

No. 375, September Term 1969

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1/71/8/1

MANDATE

*Smith
Carroll
A. D.*

Court of Special Appeals of Maryland

No. 375, September Term, 19 69

George Edward Rice

v.

State of Maryland

Appeal from the Criminal Court of Baltimore.
Filed: October 24, 1969.

March 23, 1970 - Order by Murphy, C.J.,
granting joint Motion of Appellant and Appellee
to Correct Error in Record.

June 24, 1970 - Opinion by Thompson, J.
All Judgments Affirmed Except As to Indictment
No. 6475, Photographing Obscene Pictures,
Which is Reversed Without a New Trial.

STATEMENT OF COSTS:

In Circuit Court:

Record \$20.00
Stenographer's Costs \$480.00

In Court of Special Appeals:

Filing Record on Appeal	\$20.00
Printing Brief for Appellant	\$131.04
Reply Brief	--
Portion of Record Extract — Appellant	--
Appearance Fee — Appellant	--
Printing Brief for Appellee	\$219.29
Portion of Record Extract — Appellee	--
Appearance Fee — Appellee	--

STATE OF MARYLAND, Sct:

I do hereby certify that the foregoing is truly taken from the records and proceedings of the said Court of Special Appeals.

In testimony whereof, I have hereunto set my hand as Clerk and affixed the seal of the Court of Special Appeals, this twenty-fourth day of July A. D. 19 70.

Julius A. Romano

Clerk of the Court of Special Appeals of Maryland.

Costs shown on this Mandate are to be settled between counsel and NOT THROUGH THIS OFFICE

375/69
Court
pt.

GEORGE EDWARD RICE

v.

STATE OF MARYLAND

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IN THE
**Court of Appeals
of
Maryland**

Miscellaneous Docket No. 169

September Term, 1970

(No. 375, September Term, 1969
Court of Special Appeals)

ORDER

Upon consideration of the petition for a writ of certiorari to the Court of Special Appeals in the above entitled case, it is

ORDERED by the Court of Appeals of Maryland that the said petition be, and it is hereby, denied.

/s/ Hall Hammond
Chief Judge

Date: October 13, 1970.

JL
10-16-70

REC'D OCT 15 1970

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COURT OF SPECIAL APPEALS of Maryland

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George Edward Rice

vs.

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State of Maryland

No. 375 SEPT. TERM, 19 69 FILED June 24, 19 70

APPEAL FROM THE Criminal Court of Baltimore

Albert L. Sklar JUDGE

ARGUED BY Gerald A. Smith, Esquire of Baltimore, Md.

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FOR APPELLANT

ARGUED BY John J. Garrity, Asst. Atty. Genl; with whom were
Francis B. Burch, Atty Genl; Charles E. Moylan, Jr. and
Michael E. Kaminkow, St's Atty and Asst. St's Atty for Baltimore
City respectively, on brief.

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FOR APPELLEE

ARGUED BEFORE Murphy, C. J., Anderson, Morton,
Orth, Thompson, JJ.

Opinion by Thompson, J.

375/8

COURT OF SPECIAL APPEALS

ANNAPOLIS, MARYLAND 21404

March 17, 1970



JULIUS A. ROMANO
CLERK

The Hon. Charles Awdry Thompson
P. O. Box 284
Cambridge, Maryland 21613

Re: George Edward Rice v. State of Maryland,
No. 375, September Term, 1969

Dear Judge Thompson:

You have the Transcript of Record in the captioned appeal which was argued on March 6, 1970. Enclosed is a letter received March 9, 1970, addressed to me by the Court Reporter concerning a correction in the transcript of testimony, which I am forwarding to you at the direction of Chief Judge Robert C. Murphy. Meanwhile, I will request appellant counsel to file a motion to correct the Record in accordance with directions by Judge Murphy.

Yours very truly,

Julius A. Romano
Julius A. Romano
Clerk

JAR:tal

Encl.

These papers were taken from the T/R.

Court of Special Appeals

Annapolis, Maryland

Memorandum

March 26, 1970

Re: George E. Rice v. State of Maryland
No. 375, September Term, 1969

Dear Judge Thompson:

Enclosed is a copy of the Joint Motion for Correction in Record and Order signed by Chief Judge Robert C. Murphy on March 23, 1970, for your information and inclusion in the Transcript of Record.

We sent you on March 17, 1970, the letter received in this office on March 9, 1970, from the Court Reporter in the lower court concerning a correction in the transcript of testimony in the above-captioned appeal.

Sincerely,
Julius.

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YALE J. AARONS

Off. Court Reporter
Criminal Court Part 3
Balto, Md. 21202

March 3, 1970

Julius Romano, Esq.
Clerk of Court
Court of Special Appeals
Annapolis, Md

Dear Julius:

Please make the following correction in the transcript of State of Maryland vs. George Rice, which was heard in Criminal Court Part 3 before Hon. Albert L. Sklar, last February, 1969. On page 420, Line 16: It should read " So, I got up. I put my pants on."etc. " It should not read the words I got a gun.

