

1 agree with, and that is that the four states in the Union  
2 are operating without this provision. I don't know how  
3 48 States in the Union are operating without this provision.  
4 Perhaps they have managed when they have eliminated this  
5 rule, they have managed to have other rules take its place  
6 that would have solved the questions I raised.

7 I have raised these questions to Delegate Bothe  
8 and Delegate Moser, and the question was where you have  
9 inconsistent verdicts as was indicated as in the Green case,  
10 or in Sharpe and Hanson v. the United States, you have  
11 instructions or where the evidence was clearly first  
12 degree could you have second degree and manslaughter instruc-  
13 tions, and they are not sure.

14 Secondly, would this result in the United States  
15 versus Green situation where if a jury found you not guilty  
16 of a first degree murder in a felony murder situation, and  
17 found you guilty of a second degree murder, that verdict  
18 could not stand, and if they tried you again for first  
19 degree murder, jeopardy attached.

20 DELEGATE BOTHE: Is it your opinion, Delegate  
21 Willoner, that if this provision were removed from the State