

NEWSLETTER

COMMITTED TO THE PRINCIPLES OF LEGAL EXCELLENCE, COMMUNITY SERVICE, AND INCREASED MINORITY PARTICIPATION IN THE PRACTICE OF LAW

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FROM THE PRESIDENT'S DESK



Debra M. Davis

One of my goals this year was to increase the visibility of our Bar Association in the community. One way we have done that is by co-sponsoring programs with other organiza-

tions in Prince George's and Montgomery Counties who have our common interests.

One of the most successful of our many partnerships this year has been with the team of the local chapter of the NAACP, the Prince George's County Bar Association, and Prince George's Community College. We worked together to present a series of lectures which spanned over a

period of two months and included a reenactment of the *Brown* argument at the Circuit Court in Prince George's County.

On May 17, 2004 (the actual date of the decision fifty years later) we held the culminating banquet. **Barbara Arnwine**, the Executive Director for the Lawyers Committee for Civil Rights Under the Law, delivered the keynote address. Special recognition was given to the actual plaintiffs in the *Vaughn* case as well as recognition of teachers and administrators who taught in the segregated schools in Prince George's County. Awards were also presented to winners of the essay competition.

As of this date, we have collected the names, contact information, and practice areas of over

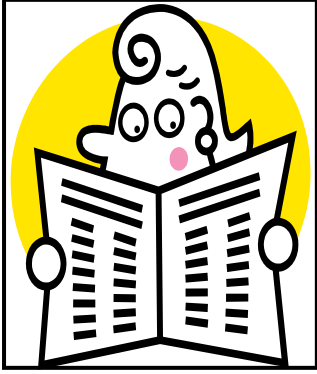
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JFB "RECLAMATION" SOCIAL - June 30, 2004

In lieu of our regular monthly membership meeting on Thursday, June 17th --- JFB will hold the annual "Reclamation Social" on Wednesday, June 30, 2004, 6:00 p.m. to 9:00 p.m. at **Reggie's Sport Kafe**, at 4881 Glenn Dale Road, Bowie, MD.

This will be an informal gathering of JFB's past, current and prospective members. In the spirit of "recruiting, retaining, and reclaiming" our membership, a challenge is extended to all current members to bring new members to the event.

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JFB Newsletter Committee

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The **JFB Newsletter Committee** strives to insure that the *JFB Newsletter* provides a valuable resource to its members. But we need your help. The Newsletter Committee invites your participation as a Committee member or as a contributor. We welcome articles and information on topics of interest to JFB members. For further information, please contact **Sharon V. Burrell** or **Lloyd A. Johnson**. (See above.)

FROM THE PRESIDENT'S DESK (Cont.)

(continued from page 1)

3rd edition of the *J. Franklyn Bourne Bar Association Attorney Resource Directory*. The last edition of the Resource directory was published in 1999 under the administration of **Sallie Williams**. We have already doubled the number of entries since the last publication. **BE SURE THAT YOU ARE INCLUDED.**

The Committee is in the final stages of cross-checking the informa-

tion for accuracy and could use your help in completing its work.

If we do not have your information yet or if you know of someone who we may have overlooked, please contact **Belinda Bell**, JFB Membership Chair, at attybbell@msn.com or my assistant **Lena Coates** at 301 899-9400.

Debra M. Davis, Esquire
President, JFB Bar Assoc.

NEW ADMITTEES RECEPTION - July 31st

Once again, JFB will honor new admittees to the Maryland Bar at its Annual **New Admittees Reception** at 4:00 p.m. on Saturday, July 31, 2004 at the home of **Joseph and Shawn Wright**, 302 Tamarack Court, Upper Marlboro, MD. Our special guest speaker will be Chief Judge Robert Bell of the Maryland Court of Appeals.

This is a memorable occasion for "old" and New Admittees, affording them an opportunity to

meet members of the bench and the bar in a relaxed atmosphere. Casual attire. Please RSVP by July 23, 2004 to **Ms. Ferguson** at (301) 899-9400 or by e-mail to dmdlaw@erols.com.

Directions: Beltway to Exit 14 (Central Ave./Rte. 214); Rte 214 east to Rte. 193; left to Keverton Dr.; right onto Ridgely St.; left onto Burleigh St.; Right onto Clairborne St.; left onto Hillrod Ln.; left on to Tamarack Ct.

JFB "RECLAMATION" SOCIAL (Cont.)

(Continued from page 1)

The winner will receive two tickets to the **20th Annual J. Franklyn Bourne Bar Association Scholarship Banquet**.

This will be a relaxed assembly of friends and colleagues. Light food and beverages will be served.

To help make this event a success, please RSVP by June 25th

to **Ms. Ferguson** at (301) 899-9400 or by e-mail to dmdlaw@erols.com.

Directions: Beltway to Rte 450 (Annapolis Road) and bear left (toward Lanham) at the end of the exit ramp. Bear left onto Annapolis Road and continue 3.3 miles to Glenn Dale Road (shopping center). Turn right at Glenn Dale Road and continue 0.1 mile. Reggie's Kafe is on the left.

RECENT APPELLATE COURTS' OPINIONS.

