

IRVIN WINKLER, et al : IN THE
vs. : COURT OF APPEALS
STATE OF MARYLAND : OF MARYLAND
: No. 25, October Term, 1949.

: : : : : :

PETITION FOR STAY OF MANDATE
PENDING APPLICATION FOR
CERTIORARI, AND ORDER OF COURT
THEREON

TO THE HONORABLE, THE JUDGES OF THE COURT OF APPEALS OF MARYLAND:

The petition of Stanley Askin, Harold Buchman, Irvin Winkler, Leonard Collidge, Warren L. Vestal, Regina Silverberg and Charles W. Swan, most respectfully shows unto Your Honors:

1. That the above cause was duly argued in this Court in this, the October Term, 1949, and thereafter, by an opinion filed on November 17, 1949, the judgment of the lower court was affirmed, and that consequently the mandate, under the Rules and Practice of this Honorable Court, will issue herefrom on December 17, 1949.

2. That your petitioners desire to apply to the Supreme Court of the United States for a writ of certiorari to bring this case before it for a review thereof.

3. That in the meantime, however, should the mandate of this Honorable Court issue in due course on December 17, 1949, your petitioners' application for certiorari, even if acted upon favorably by the Supreme Court, will avail him nothing.

Wherefore, your Petitioners pray this Honorable Court to pass an order directing that its mandate in this case be stayed pending the final decision by the Supreme Court of the United States on his application for a writ of certiorari to review this case.

WHEREAS, in duty bound, etc.

J. Luke Ament

Harold Buckman

William F. Murphy
Attorneys for Petitioners

IN THE
COURT OF APPEALS OF MARYLAND

IRVIN WINKLER, ET AL, :
APPELLANTS : OCTOBER TERM, 1949
VS. :
STATE OF MARYLAND, :
APPELLEE : No. 25

It having been made to appear to the undersigned Judge by Petition and statement of counsel for appellants, Harold Buchman, that the Appellants in the above-entitled case have instructed their counsel to file a Petition for a Writ of Certiorari in the Supreme Court of the United States in this case and that said counsel are now proceeding and working on the preparation of said Petition and that said Petition will in good faith be filed by the Appellants in this case with the Supreme Court of the United States and requesting that a stay of proceedings herein be had until said Petition is determined or passed upon by the Supreme Court of the United States,

IT IS HEREBY ORDERED that all proceedings herein, including the issue of the mandate, be stayed pending the filing of the petition for a writ of certiorari in the Supreme Court of the United States on or before the first day of February 1950; and IT IS FURTHER ORDERED, that upon the filing of the petition for a writ of certiorari on or before the date aforementioned, all proceedings herein, including the filing of the mandate, shall be stayed pending the denial or granting of said petition for a writ of certiorari by the Supreme Court of the United States; AND IT IS FURTHER ORDERED that upon the granting of the petition for a writ of certiorari by the Supreme Court of the United States, all proceedings herein, including the issue of the mandate, shall be stayed pending the final determination of the cause by the Supreme Court of the United States.

Annapolis, Maryland.
Dec. 13, 1949.


Chief Judge, Court of Appeals of Maryland

HALL HAMMOND
ATTORNEY GENERAL
J. EDGAR HARVEY
DEPUTY ATTORNEY GENERAL



THE STATE LAW DEPARTMENT
1901 BALTIMORE TRUST BUILDING
BALTIMORE, MARYLAND

RICHARD W. CASE
ASSISTANT ATTORNEY GENERAL
HARRISON L. WINTER
ASSISTANT ATTORNEY GENERAL
JOSEPH D. BUSCHER
SPECIAL ASST. ATTORNEY GENERAL FOR THE
COMPTROLLER OF THE TREASURY
ROBERT E. CLAPP, JR.
SPECIAL ASST. ATTORNEY GENERAL FOR THE
STATE ROADS COMMISSION
AARON A. BAER
SPECIAL ASST. ATTORNEY GENERAL FOR THE
EMPLOYMENT SECURITY BOARD
PHILIP T. McCUSKER
SPECIAL ATTORNEY FOR THE
STATE ACCIDENT FUND

August 12, 1949

Mr. Maurice Ogle, Clerk
Court of Appeals of Maryland
Court of Appeals Building
Annapolis, Maryland

Re: Winkler, et al v. State, No. 25, October Term, 1949

Dear Mr. Ogle:

Please file the enclosed Stipulation in the
above entitled case.

