

## The LSD Menace

DIANE LINKLETTER, 20, who leapt tragically to her death last Sunday while under the influence of LSD, was not a drug addict. Nor, as her father, entertainer Art Linkletter noted, did she have problems extraordinary for a girl her age.

In the parlance of the drug culture her death was a result of a "bad trip." Normal anxieties about career and self identity were blown wildly out of proportion by this so-called mind-expanding drug and led this beautiful and promising young girl to take her own life.

Rather than lapse into what must be an overwhelming sense of grief, Mr. Linkletter courageously called upon young people everywhere to witness the tragedy of his youngest daughter who experimented with LSD and found she couldn't handle it.

As he most correctly stated, the mind-twisting adverse effects of using LSD don't happen "to everyone . . . but they can happen to anyone."

Many young people are ridiculously naive about the dangers of drug use. Compounding the problem are those semi-informed advocates of escapism who all too often wield an undue influence in underrating its dangers.

When young people finally wake up to the potential menace of drug use, and when adults begin early to provide them with objective, unhysterical information about drugs, then perhaps some solution to this terrible problem may be found.

*News American*  
10-10-69 P 4 B

19-2 B

**Pregnant Woman  
Put On Probation**

Janice B. Green, 21, who dropped a capsule of secobarbital while being arrested for disorderly conduct, has been given a suspended one-year prison term after she pleaded guilty to a drug charge.

Judge J. Gilbert Prendergast granted the suspension so that the woman's expected child, due this month, would not be born in jail.

The Green woman, of the 2300 block Callow avenue, was arrested June 21 in the 1000 block Whitelock street when police found her rolling around on the sidewalk, according to J. Benson Haman, prosecutor.

Enc Sum 55\*  
16-10-69 P.D-3

19-2B

# Butch Standford beats indictment

William Alvin (Butch) Stanford, 44, 2500 Hollins St. walked from the courtroom Thursday a free man.

This state refused to prosecute him and George (Gaylord Gunther) Smith, 50, on charges of counterfeit and fraud.

The indictment against the two men arose from a Jan. 11 raid on the home of the late (Bucky) Johnson in the 1100 block Shields Place.

Bucky Johnson was found murdered on Jan. 11 in a parking lot of a Loyola Northway apartment complex with a bullet in his head.

The murder has not been solved.

The Shields Place raid turned up engraving plates for \$10 counterfeit bills, suspected heroin, and guns. Subsequently, Butch Stanford, Gaylord Gunther, and Herman (Teeth) Simms, 42,



**WILLIAM ALVIN  
"BUTCH" STANFORD  
Avenue 'Bottom Boss'**

were charged with conspiring to violate counterfeit laws and fraud.

They were also charged with possession of heroin and deadly weapons.

All the details of the raid came out previously in a federal court base in the

(Continued On Page 30)

# --Butch Standford

(Continued From Page 32)

Federal Court Case of the Hacksaws - In - The - Shoes trial which Butch's friend Walter Webster (gangster) also beat.

Bucky Johnson's girlfriend, 16-year-old Marlene Harris, revealed all the details from the federal witness stand.

On Thursday, the State said at the last minute that FBI fingerprint reports they had just received turned out to be of no help and that there was no cooperation to help prove the case against Butch and Gaylord.

Joseph Harlan, prosecutor, also revealed the State had decided against using the witnesses he had planned to use.

Judge J. Gilford Prendergast who presided questioned "why did you press charges in the first place, if you knew you had no cooperation?"

Accredited with the victory are Defense Attorneys Harold I. Glaser and Jack Richards who said the State had been playing hanky-panky all the time and had no case to begin

with.

While awaiting trial in the hall outside the courtroom Mr. Glaser dropped the information that if the State proceeded with the hearing he planned to "name names" and produce facts that would literally "tear the town apart."

Butch appeared in court smartly dressed in a business suit. He is probably one of the most widely known personalities on the Avenue.

He is frequently called "The Boss of the Bottom," the 1000 block of Pennsylvania Avenue.

He and Gangster Webster both well-known in nite club circles allegedly joined interests in the 909 Club on Calhoun St.

Butch was also a friend of the late Kid Henderson, who was slain at Spot Bar in August.

Gaylord Smith is described as a farmer and court records show he had just arrived "from the field" in North Carolina where he was farming his inherited land, just before his arrest March 25.

He said that he had taken

up residence in the 1000 block of Pennsylvania Ave. when he came to Baltimore.

Yet to be tried is the case against Teeth Simms who lives in the 800 block of Harlem Avenue. Simms occupation is listed as tuckster.

*Balto Afro. Amer.  
10-11-69 P32*

19-2B

# Ex-Pusher Seeks To Help Youths

## Starts College, Works In Community Action Agency

By JERRY STILKIND

At the age of 17, Roland Walker had a good business going in the West Baltimore ghetto: He was making several thousand dollars a week selling dope.

He started pushing heroin and cocaine when he was about 16. Soon he was wearing \$200 suits and pairs of \$50 shoes. He was getting much more of the material rewards of life than any black youth in any ghetto anywhere in this country could ever hope to earn legitimately.

### There Were Hang-Ups

But there were hang-ups. Nobody ever makes enough money for that kind of living, and there is always the fear of a police bust.

"The average guy wants the limelight. He doesn't invest the money. He doesn't know how to make one dollar make another. You just throw it away," Mr. Walker says now.

Today, at age 25 and with four jail sentences behind him, he has started college and has a full-time job as a youth worker with the city's Community Action Agency.

"I want to work with kids. I feel I can identify with culturally deprived kids that are traveling the same path I've been over," he says, with a determined edge to his voice.

The day after he left prison three weeks ago, Mr. Walker en-

rolled at the Community College of Baltimore. He is certain that one phase of his life is over and that he is headed for a degree in social psychology or a similar field.

Many ex-cons talk of going straight, but few actually manage it.

Mr. Walker's troubles with the law began when he was 18. That year, he got hooked on the drugs he was pushing.

"My parents tried, but they couldn't control me. My neighborhood and school were dominated by jitterbuggers. To be accepted by them you had to go to the extreme. You had to take the stuff," he recalls now.

The same year he became addicted, he grabbed a shopping bag containing \$9,000 in cash from a liquor-store owner. He was caught a few months later, after he had spent every penny he had stolen.

He was given a three-year sentence, but was put on probation after two years.

After his parole, he went to Man Alive, a narcotics-control program. "I was really sick and they put me on the waiting list. Society has time and money to spend on everything but dope programs," he recalls bitterly.

A year after he got out of prison, he was arrested again and convicted for possession of narcotics apparatus. He was given a one-year suspended sentence on that charge but was soon back behind bars after he was caught carrying a gun.

"I wanted to be like this one, and that one, and my life turned

into chaos. I couldn't separate fantasy from fact," he recalls now.

But in prison he began to change. He puts it simply: "I got tired of going back and forth to jail and decided to do something beneficial for myself."

### Kicked Narcotics Habit

He kicked the narcotic habit and got his high school equivalency degree while behind bars, with some help from a therapy program and the exercise of a lot of will power.

When riots broke out in Baltimore in April, 1968, Mr. Walker was still at the prison camp in Jessup, a minimum-security institution, and his wife and children were living in a predominantly white neighborhood on West Lombard street.

His wife received a threatening letter.

"In July," he recalls "a bunch of white boys threw a brick at my youngest daughter, hitting her in the head. I just couldn't take it any longer. I walked off August 18."

### Used Assumed Name

About a month after his escape from Jessup, his wife suffered a miscarriage.

Mr. Walker took an assumed name and in December began working for the Community Action Agency as a group leader for young people. The agency apparently did not run a thorough check into his background.