If there is a more formal way of making this correction please let me know.

Yours very truly,

Yale J. Aarons

cc: Gerald Smith, Esq.
George Rice
Hon. Albert L. Sklar, J.

REC'D MAR 9 1970

THE COURT OF SPECIAL APPEALS — ANNAPOLIS, MARYLAND 21404

March 17, 1970

Gerald A. Smith, Esquire
1500 American Building
Baltimore, Maryland 21202

Re: George Edward Rice v. State of Maryland,
No. 375, September Term, 1969

Dear Mr. Smith:

Pursuant to our phone conversation, enclosed is a Xeroxed copy of a letter dated March 3, 1970, addressed to me in the captioned appeal, concerning a correction in the transcript, for your use in preparing a Motion to be signed by you and John J. Garrity, Assistant Attorney General, along with a proposed order, to correct the record under Rule 1027.

Very truly yours,

Julius A. Romano
Clerk

JAR:tal

Encl.

cc: John J. Garrity, Asst. Atty. Gen.

Julius A. Romano

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F. H. H. H. H. H.

March 17, 1970

Gerald A. Smith, Esquire
1500 American Building
Baltimore, Maryland 21202

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No. 375, September Term, 1969

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Very truly yours,

Julius A. Romeno
Clerk

JAR:tal

Encl.

cc: John J. Garrity, Asst. Atty. Gen.

cc to Judge [unclear]

March 17, 1970

The Hon. Charles Awdry Thompson
P. O. Box 284
Cambridge, Maryland 21613

Re: George Edward Rice v. State of Maryland,
No. 375, September Term, 1969

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Yours very truly,

Julius A. Romano
Clerk

JAR:tal

Encl.

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Off. Court Reporter
Criminal Court Part 3
Balto, Md. 21202

March 3, 1970

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Clerk of Court
Court of Special Appeals
Annapolis, Md

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If there is a more formal way of making this correction please let me know.

Yours very truly,

Yale J. Aarons

cc: Gerald Smith, Esq.
George Rice
Hon. Albert L. Sklar, J.

REC'D MAR 9 1970

YALE J. AARONS

Off. Court Reporter
Criminal Court Part 3
Balto, Md. 21202

March 3, 1970

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Clerk of Court
Court of Special Appeals
Annapolis, Md

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cc: Gerald Smith, Esq.
George Rice
Hon. Albert L. Sklar, J.

REC'D MAR 9 1970

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March 3, 1970

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Clerk of Court
Court of Special Appeals
Annapolis, Md

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Yale J. Aarons

cc: Gerald Smith, Esq.
George Rice
Hon. Albert L. Sklar, J.

REC'D MAR 9 1970

1 YALE J. AARONS

2 Off. Court Reporter
3 Criminal Court Part 3
4 Balto, Md. 21202

5 March 3, 1970

6 Julius Romano, Esq.
7 Clerk of Court
8 Court of Special Appeals
9 Annapolis, Md

10 Dear Julius:

11 Please make the following correction in
12 the transcript of State of Maryland vs. George Rice, which
13 was heard in Criminal Court Part 3 before Hon. Albert L.
14 Sklar, last February, 1969. On page 420, Line 16: It
15 should read " So, I got up. I put my pants on."etc. "
16 It should not read the words I got a gun.

17 If there is a more formal way of making
18 this correction please let me know.

19 Yours very truly,

20 Yale J. Aarons

21 cc: Gerald Smith, Esq.
George Rice
Hon. Albert L. Sklar, J.

REC'D MAR 9 1970

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375

January 8, 1970

Gerald A. Smith, Esquire
Suite 1500 American Building
Baltimore and South Streets
Baltimore, Maryland 21202

Re: George Edward Rice v. State of Maryland,
No. 375, September Term, 1969

Dear Mr. Smith:

Enclosed is a copy of an Order signed by Chief Judge Robert C. Murphy, granting your Motion to file brief in excess of twenty-five (25) pages.

Yours very truly,

Jean W. Lafferty,
Chief Deputy Clerk

JWL:dw
Enclosure
cc: Attorney General

LAW OFFICES
HOWARD, BROWN AND WILLIAMS

CHARLES P. HOWARD JR.
BENJAMIN L. BROWN
ARCHIE D. WILLIAMS
JAMES L. BUNDY
SOLOMON REDDICK
GERALD A. SMITH
DEHAVEN L. SMITH
CHARLES L. WILLIAMS
PAUL A. SMITH, Sr.
ARTHUR G. MURPHY, Sr.

