New trial slated for man judge ordered bound, gagged

The Maryland Court of Special Appeals has ordered a new trial be given Melvin Jones who is accused of sexual assault in Prince Georges County.

In an opinion by Judge Charles E. Moylan Jr., the appellate court determined that Jones was denied a fair trial and deprived of constitutional rights when he appeared before a jury under Judge Roscoe H. Parker in Prince Georges County Circuit Court in March, 1970.

Jones was shackled and gagged by order of Judge Parker and seated before the jury for trial. Judge Parker said he wanted Jones "shackled and muffled at the mouth" because he saw the defendant involved in some sort of altercation with four deputy sheriffs "as I was passing the courtroom entrance" before the trial began.

The court's action also erases a sentence of 50 years Judge Parker imposed upon Jones for rape (30 years); assault with intent to rape (5 years) and three separate charges of assault with intent to main (10 and 10 and 5 years) all to be served consecutively.

The appeal filed by Jones' attorney was heard by Judge Moylan, Chief Judge Robert C. Murphy and Judge Jerrold V. Powers with the reversal and new trial order handed down in April. No date has been set for the new trial.

* * *

The Court of Special Appeals specifically found in reviewing the case that "The Trial Court exceeded the bounds of permitted discretion."

The opinion further states that Judge Parker's actions were premature in assuming the trial would be disrupted and, "It is clear that there was absolutly no disruptive or unruly behavior during the course of the trial.

"The proper procedure requires that the trial court 'not act overtly in mere anticipation of trouble.'

"The opinion cites other recorded legal opinions which outline proper administration of criminal justice so that "dignity, order and decorum be the hallmarks of all court proceedings in our country."

"But even to contemplate such a technique, much less see it, arouses a feeling that no person should be tried while shackled and gagged except as a last resort.

"Not only is it possible that the sight of shackles and gags might have a significant effect on the jury's feelings about the defendant, but the use of this technique is itself something of an affront proceedings that the judge is seeking to uphold."

(Illinois vs. Allen)

* * *

The Supreme Court's holding in Allen is, "No action against an unruly defendant is permissable except after he has been fully and fairly informed that his conduct is wrong and intolerable and warned of the possible consequences of continued misbehavior."

* * *

The Moylan Opinion in the case of Mr. Jones describes Judge Parker's actions and the defense attorney's reactions as follows:

"Just before the commencement of the appellant's trial on March 18, 1970, the trial judge was passing the entrance to the courtroom and observed therein the appellant involved in some sort of altercation with four deputy sheriffs.

"The deputies removed the appellant from the courtroom.

"The court then, on its own initiative, ordered the deputies to shackle and gag the appellant.

"When the court convened and the case was called for trial, the appellant was seated at the trial table in such bound and gagged condition.

"The prospective jurors were all in the room. As soon as the clerk called the case for trial, the court announced:

"Let the record show that while the Court was passing the entrance to this courtroom it observed the misconduct of the defendant, which it will describe in detail later by a written memorandum. For that reason the Court, on its own motion, ordered this defendant shackled and muffled at the mouth. He will be tried in this county this day."

The appellant's counsel promptly requested a bench conference and therein urged that the appellant could not receive a fair trial either from the jury panel then in the room or from the trial judge himself.

"He moved for a mistrial and requested that the case be assigned to another judge with another jury panel being brought in.

"The motion was denied.

"Shortly thereafter, the court, on its own motion, directed that the appellant's gag be removed so that he could communicate with his counsel, after having been assured by appellant's counsel that the appellant had agreed not to make any undue noise.

"The jury was then selected and sworn.

"Before opening statements were made, the following colloquy took place:

"The Court: Now, Melvin Jones, are you going to behave yourself if I take those cuffs off you?

Melvin Jones: (In a low voice) Yes.

The Court: Pardon? I can't hear you.

Mr. Trainer: The defendant said, 'Yes, sir.'

The Court: I have to hear him.

(The defendant made no response).

The Court: Leave them on him, Mr. Sheriff. If he doesn't want to open his mouth we will leave them on."

"Before the commencement of the afternoon session, the court directed that the handcuffs be removed, after having been assured by the appellant that he would behave himself."

Two held for grand jury on drug charges

On Thursday Judge I. Sewell Lambdin held Joseph Jones Jr., 19, 1600 block W. Mulberry St., and Albert Lee Davis, 35, 1800 block Druid Hill Ave., for grand jury investigation. Jones is under $5,500 bail and Davis, $1,000 bail.

