

DELEGATE J. CLARK (presiding): Delegate Willoner.

DELEGATE WILLONER: This may develop to be the case.

DELEGATE J. CLARK (presiding): Delegate Storm.

DELEGATE STORM: It appears to me that your Committee has done a complete job on this. Would you object—I suppose I would have to ask if anyone would object—if we just proceeded and adopted this entire recommendation as it has been given, and surprise our President when he comes back?

I think the Committee has done a terrifically wonderful job on this. I had a few questions which you answered in your presentation, and I know that there is going to be some disagreement, but I hope that the issues have already been decided in our minds. I was wondering if you would have any objection to our proceeding in this fashion.

DELEGATE WILLONER: I would have no objection.

DELEGATE STORM: If you would give me the courtesy of letting me present my freedom of information article sometime before the Convention adjourns on January 12.

DELEGATE J. CLARK (presiding): Delegate Storm, the Chair might say that is a excellent idea, but the first step is for people to stop asking questions.

The Chair recognizes Delegate Hargrove.

DELEGATE HARGROVE: Delegate Willoner, on section 10, did your Committee check with Judge Bruce's Commission which has been studying this matter for the last couple of years on the provision of criminal laws and procedures?

DELEGATE WILLONER: No.

DELEGATE HARGROVE: Would you be interested that their conclusion, after several years of study, was that the jury should not be the judge of the law?

DELEGATE WILLONER: I am well aware of the study. I am not aware of the Judge's conclusion. I would be interested in hearing it.

DELEGATE HARGROVE: That is the conclusion they reached, without too much debate.

DELEGATE WILLONER: What?

DELEGATE HARGROVE: That the jury should not be the judge of the law in criminal cases. They concluded that the criminal procedure and understanding the law should proceed along those lines.

DELEGATE WILLONER: I would like to ask a question. I talked to a couple of state's attorneys about this and asked them whether they were aware of the Green problem, the problem raised in the Sharp and Hanson case. That does not include Royce Hanson. *Sharp and Hanson v. United States* is a murder case where they prohibited an instruction in second degree murder where the facts were undisputed. It was first degree murder. It is an old case. It thoroughly discusses the whole area. I found it rather shocking that you could not get a manslaughter or second degree murder instruction.

And was there anything on the *Green* case situation?

DELEGATE HARGROVE: We considered all those cases, but we also considered the fact that a jury of twelve people cannot learn the law in such a short period of time, particularly if it is eloquently presented by one side and not necessarily correct and not so well presented by the other side.

DELEGATE WILLONER: My question is specific. When you considered it, did you wish to abolish the practice in Maryland that we have inconsistent verdicts, that juries can bring in inconsistent verdicts.

DELEGATE J. CLARK (presiding): The Chair recognizes Delegate Stern.

DELEGATE STERN: My questions go to section 12 in which you use felony cases. Is it not true that in Maryland it is very difficult to determine what a felony is and certain crimes which are felonies in other states are not felonies in Maryland?

DELEGATE WILLONER: Delegate Stern, you have the same problem that apparently the Chair referred to of not listening carefully. I said there would be a committee amendment that would eliminate this felony aspect and would provide for the right, the absolute right, of removal only in capital cases punishable by death or life imprisonment, and that would protect the right we have today, just as it is today.

It is not meant to change the law one bit.

DELEGATE J. CLARK (presiding): Delegate Stern.

DELEGATE STERN: That is as to capital cases?