Alther v. State (Court of Special Appeals, 6/8/04): Prosecutors beware. A new *Hicks* case in which the defendant is charged with Second Degree Rape and lesser included offenses. Case is continued finally to a trial date within 4 or 5 days of *Hicks* date. About 10 days before that date, State files a superseding indictment for First Degree Rape; when the trial judge denies the State's motion to consolidate, the State *nol prosses* the original indictment, and re-files still another charging document for Attempted First Degree Rape and all of the other aforementioned charges. The trial court held that the State's *nolle prosse* was not intended to circumvent *Hicks*, and allowed the case to proceed to trial. The Maryland Court of Special Appeals reversed with an extensive discussion of *Hicks* cases. Distinguishing this case from cases in which an indictment is, in fact, defective; from cases when there is still plenty of time left before *Hicks* tolls, the Court notes that, as a general rule, when new charges are filed they have a life and *Hicks* date of their own. Here however, re-filing of charges effectively circumvented the *Hicks* date. The State's motive is irrelevant and the Court will examine the effect of a *nolle prosse* and whether it had the effect of circumventing the *Hicks* requirement. In brief, the closer the *nolle prosse* is to *Hicks*, the more likely that the new charges will not have a life of their own.

Tolbert v. State (Maryland Court of Appeals, 6/8/04): Addresses the issue of whether *Miranda* warnings must be given again, once defendant actually in custody. In this case the suspect in a murder case voluntarily goes to State's Attorney's Office (where investigators work on murder cases), agrees to take a polygraph, and goes to State Police to take a polygraph test. He waives his *Miranda* rights before taking the test and in the post-test interview is told he was deceptive. He then confesses, "I guess it was a robbery gone bad." And, without further *Miranda* warnings, again confesses to the SAO investigators. The trial court found the statements violated *Miranda* and were involuntary. The Court of Appeals reversed, holding that it was not necessary to re-administer *Miranda*, notwithstanding the fact that the defendant's status had changed from non-custodial to custodial, noting that it is sometimes difficult for an officer to discern when a Court might rule that the status had changed and that *Miranda* aims to protect against self-incrimination. The Court further noted that it is almost universal that early, non-custodial *Miranda* warnings are effective and do not always require re-warnings upon arrest/custody. Apparently only two hours had passed, there was no significant break in the chain of events, and the statements were virtually identical.

Courtesy of Laura Gwinn, Esquire
Assistant State's Attorney for Prince George's County

DID YOU KNOW ...



Congratulations to JFB's Vice-President, **Karren J. Pope-Onwukwe**, elected to represent Maryland on the Democratic National Committee.

The **Inn of the Court** in Montgomery County is now completed

Accepting applications for membership for 2004-2005. The first meeting will be in September. There were vacancies in the Associate and Barrister categories. Periodically, there are vacancies in the Bench category. Stay tuned for the next application period.

The *JFB Newsletter* is published monthly except July. All rights are reserved but articles may be reprinted without permission, provided proper credit is given. JFB members receive this newsletter at no cost. Statements expressed herein are those of the authors and do not necessarily reflect the views of the **J. Franklyn Bourne Bar Association, Inc.** or its officers.

The *JFB Newsletter* invites letters and articles. Submissions should be sent by FAX to (301) 809-0921 or by E-mail, in MS Word format, to lloydajohnson@comcast.net. Editor reserves the right to shorten any submissions to meet space limitations. Deadline is the 29th of each month.

J. FRANKLYN BOURNE BAR ASSOCIATION, INC.

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Important Dates to Remember

JFB Reclamation Social

Wed., June 30th ; 6:00 p.m. to 9:00 p.m.
Reggie's Kafe
4881 Glenn Dale Road
Bowie, MD.

New Admittees Reception

Sat., July 31st; 4:00 p.m. to 7:00 p.m.
Home of Joseph and Shawn Wright
302 Tamarack Court,
Upper Marlboro, MD.

"GONE FISHING."

As usual, the *Newsletter of the JFB Bar Association* will take a brief vacation during the month of July. The next edition of the Newsletter will be published in August.

Effective that month, the JFB Newsletter will be posted on our Internet Web site which is already in its final stages at www.bournebar.org. Presently back copies of the Newsletter may be viewed at that site.

MEMBERSHIP INFORMATION



The **J. Franklyn Bourne Bar Assoc. Inc.** is committed to legal excellence, community service, and the advancement of African-American minorities in the legal profession. Our membership consists primarily of African-American attorneys who live and/or work in Montgomery and Prince George's Counties.

Membership classes are:

Active: Licensed to practice law in Maryland. Dues: admitted to the Bar for less than 5 years — \$25; all others — \$50.

Associate: Licensed in *any other jurisdiction*, who lives in Montgomery or Prince George's County. Dues: admitted to the Bar for less than 5 years — \$25; all others — \$50.

Student: Matriculated at a Washington metropolitan area law school *or* lives in Montgomery or Prince George's County and matriculated in any law school. Dues: \$5.

New Admittees: Admitted to practice in Maryland in the last 12 months. Dues waived.

For membership applications, contact **Belinda Bell** at (301) 504-0626, extension 1338 or by e-mail at mitch1738@msn.com