"That's when I really began to develop a purpose, when I was working with young people," he declared.

He was caught last April in a department store and accused of attempting to steal a pair of earrings. He had money in his pocket and says he was merely carrying the earrings from one counter to another. However, the store detective knew him and his prison record.

Judge E. MacKall Childs, of Anne Arundel County Circuit Court, gave him a two-year suspended sentence. Prison officials gave him a second break when they did not cancel the time off he had earned for good behavior before his escape.

### Wife Is Helpful

The state Department of Vocational Rehabilitation is helping Mr. Walker now by paying for his tuition and books, and may continue the same aid if he transfers to a four-year college, according to Homer P. Starr, vocational counselor.

Mr. Walker would like to go on to the Hopkins. Dressed in a white shirt and tie and a V-neck sweater, with a goatee and a short bush haircut, he looks ready to fit into a college student body.

He stresses his will, his determination to make a new life. And one other factor is crucial: his wife, Louise. She works full-time in an electronics plant.

"I've got a nice place and a good wife to help me. A lot of guys are not that fortunate," he says quietly.

Jun "E" Ed  
10-15-69 P.A-12

19-2B

## DRIVE RAISES DOPE PRICES

### Crackdown By Police Also Cuts Capsule Potency

By GEORGE J. HILTNER

The state's recent crackdown on dope-law violators has limited the narcotic supply to the point where addicts have to use five capsules to get the same "buzz" they formerly got from one capsule, according to testimony presented yesterday in Criminal Court.

Not only are the narcotics capsules now available less potent, but they also cost five times as much as they did before the concerted drive on dope peddlers by city, state and county police, plainclothes Patrolman Milton Spencer told Judge Joseph L. Carter.

Capsules being sold today are almost totally composed of quinine and mannite, a sugar-cutting substance, and contain only about 1 per cent of dope, Patrolman Spencer asserted.

"If they keep cutting it the way they have, we won't have any addicts," the police witness added.

#### Methadone User

The testimony was given at the trial of James Thompson, 23, of the 700 block Lyndhurst street, who was convicted of possessing methadone capsules last June 19 in the 600 block North Gilmore street.

Thompson was given a three-year prison sentence, but was released on probation on condition that he take regular tests to determine whether he is still a user, stay away from the Gilmore street area and that he pay court costs and counsel fees to his court-appointed lawyer, Alvin Sellman.

Thompson said he used about 15 capsules of methadone a day, but insisted that he still is not a real addict. When Judge Carter said that, in his opinion, users of that quantity of methadone had to be addicted, Robert S. Fertitta, the prosecutor, replied that this is not necessarily true in view of the potency of today's capsules.

Patrolman Spencer, speaking of Thompson, told the judge that "from the stuff he has evidently been using he can get away from it by, perhaps, getting away from the environment and leaving it alone."

The policeman said capsules which used to sell for \$1 are now bringing \$5, and testified that today's purchasers "will be taking quinine and mannite, that is how bad it has gotten."

The amount of narcotic in the capsule is now about 1 per cent "so that they have to take five capsules to get a buzz," he stated.

Sum "E"  
10-17-69 PC-9

## \$20,000 Bail Set In Dope Cases

Another 15 cannabis plants were allegedly found when police raided the apartment of Bernadette Manko, 18, in the 3300 block East Marshall court.

### Held For Grand Jury

She later was held for grand jury action in \$4,000 bail.

At an apartment in the 100 block North Lakewood avenue, raiders found about an ounce of marijuana but no arrests were made.

James Mills, 21, was charged with possession of narcotics paraphernalia after police broke into his home in the 100 block South Patterson Park avenue. His bail was set at \$4,000.

*Eve Sun*  
*10-21-69 p.c. 18*

*19-213*

## 2 Held In \$3,000 On Drug Charge

Preliminary hearings for two men charged with possessing four \$3 bags of heroin were postponed yesterday in Western Municipal Court.

Judge Joseph L. Broccoline, Jr., postponed the hearing until Thursday for Ronald Ross, 20, of the 600 block Glenholden avenue, a laborer, and William S. Purdie, 27, of the 1900 block Herbert street, a truck helper. They were held in lieu of \$3,000 bail each.

Police said the two were arrested about 1.15 P.M. yesterday in front of an apartment house in the 1100 block Parrish street.

Plainclothes detectives found the four glassine bags, containing a substance described by police as in a pack of cigarettes, that one of the men had tossed away, police said.

Sum "E" Ed  
10-21-69P C13

19-2B

## Dead Youth Drug Informant For Police, His Parents Say

By JOHN M. McCLINTOCK

The 16-year-old Parkville youth who was shot to death earlier this month by a Baltimore county police captain, apparently had been a police narcotics informer.

The boy's parents and the police department agree that the high school student went to Towson police headquarters several times last summer to report on teen-age drug activity.

Police deny he actually was "an informer," and describe the boy rather as a lonely, troubled youth who sought self-esteem and excitement in his association with narcotics detectives.

### Police Version

"We couldn't get rid of the kid. He would drop by several times each month and give us information, most of which we knew already," Lt. Thomas Mitchell, head of the police narcotics unit, said.

But the death was viewed by Mr. and Mrs. John E. Talbott as

the last of a series of police betrayals.

Against their express wishes and without their knowledge, they claim, the police department used their son as an informant.

### Under Influence Of Glue

The youth, Thomas Talbott, of the 2600 block Spring road, was shot in the heart October 10, after he was reported to have gone beserk at his home. He apparently was under the influence of glue fumes.

There was no apparent connection between his death and his role as an informer.

The boy was accidentally killed when the fatal bullet—aimed at his legs—ricocheted off the pavement and struck him in

(Continued, Page C 10, Col. 1)

Sun "E" Ed.

10-27-69 p C-20

19-213

## Parents Charge Police Used Him To Obtain Drug Information

(Continued from Page C 20)

the heart, F.B.I. and police reports showed.

The boy was armed with a knife, and was running on Spring road when Captain Harry W. Thuma shot him.

### View Of Son

The Talbotts had thought of Tommy as a temperamental boy who was having difficulties in school, but whose problems were compounded by his role as a police informant.

The youth's relationship with the police department began March 1, with the arrest of Miss Sue Helen Romesberg, an Edmondson High School teacher. She was subsequently convicted on various drug charges and given a five-year sentence.

On the night the teacher was arrested, Tommy showed up at her apartment, knocked on the door, and was greeted by raiding narcotics detectives. Police had no evidence against him and he was not charged.

He appeared as a prosecution witness in the Romesberg trial in June and testified that he had gone to the apartment to purchase hashish.

It was while he was waiting for the Romesberg trial that he was approached by Cpl. Connie Williamson, a policewoman in the narcotics squad, Mrs. Talbott said.

Mrs. Talbott, a secretary at the county Board of Education, said Corporal Williamson approached her son at Parkville High School and asked him to get his parents' permission to be an informer.

The mother refused, saying she feared that harm would come to him. "I also felt that since he was only 15 at the time, it was not a good thing."

Mrs. Talbott reports that her son had "come up to me and said he wanted to help the narcotics squad, saying 'Mom, I don't think drugs are so great.'"

with two friends who agreed to let him keep the \$5 in marked police money, both Mrs. Talbott and police said.

"He tried to pull a fast one on the police," she said, adding that he ran away to his brother in Massachusetts when police figured out what happened.

"His father and I—at the request of the police—went to Towson to see Sgt. Charles T. Zombro.

"The sergeant was very apologetic for having used our boy as an informer. He apologized several times. We were irate that they would use a 15-year-old boy for this kind of thing. He promised us it wouldn't happen again."