The two men were apprehended by members of the STOP Squad at 12:20 p.m. May 19 in the rear of a vacant house in the 1500 block Pennsylvania Ave.

Officers Johnny Holloway, Warren McCoy and Paul Wingate report that observations reveal Davis had just purchased the four bags of heroin which they found in his possession.

They also report Jones had 14 bags in his possession just after he had been observed taking something from inside a fireplace in the vacant house.

The officers said the 19 bags were $6 a piece at street sale level. Also confiscated were a .32-caliber motor vehicle operator's license.

After Jones was tried before Judge Lambdin, he was escorted to traffic court for deliberation as to the license.

Students serve 19 days

MONROE, La. — Nine Monroe high school students were released from jail after serving 19 days of 120-day sentences for demonstrating at Wossman High School.

A municipal judge said he decided to suspend the sentences because of the students' ages and he felt they didn't fully understand the consequence of their actions. The students ranged in age from 16 to 20.

The nine had been convicted on one count each for trespassing and for using loud, abusive language. They had been given the mandatory 60-day sentence for each misdemeanor.

The students said they were protesting the refusal of school officials to allow a Black History Week at the school.

Sen. Ervin wants speedy trials

WASHINGTON — Sen. Sam J. Ervin Jr., D — N.C., chairman of the Senate Constitutional Rights sub-committee, chided the Justice Department for seeking "preventive detention" laws.

Ervin wants the Senate to support speedy trials.

He said his speedy trial bill, now backed by 42 Senators, was the answer to the problem of criminal suspects who became charged with new crimes while free on bail pending trial for earlier arrests.

Prudential
Life Insurance

My dad owns a piece of the Rock

It means money.

Daddy says if anything happens to him, Mommy will still have money from our Prudential life insurance, for clothes, and food, and we won't have to move in with grandma. And my brother and I will be able to go to college because we own a piece of the Rock.

Mommy says I shouldn't worry about anything happening to Dad, because our piece of the Rock is going to help take care of them in their old age.

Dad says our Rock is Prudential, but it sure sounds like gold to me.

Cole of California arrives at the beach

leaving the track of the cat all over the sand with a supple suit of leopard printed nylon, $26. Or plays a fair game of zebra at the watering hole with the same suit, $26. Choose one or more from a foxy new collection of boss-body swimwear in misses' sizes.

you are invited
to see informal modeling
of swimwear
by Cole of California
Downtown, Saturday at 2:30
Sun Scene, second floor
Miss Ann Cole
will be guest commentator
and will help you with your selections

HUTZLER'S

SATURDAY'S HOURS: Downtown 9:30 to 5:30 Westview, Towson, Eastpoint, Southdale 10 to 9:30

Cherry Hill students tour nation's capital

Students at Cherry Hill School No. 164 were escorted by teachers on a recent bus trip to Washington.

There they made a tour of the nation's capital.

Those making the trip included the following:

Anthony Dredden, Samuel Robinson, William Richardson, Timothy Turner, Donnie Mills, William Dowery, Tyrone E. Banks, Raynard Johnson, Marlow Simpson, Ulysses Ashe, David Marcus, Matthew Singletary, Timothy Walker, Jeffrey Baxter, Derrick Bowie, Marvin Smith.

Less Young, Anita Primeaux, Carla Garnett, Shirley Wiley, Gwendolyn Davis, Angelique Holmes, Kim Morton, Millicent Hester, Novella Sellers, Michele Oliver, Emily Perrott, Sherron Alston.

Mesdames: Bernice Turner, Cora Holmes, Marie Singleterry, Pauline Wiley, Rose Young, Patricia Robinson.

Mark Anderson, Dwayne Bias, James Boxdale, Edward Brockington, John Coates, Darryl Conney, Vernon Creek, David Crowner, Keith Harris, Paul Howard, Mitchell Martin, Kevin McDaniel, Voris McKnight, Lewis Muse, Michael Paraway, Anthony Ross, George Shackelford, Julian Baxter, Deana Cook, Tonya Cooper, Annie Copies, Zelda Dixon, Iantha Flourney.

Valerie Robinson, Karen Stewart, Angela Willis, Lola Wilson, Larry Randolph, Derrick Jones, Linda Huntley, Teresa Wise, Alfonso Martin, Ralph Cheatam, Rhonda Jackson, Valgeen Alston, Larry Anderson, Lewis Curry, Delroy Diggs, Jonathan Hawkins, Lance Parrot, Reginald Randolph, Kevin Simpson, Edward Steward, Larry Vaughn.

