No. 375, September Term 1969

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MANDATE Andrey

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.

315

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
 -

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.

> > Clerk of the Court of Special Appeals of Maryland.

lilies Q. Jonano

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

GEORGE EDWARD RICE

IN THE Court of Appeals of Maryland

3: Plag Curpt

STATE OF MARYLAND

v.

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.

2h 10-16-20

REC'D OCT 1 5 1970

COURT OF SPECIAL APPEALS of Maryland

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	Gee	orge-Edward-Rice
		we
		vs.
	Str	ste of Maryland
No		9.69 FILED.June 24,
ADDEAL ED	OM THE	
AFFEAL FR	om ine	L Court of Baltimore
	Albert	t.L. Sklar JUDGE
ARGUED BY	ZGerald.ASmi	ith, Esquire of Baltimore, Md.
		a and a second a second second set a second
		FOR APPELLANT
		FOR APPELLANT
		FOR APPELLANT
	_	FOR APPELLANT
ARGUED BY	ZJohn J. Garrit	ty, Asst. Atty Genl; with whom were
ARGUED BY	John J. Garrit B. Burch, Atty (ty, Asst. Atty Genl; with whom were Genl; Cherles E. Moylan, Jr. and
ARGUED BY Francis Michael	John J. Garrit B. Burch, Atty (E. Kaminkow, St	ty, Asst. Atty Genl; with whom were Genl; Charles E. Moylan, Jr. and 's Atty and Asst. St's Atty for Baltime
ARGUED BY Francis Michael	John J. Garrit B. Burch, Atty (E. Kaminkow, St	ty, Asst. Atty Genl; with whom were Genl; Cherles E. Moylan, Jr. and
ARGUED BY Francis Michael	John J. Garrit B. Burch, Atty (E. Kaminkow, St spectively, on br	ty, Asst. Atty Genl; with whom were Genl; Charles E. Moylan, Jr. and 's Atty and Asst. St's Atty for Baltime
ARGUED BY Francis Michael Gity re	John J. Garrit B. Burch, Atty (E. Kaminkow, St spectively, on br	ty, Asst. Atty Genl; with whom were Genl; Cherles E. Moylan, Jr. and 's Atty and Asst. St's Atty for Baltime rief.

Opinion by Thompson, J.

COURT OF SPECIAL APPEALS ANNAPOLIS, MARYLAND 21404

March 17, 1970



JULIUS A. ROMANO

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,

Julies Q. Jonano

Julius A. Romano Clerk

JAR:tal

Encl.

These papers mure taken from the TIR.

Court of Special Appeals

Annapolis, Maryland March 26, 1970

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

Dear Judge Thompson:

Memorandum

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.



	일이 1973년 1973년 1983년 - 1973년 1973년 1973년 1973년 197 1973년 1973년 197
	YALE J. AARONS
1	Off. Court Reporter
2	Criminal Court Part 3 Balto, Md. 21202
3	사람이 되는 것은 것이라는 것이라. 이번 것이라. 이번 것이라. 이번 것이라. 이번 것이라. 이번 것이라. 이번 것이 같은 것이 같이
4	March 3, 1970
5	Julius Romano, Esq.
6	Clerk of Court Court of Special Appeals Annapolis, Md
8	Dear Julius:
9	Please make the following correction in
10	the transcript of State of Maryland vs. George Rice, which
11	was heard in Criminal Court Part 3 before Hon. Albert L.
12	Sklar, last February, 1969. On page 420, Line 16: It
13	should read " So, I got up. I put my pants on."etc. "
14	It should not read the words I got a gun.
15	If there is a more formal way of making
16	this correction please let me know.
17	Yours very truly,
18	Yale J. Aarons
19	cc: Gerald Smith, Esq.
20	George Rice Hon. Albert L. Sklar, J.
21	
	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.

Quer Startan

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

the falle

March 17, 1970

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Very truly yours,

. Hund Strad

Julius A. Romano Clerk

JAR:tal

Encl.