Mrs. Talbott said that Sergeant Zombro agreed to drop the hashish incident. But on October 8—two days before the boy's death—the sergeant called the Talbott home.

"I asked him why he was calling, and he said he just wanted to know how Tommy was getting along," said Mrs. Talbott. "I think they were still trying to get information from him."

The police department refused to allow a newsman to interview Corporal Williamson, Cadet Kujawa or Sergeant Zombro.

In a recent interview, Lieutenant Mitchell categorically denied that the boy had been used as an informer.

### Frequent Visits

Referring to the youth's frequent trips to the police station with information already known to the police, Lieutenant Mitchell said:

"We tried calling his home several times, to explain the situation, but there was no answer. We wanted the parents to know."

When asked why the Talbotts were not told ahead of time about the hashish incident with Cadet Kujawa, Lieutenant Mitchell said again that an attempt was made to inform them.

He denied that Corporal Williamson had tried to enlist the youth's aid as an informant and said he probably had made her acquaintance at the Romesberg trial.

could not explain how the boy gained frequent access to the narcotics office. Visitors to the Towson police station are not permitted to go beyond a receptionist's counter unless the visit is approved by police.

Lieutenant Mitchell said that Corporal Williamson, a former juvenile officer, "has become associated with him. She was used to this sort of thing. I understand he worked in a dry-cleaning establishment across the street."

An employee at Ruxton Cleaners, 901 York road, said that the youth worked there last summer for two days. Mrs. Talbott said he spent the rest of the summer doing odd jobs about the house.

When asked if he had been paid money to inform for police, Lieutenant Mitchell said: "No, and besides we do not pay money for information."

Lieutenant Mitchell was unable to say why Sergeant Zombro called the Talbott house two days before the boy's death. "I don't know why," he said and refused to allow an interview with the sergeant.

When asked if the police department used 15-year-old informants, he replied: "No, we do not."

Although she assumed her son would not inform for the police, Mrs. Talbott said the boy later told her what he had been doing.

During the summer, Mrs. Talbott says, the youth met a police cadet on several occasions. The cadet, Frank Kujawa, drove the boy around the neighborhood and asked him to point out suspected drug users, she said.

### Hashish Purchase

The cadet also met him at other places to get information, Mrs. Talbott said.

On September 8, the youth arranged for the cadet to purchase some hashish. However, it was subsequently learned that he had arranged for the purchase

"Tommy used to come in here a lot last summer and talk to Corporal Williamson about things besides drugs. He had problems in school, and discussed them with her," he said.

The lieutenant said that the boy was familiar with the drug scene in Baltimore county, and that police listened to him for fear that he might become offended and tip off drug users to police undercover agents.

"He knew a lot of our men. It was a very ticklish situation," the lieutenant said.

"Every time I saw the kid in the office, I would kick him out. I didn't want him hanging around here."

Nevertheless, the lieutenant

Sun E Ed

10-27-69 PC-20

19-2B

# Pretrial Freedom Offered Boy For Dope-Source Tip

By John Pappenheimer

A Municipal Court judge has used the promise of immediate pre-trial freedom to try to induce a 17-year-old boy arrested on a charge of marijuana possession to "cooperate" with police.

During a hearing Saturday, Judge Howard L. Aaron urged

the youth to reveal to police the source of the alleged drug.

Judge Aaron then held the defendant for grand jury action and set \$3,000 bail after a patrolman had said in North-eastern Municipal court the boy had been "uncooperative."

About 40 minutes later outside the courtroom, Judge Aaron agreed to release the defendant on his own recognizance after police told the judge that the youth had finally agreed to "cooperate one hundred per cent" with the police.

## No Lawyer With Him

The defendant was not represented by a lawyer at the hearing nor was he represented by a lawyer when, accompanied by his mother, he spoke to police outside the courtroom.

During the hearing Judge Aaron told the defendant's mother, "I would like to release the boy on his own recognizance, but if he is in an uncooperative mood other youths will get the idea that I'm a pushover judge."

At one point Judge Aaron asked the defendant, "you don't want to rat on the rats, is that it?"

The youth had shaken his head when asked if he was ready to cooperate with police.

Turning to the mother, Judge Aaron admitted, "I would hate to see him go to the City Jail where he will receive a post-graduate course in this stuff."

## Bail Waiver Indicated

"I'm going to set \$3,000 bail and don't raise it lady," Judge Aaron advised the mother in court, indicating that as soon as her son cooperated he would release him on his own recognizance.

The defendant, a gasolinestation attendant, was arrested Friday night in the 7200 block of Perring parkway.

He was a passenger in a car stopped by Northern district

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police armed with a search and a seizure warrant for the vehicle and its occupants.

At the hearing, Patrolman Frederick Archer, of the North-east operations squad, testified that the defendant admitted willingly to police that the substance he was carrying in an envelope inside his wallet was marijuana.

"I'd love to let the boy go, I'd pin a ribbon on him, if he'd only tell us who the big fish (the sellers) are. We are not after the minnows (the small-time users)."

Judge Aaron did not offer the defendant the option of postponing the preliminary hearing to get a lawyer:

"It wouldn't have done him any good in the preliminary hearing. The only thing the attorney could do was urge him to cooperate with police," the judge told a reporter outside the courtroom.

He further explained that the preliminary hearing was not considered to be a "crucial stage" in the proceedings of such a case and thus there was no requirement that an attorney be present.

## No Plea Taken

No plea was taken.

During the hearing Judge Aaron asked the youth: "Are you addicted to marijuana?"

"No sir," was the reply.

"Do you smoke it?" Judge Aaron asked.

"Yes, sir," the boy answered.

"Did you tell your mother you smoked it?"

"Yes, sir."

## Warns Boy Of Perils

Then Judge Aaron warned the boy about the hazards of the drug:

"Don't let anyone tell you that marijuana isn't addictive," he said.

"They start with marijuana," the judge said, "then go to pills and then to dope. When they are hooked on dope they are dead; the only difference is they refuse to lie down."

Enc Sun 10-27-69  
PC-28

19-2B

**Drug Possessor  
Given 4 Years**

Kenneth F. Holmes, 17, of the 600 block Dolphin street, was imprisoned for four years for illegal possession of narcotics.

Police accosted Holmes in the 1100 block Pennsylvania avenue June 5 after an informant told them the defendant was selling drugs, according to Joseph B. Harlan, prosecutor.

A search of the defendant revealed 3 capsules of methadone and 14 packets of heroin, Judge J. Gilbert Prendergast was told.

Sum 75  
10-28-69 PC-5

19-2B

**Youth Gets 4 Years  
For Possessing Drugs**

Kennth F. Holmes, 17, of the 600 block Dolphin street, was sent to prison for four years yesterday for possession of heroin and methadone last June 5 in the 1100 block Pennsylvania avenue.

Holmes, who said he worked for a neighborhood youth organization, was arrested as the result of a tip by an informer, according to Joseph Harlan, the prosecutor.

In his possession, police found methadone capsules and 14 bags of heroin, Judge J. Gilbert Prendergast was told.

Sun "E" Ed.  
10-28-69 PC-8

19-213

### **Drug Addict Is Given 20 Years In 2 Holdups**

A 31-year-old drug addict who pleaded guilty to two bank holdups earlier this year was sentenced to 20 years in prison yesterday in Federal Court after requesting treatment for his addiction.

Judge Frank A. Kaufman told the defendant, Robert Morgan of the 4000 block Edgewood road, that he would impose the penalty under a federal sentencing procedure that allows parole at any time, but that, because of the gravity of the offenses, he could not send him to a hospital.