* * *

Mesdames: Daughterty, Dixon, McDaniels, Creek, Brockington, Dailey-Teacher.

Joseph White, Vickie Coward, Tanya Davis, Shirley Fisher, Jeannette Huntley, Rosa Jones, Delia Martin, Charlene Shaw, Judy Thomas, Amber Treet, Phyllistine Wiley, Diedra Yarborough, Daphne Jones, Joanne Napper, Alice Lee.

Tonya Alston, Twila Johnson, Karen Primeaux, Anita Fenwick, Mario Harold, Albert Lloyd, Richard Lloyd, Cheryl Blackwell, Kelvin Giles, John Stepney, Frederick Howard, Aaron Roper, Jennie Moore, Eric Wilson, Monica Williams, Jeffrey Jones, Nathaniel Morals.

Cecil Copies, Beverly Hawthorne, Kenneth Conney, Rhonda Meadows, Tammy Pugh, Keith Farrar, Elijah Gamble, Anthony Gayle, Allen Grimes, Mark Shepperson, Raymond Smith, Timothy Smith, Linwood Taylor.

* * *

Stephanie Daley, Denis Estes, Aurelia Sampson, Cynthia Thomas, David Bolden, Rodney Bouyer, Richard Bryant, Mark Elston, Andrew Marcus, Kim Davis, Barbara Dawkins, Victoria DeShields, Wendy Dockery, Cherita France, Vanessa Parker.

Bonnie Sellers, Noreena Robertson, Denise Smith, Selina Watkins, Felecia Williams, Clyde Day.

Mesdames: Raymond Smith, Gwen Miller, Bryant, Dawkins, Dockery, Annette Williams, Cauthorne, E. Scotland-Teacher.

Samuel Cross, Reginald Douglass, Regina Willis, Eric Stevenson, Kevin Snowden, Jaron Spriggs, Joan Dowery, David Powell, Gregory Bolling, Vicky Brown, Clarence Brown, Reginald Bolling, Denise Bailey, Windie Anderson, Rachel Christian.

Donald Moore, Michael Weaver, Jeannette Johnson, Robert Makins, Chrisanna Smothers.

* * *

Mesdames: Isabella Dowery, Phillis Selman, Ann Holl-teacher.

Angela Byrd, Robert Ames, Kevin Ashe, Towanda Flourney, Shirley Pugh, Rou Pugh, Latia Pugh, Larry Hinton, Cynthia Gamble, Esther Pulley, Leroy Daily, Theodore Speights, Morris Jones, Randy Jones, Raymond Christian, Floyd Copies.

Tonette DeShields, Toni DeShields, Darlene DeShields, Charles Stevenson, William Rodgers, Ronald Jackson, Deborah Dockery, Cynthia Oliver, Shirley Megginson, Curtis Megginson, Mark Hawthorne, Derrick Creek.

Mesdames: Desney Byrd, Brahah Pugh, Janice Gamble, Warren Sheffey, Doris DeShield, Lillian Jones, Catherine Megginson, Shirley Creek, Catherine N. Woods-teacher.

Alexander Dredden, Daryl Hudson, Clifton Bolling, Antonio Murrill, Thomas Smith, Stephanie Brown, Margo Franklin, Kathy Day, Ronald Owens.

* * *

Tyrone Harris, Janet Bing, Bruce Gamble, Robert Jones, Chippekio Jones, Iantha Williams, Vernett Morton, Grace Marcus, Robin Thompson, Ophelia Henderson, Melvin Bell, Paula Keys, Fredrick Watkins, Darnell Bais, Renea Carroll, Delores Queen, Charlene Armstrong, Danita Black, Roderick Black, Winfred Bolden, Tammye Stevenson, Angelo Dockery.

Phyllis Grimes, Natalie Gordon, Janet Gibson, Donna Muse, Angelo Baze, Raymond Adams, Morris Jones, Larry Lee, Milford Hudson, Vera Davis, Lavera Dickey, Yaderou Steward, Donna Howard, Kevin Barnes, Arthur Shoeman, William Rose, Kevin Johnson, Jimmy Hawkins.

Alice Johnson, George Richardson, Tanya Steward, Marilyn Dawkin, Mabel Ford, Wanda Brown, Linda Richardson, Joyce Henderson, Pamela Baker.

