Clifton T. Perkins State Hospital
forthwith for an examination by the doctors at said Hospital.



WALTER M. BAKER
State's Attorney for Cecil County

STATE OF MARYLAND

:

IN THE CIRCUIT COURT

VS.

:

FOR CECIL COUNTY

LIDGE SCHOWGUROW

:

CRIMINAL NO. 1390

ORDER

The foregoing Petition having been read and considered, it is, thereupon, this 25th day of January, 1966, ORDERED that Sheriff Edgar U. Startt deliver unto the Clifton T. Perkins State Hospital, Lidge Schowgurow.

IT IS FURTHER ORDERED that the doctors and officials at said Hospital conduct such examinations as they deem requisite to determine the question of his sanity at the time the said offense was committed.

George B. Rasinski

JUDGE

*elb
1/25/66*

STATE OF MARYLAND,

Plaintiff

vs.

LIDGE SCHOWGUROW,

Defendant

Criminal No. 1390

MOTION TO DISMISS

Now comes the Defendant, Lidge Schowgurow, by his attorney, J. Grahame Walker, and moves the Court to dismiss the above entitled proceedings and as reason therefor, states that he has heretofore been put in jeopardy of life and limb in Criminal No. 1040 for the same act for which he has been indicted in the above entitled proceedings.

J. Grahame Walker
J. GRAHAME WALKER
8400 Wisconsin Avenue
Bethesda, Maryland
656-1600
Attorney for Defendant

The foregoing Motion served upon the State of Maryland by mailing a copy thereof to Walter M. Baker, Esquire, State's Attorney at Elkton, Maryland, this 24th day of January, 1966.

J. Grahame Walker
J. GRAHAME WALKER

RECEIVED FOR RECORD
& RECORDED

JAN 29 10 10 AM '66

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

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

TELEPHONE
AREA CODE 301
656-1600

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

January 27, 1966

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

Re: Criminal No. 1390

Dear Mr. Seth:

Enclosed is a copy of a Motion filed on behalf of the Defendant. I will be greatly obliged if you will place this in the file for the attention of the Court, which I assume will be the Court in Garrett County.

Sincerely,


J. GRAHAME WALKER

JGW:ss

STATE OF MARYLAND : IN THE CIRCUIT COURT
VS. : FOR CECIL COUNTY
LIDGE SCHOWGUROW : CRIMINAL NO. 1390

ANSWER TO MOTION TO DISMISS

The State of Maryland by Walter M. Baker, State's Attorney for Cecil County, in Answer to the Motion for Dismissal, respectfully represents:

I.

That the Defendant, Lidge Schowgurow, was not heretofore put in jeopardy of life and limb by reason of the fact that the original Indictment upon which he was tried was invalid.

II.

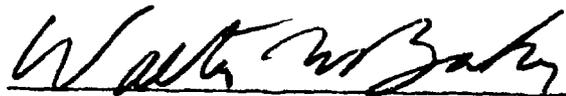
That there are no guarantees against double jeopardy either in the Maryland Constitution or the Laws of Maryland.

III.

That the guarantees provided in the Federal Constitution regarding double jeopardy are not applicable to the States.

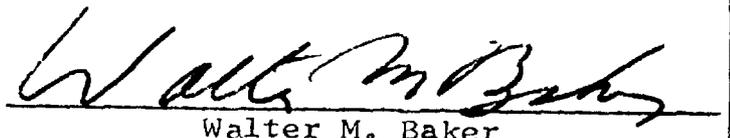
IV.

And for other reasons to be assigned at the hearing of this Motion.



Walter M. Baker
State's Attorney for Cecil County

I HEREBY CERTIFY that a copy of the aforesaid Answer was mailed to J. Grahame Walker, Esq., 8400 Wisconsin Avenue, Bethesda, Maryland, Attorney for the Defendant, this 4th day of February, 1966.