Morgan and a codefendant, who received identical sentences, pleaded guilty to armed holdups at the Clifton Savings Bank's Lutherville office and the Randallstown office of the

Royal Oak Federal Savings and Loan Association.

A total of \$9,799 was taken in the two holdups. Morgan's arrest, however, led to the recovery of more than \$2,000 of the stolen money.

Morgan told the court that he had been a \$12,000-a-year truck driver until the addiction took control of him and made him believe that he was passing through "the stages of insanity."

Sum "E" Ed.  
10-28-69 PC-8

19-2B

## Report Asked On 2 Drug Violators

### Teen-Aged Girl Tells Of Using LSD For 64 'Trips'

A Criminal Court judge convicted two teen-aged girls of dope-related charges yesterday, but asked for medical reports before sentencing them.

One of the girls, an 18-year-old, admitted in court that she had taken 64 "trips" on the drug LSD.

The two girls were arrested last July after police went to a house in the 2300 block Madison avenue to investigate a report that two females were lying in the doorway.

#### Finksburg Mother

One is Mrs. Phyllis List, 19-year-old blonde mother of a 3-year-old child, from Finksburg, Md. The other is Miss Bonnie Kay Greth of the 8800 block Ferne avenue, who admitted possession of seven heroin capsules last June 6 while en route to her senior prom at Parkville High School.

Miss Grethh was at liberty on her own recognition when she was arrested the next month at the Madison avenue house. Her earlier arrest was at an Aisquith street house where she had stopped while on her way to the school function, according to Joseph Harlan, the prosecutor.

Judge J. Gilbert Prendergast convicted Arthur Brown, long-time employee of the Veterans Administration, of operating a nuisance house at the Madison avenue apartment where the two girls were apprehended. He is 49.

Brown was sentenced to two years in prison, but his term was suspended and he was freed on probation. He contended the two girls were brought to the apartment by his daughter's boyfriend, Harry Lee, and denied

knowing they were "shooting up" in his living room.

Mr. Lee was also at the apartment, but he escaped by jumping out a window, police told the judge.

According to statements before the court, Miss Greth's mother also was an addict and the girl was adopted by her grandmother. In addition to using the LSD, Miss Greth was also a user of barbiturates, amphetamines and heroin, Judge Prendergast was informed.

Mrs. List, who was convicted of possession of narcotics paraphernalia found under a sofa in which she was sitting, denied the equipment was hers. She contended she had been taken to the apartment by Mr. Lee to wait for the return of her 1964 sports car, which she said she loaned to a friend she knew only by a nickname.

Sum "E" Ed.

10-28-69 pc-8

19-213

## DRUG TERM CUT SHORT

Woman To Be Freed After  
Co-Operating With Police

By LOUIS P. PEDDICORD

[Ellicott City Bureau of The Sun]

A 20-year-old Howard county woman who recently began serving a two-year prison term for possession of marijuana, will be released next month because she co-operated with police in their investigation of drug traffic in the state.

The woman, Mrs. Janet Hawk-

ins Clements, a niece of state Senator James Clark, Jr. (D., Howard), was sentenced in September after pleading guilty to a charge of possessing about 4.5 pounds of marijuana.

According to Judge Eugene Mackall Childs of Anne Arundel County Circuit Court, a "closed hearing was held last Thursday in Annapolis at which time "sealed testimony" was taken from Mrs. Clements.

She was then granted the suspended sentence, which will take effect November 24, or 60 days after she began serving her sentence.

At the time of her sentencing, Mrs. Clements, the daughter of the former clerk to the Howard county commissioners, was told by Judge Childs that her sent-

ence could be modified if she gave evidence that would lead to the arrest of others "higher up" in a ring of suspected marijuana pushers.

Since that time, Mrs. Clements has changed her outlook and given information and co-operation to law enforcement agencies in the state," Judge Childs said.

He added that after November 24 her probation will be dependent upon "continued co-operation with the law enforcement agencies."

Both the judge and Richard J. Kinlein, the Howard county state's attorney, refused to comment on the information that Mrs. Clements is said to have given police.

Saw "E" Ed.  
10-29-69 P.A-10

19-2B

## Codeine Syrup Abuse Ruled Possible Crime

Judge Basil A. Thomas ruled yesterday in a six page opinion that possession of a cough syrup containing codeine for non-medical purposes can be a crime.

Judge Thomas refused to dismiss an indictment accusing Bralie S. Parker of possessing 12 bottles of Robitussin AC when he was arrested last May 30 in West Baltimore.

A number of other persons also are under indictment on a similar charge. They were arrested before June 27, the effective date of a city ordinance making it a crime to sell or possess any preparation containing opium without a prescription.

### Statewide Law Considered

A statewide law similar to the ordinance also is being considered by the Legislative Council between session arm of the General Assembly.

Judge Thomas denied these measures imply the possession of the cough syrup was not a crime, but said he regards them as "legislation designed to further control codeine drug abuse by making it mandatory in order to obtain such cough syrups to produce a proper prescription."

"This legislation aims to eliminate the relative ease with which cough syrup laced with codeine is purchased today. However, to infer from this that either the Baltimore City Council or the Legislative Council is of the opinion that the statewide law prohibiting possession of codeine was inapplicable to cough syrups is to impute a legislative intent that is not manifested anywhere in such legislation."

Codeine is an opium derivative.

Judge Thomas noted that existing state law exempts from the narcotics laws the "administering, dispensing or selling at retail any medicinal preparation that contains in one fluid ounce . . . not more than one grain of codeine."

Sun "E" Eds  
10-29-69 p c-11

19-2 B

## Maxine Gross Is In Jail Again

Maxine Gross, a former night club dancer who was paroled in 1967 after serving 4½ years of an 18-year murder term, is in jail again after failing to make bail on two drug charges.

Miss Gross, who is now known as Annette Powers, was arrested last week at her Wilkens avenue home and charged with possessing amphetamines, barbiturates, and lewd pictures.

Police said fingerprints proved Annette Powers was really Miss Gross, who is now 29.

Judge Robert J. Gerstung dismissed the lewd pictures charge, and held Miss Gross for grand jury action on the other two charges.

She failed to post the \$1,000 bail he set on the charges, and was sent to the city jail to await the jury's action.

Miss Gross was charged with murder in 1962 after the nude body of a Filipino physician was found in a shower stall in a hotel in which she lived.

The then 25-year-old dancer, whose stage name was Vicki Storm, was sentenced to life in prison on a first degree murder charge, but the conviction was overturned by the Maryland Court of Appeals.

She was given the 18-year sentence after pleading guilty to second-degree murder.

Exc. Sun "E" Ed.

10-30-69 PC-11

19-2B

### **Drug Case Delayed**

### **For Mother And Son**

A hearing on drug charges against a South Baltimore housewife and her 16-year-old son was postponed in Southern Municipal Court today to November 14 at the request of the state's attorney's office.

Mrs. Gladys A. Hill, 39, and her son Tyrone were arrested at their home in the 900 block Ridgely street last night.

Bail totaling \$24,000 was set on charges of contributing to a disorderly house and possession

of marijuana and heroin. Police said 25 packages of suspected heroin were confiscated.

*Eve Sun 5 S\**  
*10-31-69 p.c.b.*

19-2B

# INDICTMENT FAULT FOUND

## Use Of Word 'Smuggle' In Dope Case Ruled Improper

By C. MASON WHITE

[Annapolis Bureau of The Sun]

Annapolis, Oct. 30—The Maryland Court of Special Appeals ruled today that a prison inmate should not have been convicted of a narcotics violation because his indictment was improperly worded.

The judges took particular issue with the use of the word "smuggle" in the indictment.