Ann Dawkins, Johnathan Gibson, Darrick Williams, Mona Howard, Michael Gilmore.

Mesdames: Theressa Davis, Ruth Muse, Arretis Gibson, Lorretta Rose, Geniva Dawkins, Louise Baker, Patsy Hudson, Phyliss Silman.

Anthony Dredden, Samuel Robinson, William Richardson, Timothy Turner, Donnie Mills, William Dowery, Tyrone Banks, Raymond Johnson, Marlow Simpson, Ulysses Ashe, David Marcus, Matthew Singletary, Timothy Walker, Jeffrey Baxter, Derrick Bowie, Marvin Smith, Wanda Richardson, Roger Woods, Donald Dixon, Dora Stewart, Phillip Smith.

Mesdames: Murrill, Hudson, Collick, G. Barnhardt-teacher.

Michael Napper, Teresa Perry, Denise Dorsey, Gwendolyn Dredden, Calvin Wainwright, George Smith, Myra Thompson, Sharon Coleman, Edward Lloyd, Cynthia Mercer, Lenora Harmon, Tanya Armstrong, Richard Green, Debra Willis, Patricia Ross.

Richard Turnquist, Renee Griffin, Ronette Griffin, Eugene Griffin, Louise Creek, Tawanda Cooper, Ronald Rose, Sharon Martin, Nathaniel Randolph, Teresa Hamm, Everett Sewell, Annette Black, Kenneth Davis, Linda Thomas, Deborah Queen, Wanda Jones, Doreen McCullum, Jennifer Inman, James Commander.

* * *

Mesdames: Rita Griffin, Janice Dorsey, Jeanette Lloyd, Beatrice Ross, Yvonne Garner, Commander, and Mr. Robinson.

Elmer Anderson, Orvin Brown, Christopher Cleveland, Leon Cleveland, Kevin Cleveland, Timothy Davis, Curtis Dredden, Isaac Fisher, Daryl Jones, Edward Parker, Gary Thomas, Robert Williams, Bernard Woodfork, Gloria Batchelor.

Gladys Crawford, Hazel Crowell, Lori Dyson, Cynthia Flourney, Sheila Gibson, Yevonne Griffin, Rosalind Jones, Sharon McCullum, Angela Meadows, Sharon Parker, Martha Squire, Linda Hawthorne.

Mesdames: Shirley Cleveland, Shirley Parker, Emma Batchelor, Abishai Robertson, Mr. Richard Jones, Wainwright-teacher.

Trip committee members; Charles Harper — chairman, Eleanore Scotland, George Ner, Minerva Lewis, Alfredia Pinkney — principal, Warren Sheffey — assistant principal, Perry, Ann Holt, Yvonne Garner.

$50 WEEK is total AFRO City Desk pays for news tips. If you see a newsworthy event, call 728-8200. Your tip may be a winner.

Family Day to be held at Crownsville

Family Day 1971, sponsored by the Women's Auxiliary of Crownsville State Hospital, will be held this Saturday.

All family members from the community are invited to come and spend the day, bring a picnic lunch, or purchase hot dogs and soft drinks on the hospital grounds.

The morning's activities will feature games on the ballfield beginning at 9:30 and under the direction of Mrs. Beebe Casiro, of the Department of Recreation and Parks. At 10 a.m., Dr. George McK. Phillips, superintendent, will crown the May Queen and give recognition to her court.

The annual parade will begin at 1 p.m., starting from Winterode Field and later performing before the judges stand in front of the Meyer Building.

Trophies will be awarded to participating bands, drum and bugle corps, etc. on the basis of: (1) largest, (2) best dressed, (3) best over-all performance, (4) smallest, (5) best majorette.

Any performing groups still wishing to participate, should contact the Permit-help Office at 647-5200, ext. 422; or Mrs. Essie Sutton, parade chairman at 367-1882 immediately.

BAPTIST WOMEN MEET — Members of the United Baptist Missionary Convention this week at First Mt. Calvary Church are Mrs. Beulah Johnson, Mrs. Rosetta Davis, Mrs. Jannie Hussey and Mrs. Catherine Evans. The convention, the 45th, opened Tuesday, concludes tonight (Friday) with a missionary sermon by the Rev. Clifford Johnson, beginning at 8 p.m.