Walter M. Baker

RECEIVED FOR RECORD
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ONE OF THE RECORDS
CECIL COUNTY, MD 21734
P. O. BOX 100000

STATE OF MARYLAND :

IN THE CIRCUIT COURT

vs. :

FOR

LIDGE SCHOWGUROW :

CECIL COUNTY

CRIMINAL No. 1398

Elkton, Maryland
January 25, 1966

Before:

HON. GEORGE B. RASIN, JR., Judge.

Appearances:

WALTER M. BAKER, ESQ., State's Attorney.

J. GRAHAME WALKER, ESQ., for the Defendant.

Harry L. White, CSR,
Official Reporter.

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& RECORDED

FEB 4 4 01 PM '66

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

THE COURT: What is the first thing on the docket to take up?

MR. BAKER: State vs. Lidge Schowgurow, your Honor, Criminal No. 1390, for arraignment.

THE COURT: Mr. Walker, you represent Mr. Schowgurow?

MR. WALKER: Yes, your Honor.

THE COURT: Are you ready for arraignment?

MR. WALKER: Yes, sir. I would like to, if your Honor will permit, have about 10 days to file any motions that might be appropriate.

THE COURT: Be very glad to afford you that opportunity.

Mr. Clerk, proceed with the arraignment at this time.

THE CLERK: Lidge Schowgurow, you will come forward, please Lidge Schowgurow, you will hold up your right hand. Now you may put it down.

(The Clerk read the indictment to the defendant. Just before asking him how he pleaded, the defendant interrupted, as follows:)

THE DEFENDANT: I am objecting about the charges.

THE COURT: Just a moment. I can't understand you. Speak slowly so I can hear you.

THE DEFENDANT: I said I am objecting to the charges. On October 1, 1965, the Maryland Court of Appeals ruled my case

unconstitutional. As long as the case is unconstitutional it is void and null, the same thing. You people don't have no further proceedings any more on my custody. And if you force to try me over, it is in the Constitution of the United States, Article 5, says that no person shall be subject on the same offences, tried on his life.

THE COURT: Mr. Walker, it appears that maybe you aren't ready for arraignment, that you want to file motions prior to the arraignment.

MR. WALKER: I do want to have the opportunity to file motions, your Honor. I don't know, Mr. Schowgurow has taken a short intensive course at the penitentiary in law, whether I will be able to help him or not. I am not at all sure. I have been appointed by this Court. I would prefer, if it is agreeable to the Court, to enter our pleas today and have further time in which to file any motion. I am going to take a cruise and leave the country for the next month, and will be away for a time, so I would rather dispose of that today if I can, and then file any motions before I leave that may seem appropriate.

THE COURT: Well, Mr. Schowgurow, of course the Court is aware of the Court of Appeals decision in your case. Nothing that you do here today will in any way hinder or prevent or jeopardize your filing motions or your attorney filing motions

on your behalf, attacking the validity of the indictment, which is apparently what you wish to do, by raising the question of double jeopardy. You have that right. But we do have to prepare for the trial and assign a trial date, and so on and so forth, in the event that the indictment stands. So what you are being called upon today to do is to enter a plea, which means you have the right to plead guilty or not guilty of the charges as presented in the indictment. Now, if you enter a plea, the plea will be accepted, with the understanding, which protects you, that you, through your attorney, will have the right to file any motions, any requests attacking the indictment before you ever go to trial. Do you understand what I am saying to you?

THE DEFENDANT: Yes.

THE COURT: All right. Can you tell us, are you willing to state that you wish to plead either guilty or not guilty to this charge?

THE DEFENDANT: In a minute, your Honor. (Defendant consults counsel) Not guilty, your Honor.

THE COURT: Enter a plea of not guilty.

MR. WALKER: If the Court please, the defendant pleads not guilty by reason of insanity at the time of the offense. (Paper handed Court) And also I seek a change of venue.

THE COURT: All right. Enter the oral plea of not guilty and file the written plea of not guilty by reason of insanity. May I see the motion papers, please? (Handed the Court)

You merely wish to rely on the fact that he was insane or lunatic at the time of the commission of the alleged offense?