The high court did not specifically order a new trial, but said that the inmate could be tried again under a new indictment properly charging him with an offense.

### Rule No Such Offense

The inmate, Leo Anthony, was arrested in the spring of 1967 while serving time at the Maryland House of Correction in Jessup.

He was later convicted by an Anne Arundel county Circuit Court jury and was given a three-year sentence. Judge Matthew S. Evans presided at the trial.

The indictment charged Anthony with attempting to and conspiring with others to "smuggle" narcotics into the House of Correction.

However, the appeals judges said there is no such offense as "smuggling narcotics" into a penal institution because the term "smuggle" does not conform to precise language in the statute.

For the language of the indictment to have been proper, they said, the word "deliver" should have been used in place of the term "smuggle."

According to the statute, a person who unlawfully "delivers," procures to be "delivered" or intends to "deliver drugs to a penal inmate can be convicted of a misdemeanor.

The appeals judges said the indictment was additionally defective because it did not specifically state that Anthony attempted or conspired to deliver narcotics to a person confined in the House of Correction. They said the indictment only said that the narcotics were to be transported into the institution itself.

### Allege Guard Aid Sought

Even though the appellate judges ruled in favor of Anthony, they said that the state produced evidence clearly showing that he attempted to violate the narcotics statute.

According to the state, the arrest came after Anthony solicited a guard to bring narcotics into the institution and give them to him. The guard reported the solicitation to a superior and acted in concert with a state police investigation.

The guard testified that he gave Anthony capsules he said contained morphine. However, a chemical analysis of the pills showed that they only contained antihistamines.

Sun E<sup>n</sup> Ed  
10-31-69 pc-7

## Dope Repeater Given 8 Years In Methadone Sale

Convicted of being a second offender of the narcotics laws, Robert Travis Martin, 33, also known as Tojo, was imprisoned yesterday for eight years by Judge J. Gilbert Prendergast in Criminal Court.

Martin, of the 500 block East Baltimore street, admitted selling five capsules of methadone to an undercover city policeman last December 13. He had previously been convicted in 1955 of selling marijuana and received a one-year sentence at that time.

Two teen-age boys were given five-year terms each for having heroin under their control last December 7 at a house in the 2200 block East Jefferson street. Arrested in a bathroom where police found a total of 42 heroin capsules were Alphonse A. Stewart, 18, of the 500 block North Chapel street, and Carl L. Samuels, 19, of the 100 block North Wolfe street.

Seen "E" Ed

10-31-69 P.C.-8

19-2 B

# 7 Arrested In Narcotics Raid; Robbery Claimed Averted

Havre de Grace (Special) — The planned robbery of an unidentified Harford county business establishment this weekend was averted last night, according to State Police, with the arrests of two soldiers and five other young people during a narcotics raid here.

Sgt. Frank Mazzone, head of the State Police vice-narcotics

squad, said a quantity of suspected marijuana and LSD, plus narcotics paraphernalia, were also seized during the 8 P.M. raid on a third-floor apartment in the 900 block Washington street.

Investigation of the apartment started only a week ago, Sergeant Mazzone said, and the raid was precipitated by infor-

mation that a holdup was planned for tonight or tomorrow night.

## Combined Police Effort

Taking part, in addition to State Police, were representatives of the Harford county sheriff's office, the Havre de Grace police and the provost at Aberdeen Proving Ground.

Bail totaling \$35,000 was set for five of the narcotics suspects arrested in the raid. The other two, both 17, were released to their parents pending the filing of juvenile petitions.

Six arrests were made in the apartment, raiders said. The seventh suspect, Gregory L. Sexton, 18, of Aberdeen, was picked up outside the apartment and charged with possession of hashish.

## Also charged are:

DARRELL W. CRUMP, 20, an Aberdeen Proving Ground soldier from Corpus Christi, Texas, charged with possession of marijuana, LSD and narcotics paraphernalia, maintaining a nuisance, conspiracy to violate the narcotics laws and conspiracy to commit armed robbery.

STANLEY J. MOULDEN, 19, also an soldier from San Jose, Calif., charged with the same offenses as Mr. Crump, plus sale and possession of hashish.

EUGENE W. BANKS, 21, of Port Deposit, Md., charged with possession of marijuana and LSD, carrying a concealed weapon, and conspiracy to violate the narcotics laws and commit armed robbery.

CAROL ANN ENGSTRUM, 21, of Pine Hill, N.J., charged with possession of marijuana and LSD.

An eighth suspect was arrested.

[Continued, Page C 16, Col. 2]

ed at the county courthouse when he inquired about the raid, police said.

Richard L. Houser, 22, of Churchville, Md., was charged with illegally dispensing LSD December 14, 1968.

Ere den 55\*

10-31-69

P. C. - 6

19-2 B

## Jail To Protect Pregnant Addict

A two-year prison sentence was imposed yesterday on a female drug addict so that she would remain off the drugs and under close observation during the final six months of her pregnancy.

Mrs. Janet S. Wilson, 22, was arrested August 20 and was sentenced by Judge J. Gilbert Prendergast of Criminal Court after pleading guilty to charges of possessing narcotics implements.

Joseph Harlan, assistant state's attorney, said the woman would become easy prey for drug peddlers if given probation and any heroin she would use would also be passed on to her unborn child.

This would make the baby a drug addict even before birth, he said. The two-year sentence would make Mrs. Wilson eligible for parole after eight months.

News "E" Ed.  
11-4-69 p.c.14

19-2B

# DRUG DEALER GETS 5 YEARS

## Man Tried To Sell 11 Bricks Of Marijuana

A 35-year-old man who was linked to arrangements for the sale of 11 bricks of marijuana to undercover narcotics agents was sent to prison for five years yesterday by Judge J. Gilbert Prediger in Criminal Court.

The term was given Joseph Paul Mazurek, of the 600 block South Glover street, who was found guilty of conspiring to violate the narcotics laws and of possessing the marijuana, which was wrapped in heavy masking tape in brick shape and weighed 23 pounds.

Mrs. Brenda E. Abato, 26, of the 5900 block Highgate drive, was also slated to be tried yesterday on the marijuana charges, but she fainted outside

taken to a hospital. She was sent home later.

The bricks of marijuana were weighed on scales by Mazurek when the undercover agent insisted that he be given honest weight, according to Joseph Harlan, the prosecutor.

The drug was to be sold for \$3,200 to the agents, who posed as peddlers from Pennsylvania.

The activity took place at the Highgate drive home of Mrs. Abato last March 23. Mr. Harlan disclosed that in 1958 Mazurek had received a two-year term for possession of marijuana.

Sun "E"  
11-7-69 PC-7

## 23 Arrested In Raid

### On Amusement Center

Twenty-three persons, including six women, were arrested early today in a raid on the Mount Royal Amusement Center, 19 West Mount Royal avenue, where police reported recovering a variety of suspected drugs and narcotics paraphernalia.

Sgt. Samuel Alvey, of the Central district plainclothes squad, said the raid was made on a search and seizure warrant signed by Judge John A. McGuire and based on recent crimes connected with the center.

Charged with operating a common nuisance for the sale of narcotics after the 2.35 A.M. raid was the center's owner, Richard C. Eberhardt, 37, of the 6800 block Meadow Fox road, Baltimore county.

\* Donald Flabbi, the night manager, and 21 other suspects were charged with participating in a disorderly house.

#### Found On Floor

Sgt. Alvey reported that none of the illegal material or equipment was found in the possession of those arrested.

Instead, it was found on the floor, in waste baskets and in a black purse containing 17 bottles of cough syrup but no clue as to whom it belonged.