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

March 17, 1970

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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.

	YALE J. AARONS
1	Off Count Report or
2	Off. Court Reporter Criminal Court Part 3
	Balto, Md. 21202
3	
4	March 3, 1970
5	
	Julius Romano, Esq.
6	Clerk of Court Court of Special Appeals
7	Annapolis, Md
8	Dear Julius:
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17	
Ĩ	Yours very truly,
18	Yale J. Aarons
19	cc: Gerald Smith, Esq.
	George Rice
20	Hon. Albert L. Sklar, J.
21	
	RECD MAR 9 1970
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	YALE J. AARONS
1	Off. Court Reporter
2	Criminal Court Part 3
-	Balto, Md. 21202
3	
4	March 3, 1970
5	Julius Romano, Esq.
6	Clerk of Court
Ŭ	Court of Special Appeals
7	Annapolis, Md
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17	Yours very truly,
18	Yale J. Aarons
19	cc: Gerald Smith, Esq.
	George Rice
20	Hon. Albert L. Sklar, J.
21	그렇게 가지 않아? 여러 가지 않아 있는 것을 알았다. 이렇게 가지 않는 것은 것은 것은 것은 것을 가지 않는 것이다. 이렇게 것은 것은 것은 것은 것은 것은 것을 알았다. 것은
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	YALE J. AARONS
1	
2	Off. Court Reporter Criminal Court Part 3
	Balto, Md. 21202
3	
4	March 3, 1970
5	
	Julius Romano, Esq.
6	Clerk of Court Court of Special Appeals
7	Annapolis, Md
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17	Yours very truly,
18	Yale J. Aarons
19	cc: Gerald Smith, Esq.
20	George Rice Hon. Albert L. Sklar, J.
21	전쟁 비행 관계 방법에 대한 것이 있는 것이 같은 것이 없다. 것이 같은 것이 있는 것이 없는 것이 없 않이 않는 것이 없는 것이 않는 것이 없는 것이 없이 않이
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1419	
	YALE J. AARONS
1	Off. Court Reporter
2	Criminal Court Part 3
	Balto, Md. 21202
3	물건 것 같아? 그 것 같아? 그 같이 있는 것 같아? 것 같아? 이 것 같아? 그는 것 같아? 그 나라는 것 같아?
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4	March 3, 1970
5	, 2014년 2월 2월 2월 2월 2월 2월 2011년 1월 2월 2월 2월 2011년 2월 2월 2011년 1월 28일 2014년 1월 1917년 1월 2014년 1월 2월
, in the second s	Julius Romano, Esq.
6	Clerk of Court
	Court of Special Appeals
7	Annapolis, Md
	Dear Julius:
8	Dear Julius:
9	Please make the following correction in
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10	the transcript of State of Maryland vs. George Rice, which
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11	was nearly in criminal court rait 5 belore none Athert He
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15	If there is a more formal way of making
10	같은 것은 것은 것은 것은 것은 것은 것은 것을 것을 것을 것을 것 같아요. 것은 것은 것은 것은 것은 것을 것을 것 같아요. 것은 것은 것은 것은 것을 것을 것 같아요. 것은 것은 것은 것은 것은 가 가 있다. 것은
16	this correction please let me know.
17	Yours very truly,
18	Yale J. Aarons
19	car Comple Smith Rea
	cc: Gerald Smith, Esq. George Rice
20	Hon. Albert L. Sklar, J.
	이 성상에 관계하는 것은 것은 것은 것은 것을 위해 가격하는 것이 가슴을 많이 가지 않는 것이 같이
21	선수님은 집에서 이는 것 같아요. 승규가 가지 않는 것이 가 없는 것이 있는 것이 있는 것이 있는 것이 없다.
	RECD MAR 9 1970

January 8, 1970

7M+0 375

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

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.

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 abovecaptioned matter.

Thank you for your cooperation.

truly yours Gerald A. Smith

GAS:q

Incls.