SUITE 1500 AMERICAN BUILDING
BALTIMORE AND SOUTH STREETS
BALTIMORE, MARYLAND 21202

PHONE: 727-0340

December 22, 1969

Julius A. Romano, Clerk
Court of Special Appeals
16 Francis Street
Annapolis, Maryland 21404

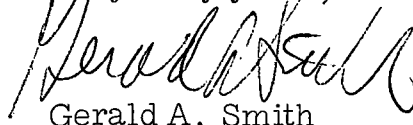
RE: Rice v. State
Sept. Term, 1969
No. 375

Dear Mr. Romano:

Inclosed are original and two copies, each, of "Motion to File Brief in Excess of Twenty-five Pages" and Order to be filed in above-captioned matter.

Thank you for your cooperation.

Very truly yours,



Gerald A. Smith

GAS:q

Incls.

cpy: Francis B. Burch, Attorney General

*appellant to pay for cost
of printing brief. (JMR)*

REC'D DEC 24 1969

GEORGE EDWARD RICE
Appellant

" IN THE
" COURT OF SPECIAL APPEALS
" OF MARYLAND

vs.

STATE OF MARYLAND
Appellee

"
" September Term, 1969
" Number 375
"

* * * * *

MOTION TO FILE BRIEF IN EXCESS OF TWENTY-FIVE PAGES

TO THE HONORABLE JUDGES OF SAID COURT:

NOW COMES George Edward Rice, Appellant, by his Attorney, Gerald A. Smith, and moves this Honorable Court, pursuant to Rule 1031, Section b of Maryland Rules, to pass an Order granting him leave to file a Brief in excess of twenty-five (25) pages, and gives the following reasons:

1. This case involves an Appeal from convictions for rape, kidnapping, burglary, unnatural and perverted sexual practices, and unlawfully and knowingly photographing obscene matter. The case was tried in the Criminal Court of Baltimore City during February 6-13, 1969, and there are approximately six hundred (600) pages of Transcript.

2. That because of the complexity of the case, a rather extensive Statement of Facts is required; and Appellant is raising nine (9) contentions, some of which he believes are questions of first impression in this State.

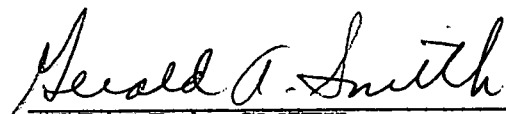
3. That Appellant is prosecuting this case as an indigent Appellant solely for the purposes of the State paying the cost of his transcript; and

Appellant will pay the cost of printing his Brief.

4. That Appellant believes that in order to explain his position adequately on Appeal, a Brief in excess of twenty-five (25) pages, exclusive of Table of Contents and Citations, will be required.

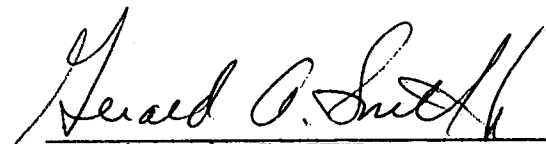
5. That Appellant has contacted the printer who advises that approximately fifty (50) pages will be required to print Appellant's Brief in its present form.

WHEREFORE, Appellant prays this Honorable Court to pass an ORDER allowing him to file a Brief in excess of twenty-five pages.



GERALD A. SMITH
Attorney for Appellant

I HEREBY CERTIFY that on this 22 day of December, 1969, a copy of the foregoing Motion was mailed to Francis B. Burch, Attorney General, State of Maryland, 1200 One Charles Center, Baltimore, Maryland, 21201.



GERALD A. SMITH
Attorney for Appellant

GEORGE EDWARD RICE
Appellant

vs.

STATE OF MARYLAND
Appellee

" IN THE
" COURT OF SPECIAL APPEALS
" OF MARYLAND
" September Term, 1969
" Number 375

* * * * *

ORDER

Upon the foregoing Motion, it is this ⁵ day of ~~December~~ ^{Jan 1970}, 1969, by
the Court of Special Appeals of Maryland

ORDERED, That Appellant's Motion to File Brief in Excess of
Twenty-five Pages be, and the same is hereby granted.


JUDGE

March 24, 1970

Gerald A. Smith, Esquire
Suite 1500
American Building
Baltimore, Maryland 21202

John J. Garrity, Esquire
612 Keyser Building
Baltimore, Maryland 21202

Re: George E. Rice v. State of Maryland,
No. 375, September Term, 1969

Dear Messrs. Smith and Garrity:

Enclosed is a copy of an Order dated March 23, 1970,
by Chief Judge Robert C. Murphy of this Court correcting the record
in the captioned appeal.

Very truly yours,

Julius A. Romano,
Clerk

JAR:dw
Encl.

