

1 DELEGATE JAMES: The Court of Appeals of Maryland
2 has said he may waive and other decisions say he cannot.

3 DELEGATE WEIDEMEYER: Under Maryland Rule 708 in
4 those cases he must be indicted.

5 A person charged with a felony must be prosecuted
6 by a grand jury, under present Maryland rule, but under
7 Maryland Rule 709, that defendant also may waive the
8 indictment of a grand jury.

9 As it is, if we do not put this in, we will only
10 be covered by Maryland rules.

11 We felt that rules could be changed and statutes
12 can be changed, but this is fundamental in our criminal
13 jurisprudence and we felt should be placed in the
14 Constitution.

15 DELEGATE JAMES: For what purpose does Delegate
16 Byrnes rise?

17 DELEGATE BYRNES: A further question.

18 DELEGATE JAMES: Does the Delegate yield?

19 DELEGATE WEIDEMEYER: Yes.

20 DELEGATE BYRNES: Do I understand this also
21 is in conflict with Maryland rules, to the extent