Also recovered were two suspected marijuana cigarettes, 94 yellow capsules suspected of containing cocaine, one white capsule suspected of being heroin, one "cooking" spoon and four sets of needles and syringes.

Police said the women arrested ranged in age from 17 to 29.

In the last few months a man was shot dead at the entrance to the center, police reported, and at least 10 narcotics arrests were made inside or near it.

Eve Sun

SS\*

P.C-18

11-7-69

19-2B

## Court Docket

# Longtime Addict Given 10½ Years

Garland E. Crawford, 33, a dope addict for 15 years, was sentenced yesterday to 10½ years in prison on burglary and narcotics charges.

Judge J. Gilbert Prendergast of Criminal Court, imposed a four-year term for possession of drug injection equipment found March 18 during a police raid on Crawford's home in the 600 block West Biddle street.

An 18-month sentence was added for possession of stolen goods after the defendant was found with a pawn ticket for a radio taken during a burglary on Eutaw place March 13.

Crawford, who was asleep when the raid began, had three illegal hypodermic needles and two syringes in a pouch near his bed, according to Peter D. Ward, prosecutor.

The defendant, also known as Edward G. Crawford, was given an additional five-year term by Judge David Ross for breaking into an apartment in the 1200 block Argyle avenue June 13, 1968.

A television set stolen from the apartment was pawned the same day, and the ticket was traced to Crawford after he was arrested in the drug raid, according to Sandra O'Connor, assistant state's attorney.

Eve Sun 55\*  
11-7-69 P.C.-3

19-212

## Bar Doorman Booked In Homicide

Police charged the doorman of a West Baltimore bar yesterday with the shooting death of William A. Stanford, a convicted narcotics peddler, who was killed in the tavern Friday night.

A preliminary hearing was postponed in Central Municipal Court by Judge John A. Maguire on a homicide charge lodged against Henry F. Pernell, 44, of the 2900 block West Cord Spring Lane, the doorman.

Police said that Stanford was shot about 10 P.M. Friday after an argument about paying a 50-

cent admission charge to the Two Spot Tavern in the first block Wheeler avenue.

Stanford of the 2500 block Hollins street, was shot once in the chest with a .38-caliber pistol.

### Doorman Surrendered

Police said Mr. Pernell gave himself up to police immediately after the shooting.

Some police have speculated that Stanford was murdered as

part of a gangland war among narcotics peddlers, but this is not the official Police Department position. There have been four deaths of known narcotics pushers this year.

Stanford, who had two narcotics convictions, was described (Continued, Page 14, Col. 1)

## Drug Dealer Shot Dead In An Argument Over Admission Charge

(Continued from Page 26)

by police in 1959 as the "biggest peddler of heroin" in the city.

Police said Stanford was shot near a telephone booth in the bar. He staggered outside the crowded tavern and collapsed on the sidewalk.

Police said they found about \$10 in his wallet. Stanford was also known as Butch.

Sun D\*

11-9-69 p 26

19-2B

**Three Are Taken  
in Narcotics Raid**

A police raid on an eight-floor apartment in the 1300 block St. Paul street netted police 1,200 capsules of suspected heroin, worth an estimated \$2,400, and led to the arrest of three persons late Friday night.

Arrested were Willie B. Hinton, 27, of the 1300 block St. Paul street, charged with possession of heroin, marijuana and narcotics equipment, assault on a police officer by pointing a pistol and maintaining a common nuisance; Joan E. George, 21, of the same address, whose charges save that of assault were identical, and Allen L. Norfolk, 18, of the 2000 block Eastern avenue, charged with possessing heroin.

Surv D\*  
11-9-69 P 14

19-2 B

## 14 Are Arrested In Narcotics Raids

Fourteen persons were arrested and charged yesterday on drug violations by State Police who staged 10 raids during a 12-hour period in the Baltimore area.

Trooper Warren Pitts of the State Police, who headed the eight-man raiding party, said that \$2,000 worth of marijuana, hashish, methadone, LSD and narcotics equipment was seized during the raids which ended at about 7 A.M.

More arrests are expected as a result of yesterday's dope crackdown, State Police said.

Those arrested during the night-long raids were:

**JOHN W. KEIFER**, 18, of the 1500 block Hopewell avenue, Essex, who was arrested at home on one dope charge.

**JAMES M. DAVIS**, 27, of the 2400 block Rockwell avenue, Catonsville, who was arrested at a house in Howard county, and was charged with four drug violations.

**PAUL E. BRANDT**, 21, of the 600 block Wickham road, Irvington, who was arrested at home on one drug charge.

**PRESTON D. HUTCHINSON**, 29, of the 200 block Margaret avenue, Essex, arrested at an apartment on Nanicoke road, Essex, and charged with one drug violation.

**GARY S. CAIN**, 18, of the 2200 block Corsica road, Essex, arrested at home and charged with four violations.

**ERIC W. PFARR**, 20, of the 300 block Southeastern terrace, North Linthicum, arrested at home and charged with one drug violation.

**TERRY JOHNSON**, 20, of the 6200 block Gilston Park road, Westview Park, arrested at home and charged with four violations.

**WILLIAM H. PHELPS**, 21, of the 200 block Gralan road, arrested at Mr. Johnson's home and charged with three drug violations.

**THOMAS A. PURDUM**, 20, of Lansdowne, also arrested at Mr. Johnson's home and charged with three drug violations.

**PAUL SWIFT**, 35, of the first block Willow avenue, Sparrows Point, charged with one violation on a warrant from Worcester county and arrested at a house in the 800 block South Bond street.

**GORDON KATZ**, 28, of the Hopkins House Apartments on University parkway and 39th street, charged with three drug offenses. He was released on his own recognizance.

**MRS. DONNA E. WILSON**, 54, of Daniels, charged with assaulting a police officer during a raid at her home.

Police also arrested one 17-year-old at his Pikesville home. Juvenile petitions were filed against him in connection with the sale of hashish.

Later yesterday, an 18-year-old Catonsville girl turned herself in to State Police. Because she was a minor when drug charges had been filed against her, she was

released on her own recognizance.

See D\*  
11-9-69 p. 14

19-213

## Dope Possession Draws 10 Years

A ten-year prison sentence was imposed yesterday on Bernard Braxton, 30, who was convicted of dope-possession charges and of maintaining a common nuisance at his residence in the 600 block West Biddle street last March 18.

Braxton was one of a group of alleged dope users who took over the West Biddle street house after forcing the elderly, invalid owner into a secluded portion of the residence, according to testimony presented before a Criminal Court jury.

In Braxton's second-floor bedroom, police seized 117 heroin capsules in a pot-bellied stove and also found narcotics equipment, according to Peter Ward, the prosecutor. Another man arrested there, Garland E. Crawford, 34, last week was given prison sentences totaling 10½ years.

Judge J. Gilbert Prendergast presided at the trial of Braxton.

Sum "E" Ed  
11-11-69 PC-5

19-2B

## FIVE ARE HELD IN DRUG CASES

### Were Charged After Police Undercover Work, Raid

Five persons charged with a variety of drug violations were held for the grand jury at preliminary hearings in Southeastern Municipal Court yesterday morning.

The five were charged as a result of a police raid and undercover work.

Jack D. Hayes, 18, of the 3400 block O'Donnell street was held at the City Jail in lieu of \$3,000 bail on a charge of possession of marijuana.

Police testified that the Hayes youth was arrested after he was searched during a raid at Bill and Mary's Carry Out in the 900 block of South East avenue Saturday night.

James D. Johnson, 19, of the

1000 block Lerew way, was released on \$6,000 bail on charges of possession and selling of heroin October 28.

