

1 briefs on this particular section, I feel that they will  
2 declare it unconstitutional.

3 Now, Maryland and Indiana are the only two states  
4 that have this particular section. This theory of the judge  
5 shall be the judge of the law has been decisively rejected  
6 by the Supreme Court and all the federal court systems.

7 The reasons for the unpopularity of this provision  
8 is its fundamental unfairness. It denies the right of the  
9 accused to be tried by the fixed law of the land, it fosters  
10 uncertainty in the law, it places the function of legal  
11 interpretation in the hands of persons who are unqualified  
12 for such a function. It fails to provide the accused of  
13 due notice of the crimes of which he is charged, and of  
14 which he may be convicted, or even due notice after a  
15 conviction of the crime for which he stands convicted, and  
16 it results in differing enforcement of the laws depending  
17 upon different legal views of various jurors.

18 The latest case on this particular section was a  
19 case of Roger Reilly, which went to the Supreme Court on writ  
20 of certiorari, which the Supreme Court denied.

21 The Fourth Circuit in its opinion stated "It is  
noteworthy that the Maryland Constitutional Convention