

VOLUNTARY NATURE OF THE SEPARATION.

REVISOR'S NOTE: This section is new language derived from Art. 35, §4.

Language and style are modified for clarity purposes and this portion of §4 is divided into subsections because of the different requirements of corroboration.

SEC. 10-902. OFFENSES COMMITTED BY WIFE IN PRESENCE OF HUSBAND.

THERE IS NO PRESUMPTION THAT AN OFFENSE COMMITTED BY A WIFE IN THE PRESENCE OF HER HUSBAND IS COMMITTED UNDER THE COERCION OF THE HUSBAND.

REVISOR'S NOTE: This section presently appears as Art. 35, §7.

Md. Laws 1973, Ch. 392 removes a wife's defense of coercion in charges of murder or treason committed in her husband's presence. Changes are made in style and language.

SEC. 10-903. FAILURE TO TESTIFY IN CRIMINAL PROCEEDING.

EVIDENCE IS NOT ADMISSIBLE IN A CIVIL PROCEEDING TO PROVE THAT ANY PARTY FAILED TO TESTIFY IN A CRIMINAL PROCEEDING INVOLVING THE SAME SUBJECT MATTER.

REVISOR'S NOTE: This section is new language derived from Art. 35, §8. The only changes made are in style.

SEC. 10-904. PROOF OF CRIME COMMITTED BY ANOTHER.

IN A CIVIL OR CRIMINAL CASE IN WHICH A PERSON IS CHARGED WITH COMMISSION OF A CRIME OR ACT, EVIDENCE IS ADMISSIBLE BY THE DEFENDANT TO SHOW THAT ANOTHER PERSON HAS BEEN CONVICTED OF COMMITTING THE SAME CRIME OR ACT.

REVISOR'S NOTE: This section is new language derived from Art. 35, §11.

This section has been construed by the Court of Appeals, Gray v. State, 221 Md. 286 (1960). Quoting 1 Wigmore, Evidence (3rd.