

1 the Declaration of Rights, should adopt the statement or
2 language similar to the Federal language or approximating
3 the Federal language and then permit the judiciary to
4 engage upon the usual process of interpretation of this
5 language and, at the outset, it may be that the test,
6 since it would be modeled after the Federal language,
7 would be rather similar to the Federal test of double
8 jeopardy and when jeopardy attaches questions of this
9 sort; that is the reason you question it.

10 THE CHAIRMAN: Yes. The reason is that
11 Maryland stands alone in the nation on the issue of
12 double jeopardy, where a party is not in jeopardy until
13 convicted, wherein the majority of cases they are in
14 jeopardy once a jury is impaneled, and whether double
15 jeopardy is binding on the states under the Fourteenth
16 Amendment is a matter before the Supreme Court now, and
17 I wanted to know whether you were speaking of the
18 Federal standard that should be incorporated.

19 PROFESSOR ROSEN: I think, as a starter, in
20 further judiciary procedure, we should be speaking of
21 the Federal standard.