

1 evidence against himself in a criminal case, which is  
2 the latter half of ours. We do not presently have a  
3 double jeopardy principle stated in the Declaration of  
4 Rights.

5 THE CHAIRMAN: Any question? Mrs. Bothe?

6 MRS. BOTHE: I think it should be pointed  
7 out on the question of double jeopardy that we are to  
8 some extent making a change in the law. The Court of  
9 Appeals has held, I think in a case called Robb versus  
10 State, that the State could appeal a conviction in a  
11 magistrate's or municipal court. On the other hand,  
12 the Court of Appeals has held in a number of cases  
13 before it that double jeopardy is part of the common law.  
14 To some rather minor extent we would be changing the  
15 case law of the State by this Section 8. I approve of  
16 it.

17 MR. SCANLAN: In other words, if this language  
18 was the final language of the new Constitution, the  
19 State could not appeal a conviction from the magistrate's  
20 court?

21 MRS. BOTHE: As it now can.