MR. WALKER: That is correct, your Honor.

THE COURT: How about at the present time?

MR. WALKER: I don't raise that, unless -- again may I have 10 days in which to do that if it seems advisable?

THE COURT: Well, now, it is the procedure here that upon the filing of such a plea, then we forthwith issue an order committing the accused to the Clifton T. Perkins State Hospital for examination.

MR. WALKER: Well, of course he has been there once. I don't know whether any further examination would be required or not. He was there and examined the last time.

THE COURT: Are we running into any problem that anything that took place before as a result of a prior indictment might be subject to challenge?

MR. WALKER: I don't know. That hadn't occurred to me. I would think not, because this is a matter of fact that has -- no, it is a matter of the doctor's opinion, I guess.

THE COURT: Doctor's opinion.

MR. WALKER: I would suppose the doctor could testify to the same, as he did before. I wouldn't think his examination would be affected by a faulty indictment.

THE COURT: No, I don't think so either, but whether in the trial there would be some challenge that the situation has changed, or that any contact -- it would just seem to me that the doctor ought to have another opportunity to --

MR. WALKER: May I speak briefly to the defendant, then, Judge?

THE COURT: Yes.

(Consultation between counsel and defendant.)

MR. WALKER: Yes, we do want to file that, your Honor, whether this refers to the hospital or not.

THE COURT: All right, it is already in the record to be filed, and I certainly indicate to you that, after all, we are starting all over again in new proceedings. I don't think it is material to this case, unless I have a change of mind, but I think I will sign the order which would commit him to the custody of Clifton T. Perkins Hospital for examination.

MR. WALKER: All right, sir. May I be heard on the subject of a change of venue? I would suggest, if the Court is agreeable to this, that the case be transferred to Garrett County. There has been a very great deal of publicity, particularly in this

area and in the area of Baltimore, and the District of Columbia, and I think perhaps that we would find that there was less publicity up there, they would be somewhat oriented towards Pittsburgh, and I simply express the hope that the Court would feel justified in doing that.

THE COURT: Mr. Baker, do you have any views as to that?

MR. BAKER: No, your Honor, I leave it with the Court.

THE COURT: All right. We will have to have a written order prepared on a change of venue.

MR. WALKER: I can prepare one and send it in.

THE COURT: I am certainly inclined, in this particular situation, to accept the suggestion of defense counsel and will so rule.

MR. WALKER: Does your Honor want me to prepare a written order?

THE COURT: Do you usually have written orders up here?

THE CLERK: Yes, sir.

MR. WALKER: Mr. Baker tells me that I can use his secretary, so we can get it in today.

THE COURT: All right, we will sign an order then removing this case to Garrett County, and I also feel that under the circumstances I should also commit Mr. Schowgurow to the Clifton T. Perkins Hospital for examination on this plea. Do

you also have an order --

MR. BAKER: I can prepare one very promptly, your Honor. I will have it for you before you leave.

THE COURT: If you will prepare those two orders, I should be very glad to sign them forthwith, and further proceedings will be in the Circuit Court of Garrett County.

MR. WALKER: I spoke to Judge Rollins about having an opportunity to talk to the defendant before he leaves, and he suggested we go in there, if that is agreeable to your Honor.

THE COURT: Yes, all right. If you will make the jury room available for Mr. Walker to confer with Mr. Schowgurow.

MR. WALKER: Thank you.

THE DEFENDANT: Thank you.

- - - - -
HARRY L. WHITE, C.S.R.
OFFICIAL COURT REPORTER
CIRCUIT COURT CECIL COUNTY
303 HERMITAGE DRIVE
ELKTON, MARYLAND 21921

March 7, 1966

J. Grahame Walker, Esq.
8400 Wisconsin Avenue
Bethesda, Maryland

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

Dear Mr. Walker:

In accordance with the Order of Court passed the record of proceedings has been prepared for removal to the Circuit Court of Garrett County.

