

accessory [thereto] AFTER THE FACT, shall be tried in the court within whose jurisdiction such county lies where the death happened, or the stroke or poison was given.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): See § 592A of this article for current provisions concerning accessories before the fact.

592A.

(A) IN THIS SECTION, THE WORDS "ACCESSORY BEFORE THE FACT" AND "PRINCIPAL" HAVE THEIR JUDICIALLY DETERMINED MEANINGS.

(B) EXCEPT FOR A SENTENCING PROCEEDING UNDER § 413 OF THIS ARTICLE:

(1) THE DISTINCTION BETWEEN AN ACCESSORY BEFORE THE FACT AND A PRINCIPAL IS ABROGATED; AND

(2) AN ACCESSORY BEFORE THE FACT MAY BE CHARGED, TRIED AND CONVICTED, AND SENTENCED AS A PRINCIPAL.

(C) AN ACCESSORY BEFORE THE FACT MAY BE CHARGED, TRIED AND CONVICTED, AND SENTENCED FOR A CRIME REGARDLESS OF WHETHER A PRINCIPAL IN THE CRIME HAS BEEN:

(1) CHARGED WITH THE CRIME;

(2) ACQUITTED OF THE CRIME; OR

(3) CONVICTED OF A LESSER OR DIFFERENT CRIME.

(D) IF A CRIME IS COMMITTED IN THE STATE, AN ACCESSORY BEFORE THE FACT MAY BE CHARGED, TRIED AND CONVICTED, AND SENTENCED IN ANY COUNTY WHERE:

(1) AN ACT OF ACCESSORYSHIP WAS COMMITTED; OR

(2) A PRINCIPAL IN THE CRIME MAY BE CHARGED, TRIED AND CONVICTED, AND SENTENCED.

COMMITTEE NOTE (COMMITTEE TO REVISE ARTICLE 27): This section abolishes the common law distinctions between an accessory before the fact and a principal, with the exception of death penalty sentencing proceedings.

Subsection (b)(2) of this section which allows an accessory to be charged as a principal alters the common law in this regard. See e.g., *State v. Sowell*, 353 Md. 713, 728 A.2d 712 (1999). Maryland Rule 4-241 allows a defendant to demand a bill of particulars from the State. This rule is intended to provide the defendant with sufficient information concerning the State's case in order that the defendant can prepare a defense. The Committee to Revise Article 27 believes that use of this rule along with any necessary judicial enforcement when the State fails to comply with the rule will provide sufficient notice to a defendant of the State's case.