Yours very truly,

Kenneth C. Proctor
Asst. Attorney General

KCP:LEL
Enclosure

IRVIN WINKLER, et al.

vs.

STATE OF MARYLAND

: IN THE
: COURT OF APPEALS OF MARYLAND
: No. 25
: October Term, 1949
:

STIPULATION

It is stipulated between counsel for Appellants and counsel for Appellee that the time within which Appellee's Brief in the above entitled case must be filed, be and it is hereby extended to and including September 7, 1949.

✓ J. Duke Arnet

Edgar Paul Boyles

William Murphy

Harold Buchman
Attorneys for Appellants

Hall Hammond
Attorney General

✓ Fennell Croston
Asst. Attorney General

J. Bernard Wells
State's Attorney of
Baltimore City
Attorneys for Appellee

IN THE COURT OF APPEALS
OF MARYLAND

No. 25, October Term, 1949

IRVIN WINKLER, et al.

vs.

STATE OF MARYLAND

STIPULATION

WALTER W. WILSON
ATTORNEY GENERAL

1901 BALTIMORE TRUST BUILDING
BALTIMORE MARYLAND

FILED

August 18-1949

STANLEY ASKIN, et al.

*

vs.

*

STATE OF MARYLAND

IN THE
COURT OF APPEALS OF
MARYLAND
October Term, 1949
No. 25

SUBSTITUTE STIPULATION

Upon the request of the Appellants, and in order to enable the printer to complete the printing of the Appellants' Brief and Appendix, in view of existing summer and vacation schedules, it is hereby stipulated by and between the parties to the above entitled cause that this Substitute Stipulation shall be substituted for the previous Stipulation filed in this case and that the time for filing the Appellants' Brief and Appendix shall be extended up to and including Friday, July 29, 1949.

And it is further stipulated, that the time for filing the Appellee's Brief and Appendix shall be extended up to and including the 18th day of August, 1949.

✓ Hal Hammond
Kenneth C. Proctor
Attorneys for Appellee

✓ J. Duke Curtis
Edgar Paul Boyko
William H. Murphy
Attorneys for Appellants

STANLEY ASKIN, et al.

vs.

STATE OF MARYLAND

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IN THE
COURT OF APPEALS OF
MARYLAND

October Term, 1949
No. 25

STIPULATION

Upon the request of the Appellants, and in order to enable the printer to complete the printing of the Appellants' Brief and Appendix, in view of existing Summer and vacation schedules, it is hereby stipulated by and between the parties to the above entitled cause, that the time for filing the Appellants' Brief and Appendix shall be extended for an additional two days, up to and including Friday, July 22, 1949.

And it is further stipulated, that the time for filing the Appellee's Brief and Appendix shall be extended for an additional 2 days, up to and including August 11, 1949.

Hall Hammond

Kenneth C. Proctor
Attorneys for Appellee

✓ J. Duke Arnet

Edgar Paul Boyko
Attorneys for Appellants

STANLEY ASKIN, ET AL
Appellants

vs.

STATE OF MARYLAND
Appellee

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IN THE
COURT OF APPEALS
OF

MARYLAND
October Term, 1949
No. 25

STIPULATION FOR EXTENSION OF TIME FOR FILING OF BRIEFS

It is hereby stipulated by and between counsel to the above entitled appeal that the time for filing the Appellants' brief and appendix shall be, and it is hereby extended to and including July 20, 1949.

✓ Edgar Paul Boyko
Edgar Paul Boyko

Attorney for Appellants

✓ Harrison L. Winter
Harrison L. Winter,
Asst. Attorney General

Attorney for Appellee

May 12, 1949

F. Duke Agnet, Esquire,
Attorney-at-Law
602-G3 Knickerbocker Building
220 E. Lexington Street
Baltimore 2, Maryland

Dear Mr. Avnet:

This is to advise you that Chief Judge Marbury has signed the order attached to your petition extending the time for filing the transcript of record in this office in the case of Stanley Askin, et al, vs. the State of Maryland.

We have noted our records that this transcript is due to be filed on or before May 21, 1949.