We are holding the record for inspection by Counsel for both parties. It is requested that Counsel for both parties inspect this record as soon as possible or give us a paper for record showing that you waive the inspection so that the proceedings can be forwarded for action.

Thank you.

Yours very truly,

W. ANDREW SETH
CLERK OF THE CIRCUIT COURT


Nelson D. Stubbs, Law Clerk

cc:
Walter M. Baker
States Attorney

STATE OF MARYLAND,

Plaintiff

vs.

LIDGE SCHOWGUROW,

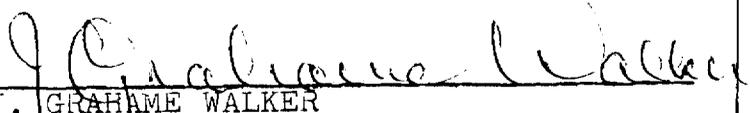
Defendant

:
:
:
:
:

Criminal No. 1390

WAIVER

The undersigned, J. Grahame Walker, attorney for Defendant in the above-entitled case, hereby waives inspection of the record and consents that it be forwarded to Garrett County without inspection by him.


J. GRAHAME WALKER
8400 Wisconsin Avenue
Bethesda, Maryland
Phone: 656-1600
Attorney for Defendant

Dated: March 9, 1966

RECEIVED FOR RECORD
& RECORDED

MAR 12 10 27 AM '66

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

CLERK'S CERTIFICATE

STATE OF MARYLAND

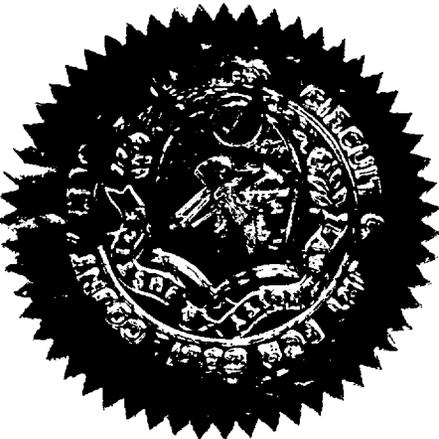
CECIL COUNTY, TO-WIT:

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.

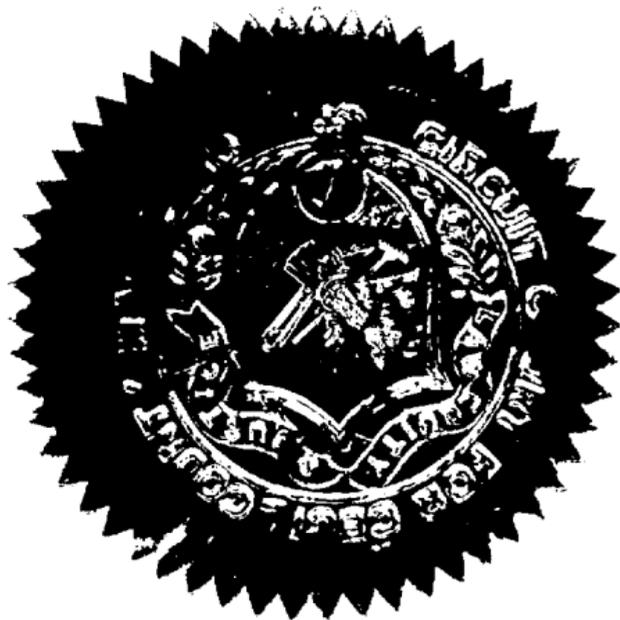
IN TESTIMONY WHEREOF, I hereunto set my hand and affix the Seal of the Circuit Court for Cecil County, this 12 day of March Nineteen Hundred and Sixty-six.

W Andrew Seth

Clerk of the Circuit Court
for Cecil County



And the same is transmitted herewith:



W Andrew Seth
Clerk of the Circuit Court
for Cecil County