

NEWSLETTER

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

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JFB Board of Directors

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FROM THE PRESIDENT'S DESK



Debra M. Davis

Greetings to all! Since virtually all of our members have access to the Internet, we are no longer sending hard copies of the JFB Newsletter by "snail mail" or by e-mail attachments.

Instead, effective this month, our monthly newsletter will be posted on our Internet Web site at www.bournebar.org/new.htm

Get your Banquet tickets early and get involved.

The **Prince George's Chapter of the NAACP** will take nominations from the floor on October 21st, 2004

at the NAACP headquarters for nominations for Officers and Executive Board members. For further information please contact me or Chapter President June White-Dillard at jwdatty@juno.com

The JFB Bar Association has been asked to participate in the the Prince George's County Police Department's Community Relations annual holiday party on December 11, 2004. Children in the community are invited and receive toys and gifts. If you are interested in planning or participating on the day of the event contact June White-Dillard, at jwdatty@juno.com.

With barely three weeks left before the National Elections, JFB launched it's voter initiative on September 30, 2004 at the Wood-

THE ELECTIONS ARE COMING ...

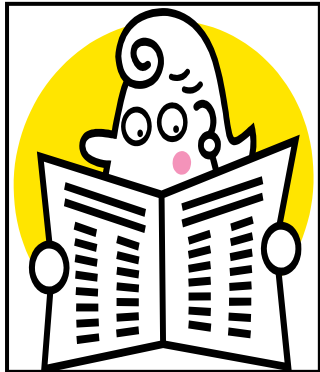
On December 1, 2004, **William A. Snoddy** will assume the helm as President of the J. Franklyn Bourne Bar Association. As an unchallenged candidate, **Adrienne L. Morgan**, the current Treasurer of Bourne, will become our new Vice-President. Congratulations to William and Adrienne.

Adrienne has previously served as the Chairperson of the Continuing Legal Education Committee.

In her position statement supporting her candidacy for the Vice Presidency, Adrienne writes:

"Being an active member with JFB allows me to serve the community where I work. Serving others in JFB is my way of saying 'thank you' to those who have assisted me in becoming an attorney, and to those who

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FROM THE PRESIDENT'S DESK (Cont.)

(continued from page 1)

moore Country Club, in conjunction with the Luke foundation.

Stretch to Vote Campaign needs your help.

On November 2, 2004 your bar association in partnership with the LUKE foundation will sponsor limousine rides to the polls. The



LUKE foundation has contributed all of the funds and part of Bourne's commitment is to help man the polls and solicit other volunteers.

The event promises to be a fun time. We will be working in two shifts from 7 a.m. - 11 a.m. and from 4 p.m.- 8 p.m. See the sign up sheet on the web page at <http://www.vtcreative.com/00luke/home.html> or contact my office.

Bourne members Jaki Buckley, Michael Harris and Rick Allison have represented Bourne at the committee meetings every week for the last two months to pull this off.

See you there!

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

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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.)

JFB BANQUET—NOVEMBER 4, 2004.

Judge Robert Gregory of the U.S. Fourth Circuit Court of Appeals is the guest speaker at JFB's 20th Annual Scholarship Awards Banquet at **Greenbelt's Martin's Crosswindson Thursday, November 4th**. Tickets at \$500 for a table of ten and

individual tickets at \$55 per person are now available.

Banquet Chair, **William A. Snoddy**, is in the process of mailing announcements. Contact William at wasnoddy@co.pg.md.us.

THE ELECTIONS ARE COMING ... (Continued)

(Continued from page 1.)

have assisted me with other accomplishments throughout my legal career.

William and Adrienne have stepped forward as leaders. Let's give them the support they need. Election of the remaining officers will be held at the General Membership meeting at 6:30 p.m., **Thursday, November 18, 2004**, at the Greenbelt Community Center, 15 Crescent Road, Greenbelt, MD.

Nominations will be accepted from the floor for the positions of **President -Elect, Treasurer, Corresponding Secretary and Recording Secretary**. Ballots will be electronically transmitted to JFB members who have valid and operating e-mail addresses. Additional ballots will be available on the night of elections for those members who are not participants in the electronic distribution of the Newsletter.

Charles B. Day, Chair
Nominations and Elections Committee

RECENT APPELLATE OPINIONS.