Very truly yours,

JLY:av

J. L. Young

cc: Wilford L. Carter, Esq.,
Clerk, Criminal Court Balto. City

I. DUKE AVNET
ALBERT AVNET
HERMAN SHAPIRO

LAW OFFICES
I. DUKE AVNET

TELEPHONE
SARATOGA 8454
SARATOGA 8455

602-603 KNICKERBOCKER BUILDING
220 E. LEXINGTON STREET
N.W. COR. LEXINGTON ST. & GUILFORD AVE.
BALTIMORE 2, MD.

May 10, 1949

Chief Judge Ogle Marbury
Maryland Court of Appeals
525 Main Street
Laurel, Maryland

RE: Askin, et al. vs. State of Maryland

Dear Judge Marbury:

Please find enclosed herewith petition and order for extension of time to transmit record in the above case. In pursuance of our telephone call I am forwarding this petition directly to you at Laurel.

Respectfully yours,

I. Duke Avnet
I. DUKE AVNET

IDA:BG
Enc.
uopwa77

Registered
Return Receipt Requested
Special Delivery

STANLEY ASKIN, et al.

*

vs.

*

STATE OF MARYLAND

IN THE
COURT OF APPEALS OF
MARYLAND

PETITION TO EXTEND TIME FOR
TRANSMITTING RECORD and
ORDER OF COURT THEREON

TO THE HONORABLE, THE CHIEF JUDGE OF THE COURT OF APPEALS OF
MARYLAND:

The petition of Stanley Askin, et al., in the above-entitled case, respectfully shows as follows:

1. That on March 22, 1949, your petitioners seasonably took an appeal to this Honorable Court from a judgment and sentence of the Criminal Court of Baltimore City theretofore entered against them and thereafter filed their designation of the record on appeal, and have done all required to perfect said appeal to this Court.
2. That this being a case in which Bills of Exception would be necessary under the former practice in making up transcripts of records on appeal, it is required, under the provisions of Section 2 of Rule 24 of the Rules of this Court respecting appeals, that the transcript of the record herein be transmitted to this Court by May 11, 1949, which is within 50 days after the entry of the said appeal on the 22nd day of March, 1949.
3. That petitioners' counsel have just been notified by the Clerk of the Criminal Court of Baltimore City that while the transcript of the record in this case is in the process of being prepared by him, it has not yet been completed, and that for reasons beyond his control it will be impossible for said Clerk to complete the record in time to comply with the time requirement of the said Rule. The Clerk of the Criminal Court of Baltimore City has, for that reason, requested your petitioners' counsel to cooperate with him in obtaining an extension of the

time within which said record may be transmitted to this Court and your petitioners' counsel has acquiesced in that suggestion and has prepared this petition in an effort to obtain an extension needed by the Clerk.

4. That by Rule 11 of the Rules of this Court respecting appeals it is provided that for good cause shown this Court, by the Chief Judge thereof, may extend the time for transmitting the said transcript by order made before the expiration of the time limited by said Rule 24; and your petitioners respectfully aver that the cause hereinabove shown is sufficient to warrant an extension of time so desired by your petitioners as aforesaid.

WHEREFORE, your petitioners pray the Honorable, the Chief Judge of this Court, to pass an order extending and enlarging the time for transmitting the record in this case to this Court for a reasonable period beyond May 11, 1949.

AND, they will ever pray, etc.

F. Duke Arnet
Edgar Paul Boyko
William Murphy
Attorneys for Petitioners

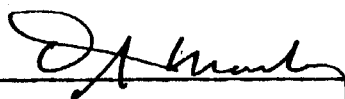
STATE OF MARYLAND, CITY OF BALTIMORE, to wit:

I HEREBY CERTIFY, That on this 10th day of May, 1949, before the subscriber, a Notary Public of the State of Maryland in and for Baltimore City aforesaid, personally appeared I. Duke Avnet, one of the attorneys for the appellants in the foregoing case, and he made oath in due form of law that the matters and facts in the foregoing petition are true and bona fide as therein set forth, to the best of his knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

Betty Best
Notary Public

UPON the foregoing petition and affidavit, IT IS this ~~10th~~
day of May, 1949, ORDERED, that the time for transmitting to
this Court the transcript of the record on appeal in this case
be, and the same hereby is, extended and enlarged until and
including May 21, 1949.



n.g.