SEARCHED INDEXED
SERIALIZED FILED

*Note: On March 17 we sent Jud Thompson ltr.
rec'd in this office on 3/19 from Lt. Reporter
concerning corrections in transcript of testimony*

*On March 26 we gave Jud Thompson
copy of met & order in above appeal.*

CHARLES P. HOWARD JR.
BENJAMIN L. BROWN
ARCHIE D. WILLIAMS
JAMES L. BUNDY
SOLOMON REDDICK
GERALD A. SMITH
DEHAVEN L. SMITH
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PAUL A. SMITH, SR.
ARTHUR G. MURPHY, SR.

LAW OFFICES
HOWARD, BROWN AND WILLIAMS
SUITE 1500 AMERICAN BUILDING
BALTIMORE AND SOUTH STREETS
BALTIMORE, MARYLAND 21202

March 20, 1970

PHONE: 727-0340

Julius A. Romano,
Clerk, Court of Special Appeals
Annapolis, Maryland 21404

Re: George E. Rice v. State of Maryland
No. 375, September Term, 1969

Dear Mr. Romano:

Enclosed herewith is original and five
copies of "JOINT MOTION FOR CORRECTION OF ERROR
IN RECORD" in the above captioned case.

Very truly yours,

Gerald A. Smith / aw
Gerald A. Smith

GAS:aw

Enclosures

cc: John J. Garrity, Asst. Atty. Gen.

*Attached motion & proposed order
per instruction of Chief Judge
Murphy. JAW*

REG'D MAR 23 1970

*argued 3/6/70
Assigned to
Judge Thompson*

GEORGE EDWARD RICE * IN THE
VS. * COURT OF SPECIAL APPEALS
STATE OF MARYLAND * OF
* MARYLAND
* NO. 375 September Term, 1969

JOINT MOTION FOR CORRECTION OF ERROR IN RECORD

Come now GEORGE EDWARD RICE, by his Attorney, Gerald A. Smith and the State of Maryland by John J. Garrity, Assistant Attorney General, and Pursuant to Rule 1027 of the Maryland Rules, move this Court to pass an order correcting an error appearing in the transcript of trial testimony in the captioned case. The following reasons are given:

1. That in transcribing the testimony at trial in the captioned case, which was held in Part III of the Criminal Court of Baltimore City during February 6th-13th, 1969, the court reporter, Yale J. Aarons, made an error which appears on page 420, line 16.

2. That the transcript on the above page and line reads "So I got the gun. I put my pants on!" etc." Said transcript should read "So I got up. I put my pants on." etc."

3. That on March 3, 1970 a letter was written by Yale J. Aarons, official Court Reporter for Part III of the Criminal Court of Baltimore City to Julius Romano, Esquire, Clerk of the Court of Special Appeals of Maryland indicating the above error and correction. A copy of the letter is attached hereto and prayed to be taken as part hereof.

REC'D MAR 23 1970

WHEREFORE Appellant George E. Rice and the State of Maryland pray that this honorable court pass and order directing that error in the transcript be corrected.

Respectfully Submitted,

Gerald A. Smith

GERALD A. SMITH
1500 American Building
Baltimore, Maryland 21202
727-0340
Attorney for Defendant

John J. Garrity (G.A.S.)

JOHN J. GARRITY
Assistant Attorney General
1200 One Charles Center
Baltimore, Maryland 21201
Attorney for Appellee

**HOWARD. BROWN
& WILLIAMS**

SUITE 1500 AMERICAN BLDG.
BALTIMORE & SOUTH STS.
BALTIMORE, MARYLAND 21202
PHONE: 727-0340

1 YALE J. AARONS

2 Off. Court Reporter
3 Criminal Court Part 3
4 Balto, Md. 21202

5 March 3, 1970

6 Julius Romano, Esq.
7 Clerk of Court
8 Court of Special Appeals
9 Annapolis, Md

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21 cc: Gerald Smith, Esq.
George Rice
Hon. Albert L. Sklar, J.

REC'D MAR 9 1970

GEORGE EDWARD RICE

* IN THE

VS.

* COURT OF SPECIAL APPEALS

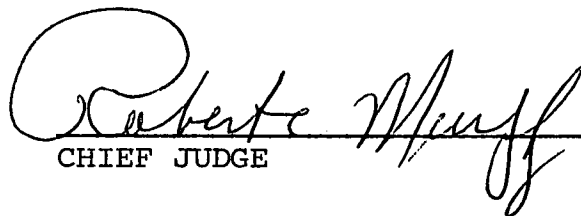
STATE OF MARYLAND

* OF

* MARYLAND

* NO. 375 September Term, 1969

Upon the foregoing "Motion for Correction of Error in Record", it is this 23 day of March, 1970, ORDERED by the Court of Special Appeals of Maryland that so much of page 420, line 16 of the transcript of Testimony of trial as reads; "So I got the gun." Is hereby corrected to read "So I got up."


CHIEF JUDGE