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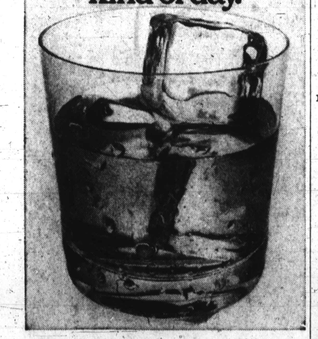
PITTSBURGH On y 4½ Hours Non-Stop	12.35
MEMPHIS Thru Express via Knoxville-Nashville	37.75
JACKSONVILLE Thru Express Service to Florida	31.90

It's an Old Forester kind of day.



Enjoy the good taste of this great Kentucky Bourbon

At 86 or 100 proof
"There is nothing better in the market."

KENTUCKY STRAIGHT BOURBON WHISKY/86 PROOF/100 PROOF BOTTLED IN BOND
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Esso ValueCenters

May Tire Event at Esso ValueCenters.

Atlas 4-ply Nylon Cord.
$12.95 with trade-in, plus $1.76 Fed. Ex. Tax for 650x13 tubeless blackwall Atlas Mile-Pak tires.

- An economy tire with four full plies of sturdy nylon cord.
- Modern wrap-around tread for good control.

SIZE	BLACKWALL (with trade-in)	WHITEWALL (with trade-in)	FED. EX. TAX
600 x 13	12.95	14.95	1.60
650 x 13			1.76
775 x 14	15.95	17.95	2.14
775 x 15			2.16

Atlas Grip-Safe Tires.
$21.37 with trade-in, plus $1.95 Fed. Ex. Tax for 700x13 tubeless blackwall.

- Four full plies of Dynacor rayon cord give a smooth, quiet ride.
- Interlocking tread design to grip the road.
- Low silhouette for modern appearance.

SIZE	BLACKWALL (with trade-in)	WHITEWALL (with trade-in)	FED. EX. TAX
E78-14 (735x14)	22.54	25.57	2.21
E78-15 (735x15)			2.22
F78-14 (775x14)	23.29	26.32	2.38
F78-15 (775x15)			2.42
G78-14 (825x14)	26.46	29.50	2.55
G78-15 (825x15)			2.64
H78-14 (855x14)	28.94	31.97	2.74
H78-15 (855x15)			2.80

Check our values on all sizes of Atlas Grip-Safe tires.

Atlas Belted 2 plus 2.™
$38.44 with trade-in, plus $2.54 Fed. Ex. Tax for F78-14 (775x14) and all-season tubeless Atlas Plycron 2 plus 2 tires.

- Two plies of Vicron polyester plus two built-in belts of fiberglass.
- 5-rib tread design for good traction.
- Low and wide for the sleek, modern look.

SIZE	WHITEWALL (with trade-in)	FED. EX. TAX
F78-14 (775x14)	38.44	2.54
F78-15 (775x15)		2.62
G78-14 (825x14)	41.94	2.86
G78-15 (825x15)		2.90
H78-14 (855x14)	46.24	2.95
H78-15 (855x15)		3.01
J78-14 (885x14)	51.52	3.05
J78-15 (885x15)		3.12

Check our values on all our Atlas Plycron 2 plus 2 tires.

Summer Radiator Service.
$6.95

- Flush radiator.
- Install Atlas Perma-Guard Anti-Freeze and Coolant (up to 2 gals.).
- Visually inspect radiator, heater hose and all belts.
- Pressure-test cooling system.

Try the new Efficiency Gasolines.

Fill up with one of our new Efficiency Gasolines and ask for a copy of our free booklet that tells all about them. You'll learn why Esso spent nearly 4 years developing and testing Efficiency Gasolines. And you'll find out what you can now expect in good mileage and smooth performance.

What's an Esso ValueCenter?

It's an Esso station with a continuing program of real values. We don't think it makes sense for you to have to drive all the way across town to get a bargain on a tire or a battery or something else for your car. Not when an Esso ValueCenter in your neighborhood can sell you what you need at a price that's right. And let you charge it all on your Esso Credit Card, with months to pay. Stop in and see what we mean.

Look for these signs at Esso stations.

The above prices on tires and services are available nationally at stations operated by Humble Oil & Refining Company located in many metropolitan areas and communities.

Prices and offers may vary at participating independent Esso dealers.

This sign identifies stations operated by Humble Oil & Refining Company

This sign identifies independent Esso dealers

Esso men are doing more.

Trademark "Atlas"—"Plycron"—"Mile-Pak"—"Grip-Safe"—"Vicron"—"Perma-Guard"—Reg. U.S. Pat. Off., Atlas Supply Company.