Attorney General

cpy: Francis B. Burg

GEORGE EDWARD RICE		п	IN THE
Appellant		11	COURT OF SPECIAL APPEALS
		11	OF MARYLAND
VS.		11	
		11	
STATE OF MARYLAND		11	September Term, 1969
Appellee		11 11	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.

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

HOWARD. BROWN

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 aforegoing 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

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

GEORGE EDWARD RICE		11	IN THE
Appellant	Appellant	11	COURT OF SPECIAL APPEALS
	rippertant	**	
		tt	OF MARYLAND
vs.		11	
	4.575	- 11	
STATE OF MARYLAND		11-	September Term, 1969
	Appellee	11	Number 375

ORDER

the Court of Special Appeals of Maryland

Upon the aforegoing Motion, it is this 5 day of permber, 1969, by

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

Tokeste Mush

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

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.

S2 VECOLION HUEB

Very truly yours,

375

Julius A. Romano, Clerk

JAR:dw Encl.

Note On March 17 we sent Jud Shempern ette rec'd in this office and 3/9 from et Reporter concerning correction en transcrupt of testemony

On march 26 we gave Jua Shonpoon Rapy of met & arder in above - appeal

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. LAW OFFICES HOWARD, BROWN AND WILLIAMS Suite 1500 American Building baltimore and south streets Baltimore, Maryland 21202

March 20, 1970

PHONE: 727-0340

argued 36/30 Conig rate

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,

rald A. Smith / aw

GAS:aw

Enclosures

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

ached motion & proposed order a mistruction of this finder

REG'D MAR 2 3 1970

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 caption 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.

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

PER'N 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 1500 American Building Baltimore, Maryland 21202 727-0340 Attorney for Defendant

arrite

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

HOWARD. BROWN & WILLIAMS suite 1500 American blog. daltimore & south sts. baltimore, maryland 21202 phone: 727-0340

	YALE J. AARONS
1	Off Count Dependent
2	Off. Court Reporter Criminal Court Part 3
4	Balto, Md. 21202
3	이렇는 바람이 많은 것 같은 것 같아요. 그는 것은 것 같아요. 그는 그 그는 그는 그는 그는 것 같아요. 그는
	방법 방법 문제 여름을 걸려야 한다. 정말 방법 방법 문제 방법 문제 이가 들는 것이 가지 않는 것이다.
4	March 3, 1970
E	그는 것 같은 것 같
. 5	Julius Romano, Esq.
6	Clerk of Court
	Court of Special Appeals
7	Annapolis, Md
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9	
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15	
16	this correction please let me know.
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17	Vouna vous turi
	Yours very truly,
18	Yale J. Aarons
	방상 수상 전 방법
19	cc: Gerald Smith, Esq.
20	George Rice
20	Hon. Albert L. Sklar, J.
21	이 것 같은 것을 알았다. 그는 것 것 같은 것
	영양 성장 방향 사람이 있는 것은 것은 것을 갖추고 있다. 영양 방향 방향 방향 가지 않는 것은 것이 있는 것이 있는 것이 있다. 이 것은 것은 것은 것은 것은 것이 있는 것이 있는 것이 있는 것이 있다. 이 가지 않는 것이 있는 것이 있다. 이 가지 않는 것이 있는 것이 없는 것이 없 것이 없는 것이 있 것이 없는 것이 없이 없는 것이 않이 않이 않이 않이 않이 않는 것이 없는 것이 없이 않이
	REC'D MAR 9 1970
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GEORGE EDWARD RICE

VS.

STATE OF MARYLAND

* IN THE

* COURT OF SPECIAL APPEALS

MARYLAND

OF

;

NO. 375 September Term, 1969

*

Upon the foregoing "Motion for Correction of Error in Record", it is this <u>23</u> day of <u>Much</u>, 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

HOWARD. BROWN & WILLIAMS SUITE 1500 AMERICAN BLOG. BALTIMORE & SOUTH STS. BALTIMORE, MARYLAND 21202 PHONE: 727-0340