SENTENCING & PUNISHMENT

Deville v. State, Maryland Court of Appeals, September 23, 2004.

Reversing the Court of Special Appeals decision, the Court determined that, under Maryland's enhanced penalty statutes, a period of 180 days in home detention does not meet the statutory requirement of confinement in a correctional institution and, accordingly, an enhanced sentence may not be imposed where the requisite term of a prior period of confinement was spent in home detention. The Court reasoned that, where the statutory language is ambiguous (as it was in this case), it must strictly apply the rule of lenity.

EVIDENCE - CHARACTER EVIDENCE - OTHER CRIMES, WRONGS OR ACTS

Benjamin Sifrit v. State, Maryland Court of Appeals, August 27, 2004.

Court affirms trial court's admission of defendant's statements to friend how defendant might "whack" the friend's wife and how the defendant would dismember and dispose of a dead body. The trial court must conduct a three-pronged test before admitting "other crimes, wrongs, or act" evidence: (i) does the evidence fit any of the exceptions to Rule 5-404(b); (ii) whether the defendant's prior "other crimes, wrongs, or act" is established by clear and convincing evidence; and (iii) does the probative value of the evidence outweigh the prejudicial effect of its admission.

MARYLAND DNA COLLECTION ACT

State of Maryland v. Charles Raines, Maryland Court of Appeals, August 27, 2004.

Court holds that Maryland's DNA Collection Act, mandating collection of DNA from convicted felons, does not violate the Fourth Amendment because the collection is minimally intrusive upon an individual with limited privacy and any such intrusion is outweighed by the Governmental interest in identifying persons involved in crimes as well as those wrongly accused of crimes. Further the Act does not violate the Ex Post Facto Clauses of either the U.S. Constitution or the Maryland Declaration of Rights, because it is a civil statute that does not add subsequent punishment for a prior conviction.

EVIDENCE - TRANSFERRED INTENT

Gerald Harrison v. State of Maryland, Maryland Court of Appeals, August 4, 2004.

Prosecutors beware! In this Baltimore City case, in which the defendant pled Not Guilty on an agreed statement of facts, the Court held that the evidence failed to support a conviction for Attempted Second Degree Murder on the theory of "concurrent intent." Although the stipulated facts showed that the defendant fired six shots at the intended victim, the stated facts did not prove that the injured victim inhabited the "kill zone" when the defendant fired the shots. Further, "Transferred intent" does not apply to Attempted Murder.

DID YOU KNOW...



The Prince George's County Bar Association is sponsoring a **bus trip to Atlantic City, NJ** on Saturday, October 23rd. The bus will depart from the Greenbelt Marriott Hotel at 8:00 a.m. and will return at 7:00 p.m. Tickets are \$30.

Advanced registration only. Only 55 seats are available. Call Donna Coldsmith at (301) 952-1440.

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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.

P.O. Box 1121

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Important Date to Remember

General Membership Meeting

Thurs., October 21st, 6:30 p.m.
Greenbelt Community Center
15 Crescent Road
Greenbelt, MD

***20th Scholarship Awards
Banquet***

Thurs., November 4th, 6:30 p.m.
Martin's Crosswinds
Greenbelt, MD

DID YOU KNOW... (Continued)

(Continued from page 3)

JFB's October meeting will feature our annual panel discussion on "Going Solo" - featuring **Charles Byrd** of Alston and Byrd, **Abigail Bruce-Watson** of Arrington, Watson and Camp, **Sharon Deberry**, of Kelsey and Deberry, and others. Refreshments will be provided.

Following elections at our November 18th meeting, **William A. Snoddy**, President-elect will hold a planning session for the 2005 bar year. Be sure to participate in this session to make your views known on the direction of JFB. Now is the time to express your views and interests!

Special thanks to **Roger Thomas** and **Gina Smith** who presented and led a discussion on "Making Partner in a Majority Firm" at our September meeting. Their presentation was well received.

Malfunctions in the Upper Marlboro P.O. resulted in the return of several pieces of JFB mail to senders. The problem has since been corrected.

Prince George's County NAACP Freedom Fund Banquet will be held at Martin's Crosswinds in Greenbelt on Friday October 22, 2004. Tickets are \$65. JFB plans to purchase a table. For table tickets, contact Lena at (301) 899-9400.

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