

1 THE CHAIRMAN: Delegate Henderson.

2 DELEGATE HENDERSON: I don't quite understand
3 your question. They have developed a body of criminal
4 law there which we have not, until quite recently -- we
5 didn't review cases on the merits in this state.

6 THE CHAIRMAN: I think, Delegate Henderson,
7 Delegate Singer's question is directed to the question
8 if you know whether the other 48 states which do not have
9 this prohibition have any problems, for instance, with
10 respect to the trial court directing a verdict of guilty.
11 Is that what you are driving at?

12 DELEGATE SINGER: Yes.

13 DELEGATE HENDERSON: I don't believe they do.
14 One memorandum which I read here indicated -- the research
15 I believe was done by Mr. Adkins, our research assistant
16 in the judicial branch, and he cited the overwhelming
17 weight of authority is that a judge can't direct a verdict
18 in a criminal case. He cites, as I mentioned, the
19 Supreme Court case and a case in the Fourth Circuit
20 which is our own circuit here, federal circuit, and in both
21 of those it was held explicitly that you could not direct