Michael N. Callin, 23, of the 4600 block Manordene road was held at the City Jail in lieu of \$6,000 bail on charges of possession and sale of heroin.

Police testified that an undercover patrolman purchased five capsules from Mr. Callin on October 24. A warrant was issued for Mr. Callin's arrest Saturday after a chemical analysis showed the capsules contained heroin.

### Held In Jail

Kenneth Krzstofiak, 21, of the 300 block South Register street was held at City Jail in lieu of \$5,000 bail on charges of possession and sale of barbituates.

Mr. Krzstofiak was arrested after he sold the barbituates to an undercover patrolman, police testified.

Jeffrey W. Marshall, 19, of the 4800 block Orville avenue was released on \$4,000 bail on

charges of possession and sale of marijuana.

Patrolman Paul R. Kelley testified that Mr. Marshall, on October 30, sold him \$5 worth of marijuana after he offered Mr. Marshall, who was hitchhiking, a ride.

Sum "E E A  
11-11-69 P A-11

19-2 B

# THIEF SENT TO HOSPITAL

*Sum E - 11-11-69 PC 5*

## Judge Seeks More Data On Nini Before Sentencing

By THEODORE W. HENDRICKS

The son of a restaurant owner in Little Italy was granted special permission by the Federal Court yesterday to stay in a hospital while arrangements are being made for his transfer to a pre-sentencing study center.

Michael J. Nini, 36, had been convicted of mail fraud, specifically his use of a Charg-It plate stolen from the mail to make about \$1,500 in purchases.

Appearing before Judge Frank A. Kaufman for sentencing yesterday, Nini was told that the court wants additional information that had not been uncovered by federal authorities who investigated him.

Judge Kaufman proposed to send Nini to a special federal center that would conduct a 90-day study of him and send back a report that could be considered in fixing the final sentence.

Nini, whose father owns a restaurant on South High street, objected to waiting in the City Jail until the marshal could make arrangements to take him to the study center.

Because there is no federal detention facility in Maryland, the United States marshal has contracts to board federal prisoners in state facilities while they are awaiting transfer.

Although Judge Kaufman declined to release Nini pending the completion of arrangements to have him studied, he engaged in a series of conferences to speed his removal.

Nini remained in the marshal's detention rooms while officials here got in touch with officials in Washington, inquired about the availability of hospitals and reported to Judge Kaufman.

Finally, it was arranged to have Nini transferred to the U. S. Public Health Service Hospital in Baltimore where he will be under guard until his transfer can be completed.

Frank Udoff, the marshal, said yesterday that arrangements had been made to take Nini to a federal prison in Lewisburg, Pa., but that he did not have sufficient staff to allow an immediate transfer.

Another person arrested in connection with the postal violation, Mrs. Brenda E. Abato, pleaded guilty in April and will be sentenced Friday. A week after entering a guilty plea in Federal Court, Mrs. Abato was arrested in a narcotics raid.

Mrs. Martha J. DiAngelo, 31, a sister to Mrs. Abato, was given a two-year suspended term earlier. The credit card was taken from the mail in August, 1968, when it was delivered to Mrs. Abato in error, according to testimony.

*Sum E Ed.  
11-11-69 PC-5*

## Police Arrest 12 Persons In Two Narcotics Raids

Police raided two rowhouses in the same West Baltimore block during the night, arresting 12 persons on drug charges.

In one raid, a squad of plainclothes detectives from the tactical section moved in on a house in the 1200 block Parrish street. One man tried to escape out a second-floor window and two others sought to leave by the front door but all were caught.

The rest of the eight persons arrested were found hiding in various rooms in the house. Police identified those arrested as: JOHN TOWNS, 49, of the 1200 block Parrish street, charged

with possessing narcotics paraphernalia and setting up a disorderly house.

### Others Arrested

Charged with possession of narcotics paraphernalia and contributing to a disorderly house were:

WILLIAM BROWN, 43, of the 1200  
[Continued, Page C4, Col. 6]

[Continued From Page C 32]

block Parrish street.  
GARY MASON, 23, of the 100  
block Augusta street.  
THEODORE HATCHER, 43, of the  
2700 block Hatford road.  
EARL BASKERVILLE, 42, of the  
600 block North Pulaski.  
CURTIS JOHNSON, 28, of the 1200  
block West Lanvale street.  
WILLIAM PURDEE, 28, of the 1500  
block Herbert street.  
EDNA JONES, 31, of the 1200 block  
Ayle street.

In another raid across the street, police arrested four persons on a variety of drug charges. They were identified as:

CYNTHIA P. MATTHEWS, 19, of the 1300 block Woodyear street, charged with possession of narcotics paraphernalia and establishing a disorderly house.  
STANLEY H. COLE, 39, of the 2600 block West Lafayette street, charged with maintaining a disorderly home and possession of opium.  
BEN ALLEN, 37, of the 3100 block Reisterstown road, and ALFRED T. ROBINSON, JR., 20, of the 3900 block Maine, charged with maintaining a disorderly house and possessing opium and narcotics paraphernalia.

Enc seen 5 S\*  
11-12-69 PC32

19-2B

## Five Arrested For Drugs

Five young men were arrested last night and charged on several marijuana counts by Southeastern district police.

Police moved in on the young men at 10.45 P.M. in the parking lot of a carry-out food shop on Fort Holabird avenue across from the main entrance to Fort Holabird.

Scheduled for a preliminary hearing today in Southeastern District court were:

WARREN JACKSON, JR., 20, 6600 block Hartwalt street, charged with conspiracy to sell narcotics, and possession of marijuana and hashish.

LEONARD RYCHWALSKI, 20, 1600 block Malvern street, charged with possession of marijuana, and his brother MICHAEL, 17, conspiracy to sell marijuana.

PETER PAUL STEPES, 21, 6400 block Hartwalt street, possession of marijuana.

GEORGE CHRISTOU, 19, 6500 block Holabird avenue, conspiracy to sell narcotics, possession and sale of marijuana and hashish.

Encl sum 5 SK  
11-13-69 PC-11

19-2B

## Officer Seized In Smuggling Of High-Grade Marijuana

An Army captain, recently returned from Vietnam, was released on \$2,500 bail yesterday after he waived a preliminary hearing before a United States commissioner on charges of smuggling 11 pounds of "Cambodian Gold" marijuana into this country.

Capt. James W. Davis, 25, was arrested at his home in the 3900 block Hilton road Friday night by United States Customs agents who had placed the residence under surveillance after delivering a 15-pound package earlier in the day.

Customs agents estimated the retail value of the marijuana at about \$20,000. "It's extremely high quality, well-manicured and without twigs," said John M. Dolan, assistant special agent in charge of the Customs Bureau.

Federal authorities were first alerted to the contents of the package when it arrived in San Francisco, by the super-sensitive

nose of a dog, trained in ferreting out marijuana scent.

Mr. Dolan said that the "fantastic" package, which was addressed to Captain Davis's home in Baltimore, was wrapped in paper around a cardboard box. An air-tight layer of styrofoam lined the box, and beneath the styrofoam was a sealed wooden box. Around each layer was spread another layer of liquid plastic.

"It's tough to beat the dogs," Mr. Dolan remarked.

Customs officials in Baltimore verified that the content of the package was marijuana; the package was carefully resealed and then sent to the Hilton road address.

Captain Davis, who was assigned to the Aberdeen Proving Ground after service in Vietnam, was scheduled to be discharged from the Army in January.

See DX  
11-16-69 p 19

19-2B

**3 Released For Day  
On Own Recognizance**

Three men who were arrested late Saturday night and charged with possession of narcotics and a concealed weapon were released yesterday for a day on their own recognizance by Judge Joseph L. Broccolino.

Presiding over Western Municipal Court, the judge postponed their case until 3 P.M. today on the state's request.

Michael Berger, 18, of the 5100 block Litchfield avenue, James L. Brady, 20, of the 7000 block Windsor Mill road, and Carroll N. Crump, 29, of the 1700 block Edmondson avenue, were arrested late Saturday night by Tactical Division plainclothesmen.

The men were picked up in the 2200 block Baker street "on reliable information," police said. The trio were subsequently charged with possession of marijuana, hashish, barbiturates and a .25-caliber automatic pistol.

Sun "E" Ed  
11-17-69 P.A.-15

19-2B

## Veteran Seized In Drug-Mailing

Custom agents arrested a 21-year-old Vietnam veteran yesterday on charges that he mailed 4½ pounds of marijuana to his home in Rising Sun before returning to this country for discharge.

Johnny H. Snyder, who now works as a salesman, was taken into custody after a specially trained dog in California sniffed packages on incoming shipments.

*Sun "E" Ed  
11-18-69 PC 14*

19-2B

# Attempted Police Bribery In Station Laid To Barber

Sun E 11-7-49 C-7

A 25-year-old West Baltimore barber was arrested and charged with attempting to bribe two policemen yesterday in the press room of the Western district police station.

The suspect was arrested after allegedly counting out \$400 in bribe money to a 5-year veteran of the police force who recorded the bribe attempt while wearing a microphone hidden in his tie clasp.

### "Help Bates Out"

Yesterday's arrest was the culmination of almost three weeks of investigation into the alleged bribery attempt which began October 18 with the arrest of Ronald H. Bates, 19, of the 500 block North Carey street.

Two days later, Patrolman John Sanders of the Western district, who worked on the case involving Mr. Bates, was approached by a man who said: "You can make a lot of money on this case if you help Bates out."

Patrolman Sanders said that he would have to speak to his superior, Sgt. Gilbert Derrenberger, a 16-year veteran of the police force.

Police said that together, the two policemen obtained a court order from Judge Joseph Carter allowing an electronic eavesdrop device to be used against the bribery suspect.

### Trial Postponed

In the meantime, the trial of Mr. Bates was twice postponed to allow police to prepare their bait.

Search-and-seizure warrants were also obtained against the suspect after police received information that the man was a known narcotics user.

At 2 P.M. yesterday afternoon,

the preliminary hearing for Mr. Bates on charges of car theft, breaking and entering, possession of marijuana, and four counts of receiving stolen goods, was scheduled to be heard.

Police said that the suspect approached Patrolman Sanders and Sergeant Derrenberger to the money with him, he would return with the cash.

### No Narcotics Found

Sergeant Derrenberger secreted himself with a tape recorder in the storage room at the Western district station and waited.

A half-hour later, police said, the suspect returned and walked with Patrolman Sanders into the press room in the station. As he counted out \$400, he was arrested, police added.

A search of the suspects car, home and barber shop found no narcotics, however.

Mr. Bates, meanwhile, was held for grand jury action on six of the seven charges. The one charge of car theft was dismissed by Judge Joseph L. Broccolino, Jr.

Clarence Turner, Jr., of the 300 block North Fulton avenue, who was arrested and charged with the two bribery attempts was later released on \$3,000 bail.

A preliminary hearing on the charges is scheduled for this morning in Western District Court.

Sun E 11-7-49  
PC-7

19-213

**Drug Possession**

**Draws 5 Years**

Floyd McCallum, Jr., 38, of the 1300 block West Lanvale street, was imprisoned for five years for illegal possession of the synthetic narcotic methadone.

Police saw McCallum take a vial from his pocket and exchange some of its contents with three men April 3 in the 1300 block Edmondson avenue, Judge J. Gilbert Prendergast was told.

Officers accosted the defendant and found 61 capsules of methadone in the vial, according to J. Benson Harlan, prosecutor.

Eve seen 55\*

11-21-69 pc-6

19-2B

## RULING PUT OFF ON GUARD'S PAY

### Jail Board Wants To Study Marijuana Case Further

The city Jail Board postponed yesterday a decision on whether to give three months' back pay to a jail guard indicted but later found innocent of smuggling marijuana into the jail.

Instead, the board asked the guard's lawyer, Harold Buchman, to submit to it a transcript of the guard's trial and asked him to determine if the board even has the power to make a decision with regard to the pay.

#### Some Seem Hesitant

The guard, Charles E. Evans, was suspended from his post after his arrest July 9 at the jail for possession of marijuana and conspiracy to smuggle it into the jail.

He was later acquitted on both charges and rehired as a guard on October 9. He is seeking back pay for the three months he was suspended.

Some of the Jail Board members appeared hesitant to grant the guard's request for the back pay.

#### "Based On Arrest"

George W. McManus, the board president, said that even though the guard was acquitted of the charges, the board must make its own determination that he was not guilty "beyond any question of doubt."

He said the board's criteria in making this judgment do not have to be as strict as that of the Criminal Court.

Mr. Buchman expressed complete surprise at the board's postponement of the decision, which he said he had regarded as a "mere formality."

The letter informing the guard of his "suspension stated it was solely on the arrest," he said. He added that once the guard was acquitted he thought the request and approval of the back pay would be routine.

#### Recruiting Program

"We'll have to fight it, but we have no worry," he said.

In other action yesterday, the board approved in principle the recruitment and training of 25 jail guards under a program sponsored by New Careers Program, a organization which is part of the city's Community Action Agency.

Representatives of New Careers told the jail board they will recruit 25 persons and put them through a 6-month training program that will include on the job training at the jail and class work at the Community College of Baltimore.

#### Supplementary Pay

The organization would pay the trainees \$1.60 an hour and asked the jail board to add 40 cents an hour to bring the total to \$2.00.

In approving the program in principle, the board asked the New Careers representatives to draw up the necessary contracts for approval and once the board secured the necessary funds for their part of the program it would be enacted.

Sum "E" Ed  
11-21-69 P C 14

# Series Of Drug Raids Results In 28 Arrests

State, county and Baltimore city police arrested 24 persons last night and early today in a series of drug raids in the city and Baltimore and Cecil counties.

Yesterday, four other persons were arrested in East Baltimore on drug charges.

Baltimore county narcotics detectives arrested 11 persons,

including 3 juveniles, on the parking lot of a drive restaurant at the intersection of Eastern avenue and Stemmers Run road and at their homes during the night.

## 7 P.M. Raid

Arrested at the restaurant in a 7 o'clock raid last night were:  
MICHAEL T. SPERANZELLA, JR.,

20, of the 1500 block Medford road; charged with selling hashish; held on \$5,000 bail.

WALTER E. GOERTZ, 22, of the 300 block Ida avenue; charged with two counts of conspiracy to violate narcotics laws and two counts of selling marijuana; held on \$6,000 bail.

CLIFTON WARD, 24, of the 9700 block Matzon road; charged with conspiracy to violate narcotics laws; held on \$3,000 bail.

EARL WARREN, 22, of the 700 block Amcliffe road; charged with conspiracy to violate narcotic laws and selling marijuana; held on \$5,000 bail.

Three juveniles were also arrested on the parking lot of the drive-in.

Arrested at their home in connection with narcotics violations were:

JAMES TURNBULL, 23, of the first block Right Allerton road; charged with selling LSD; held on \$3,000 bail.

ROBERT FENNEL, 22, of the 400 block Turner road; charged with selling heroin; held on \$5,000 bail.

FREDERICK McCLELLAND, 19, of the 500 block Sue Grove; charged with selling marijuana; held on \$5,000 bail.

DOMINIC CELOZZI, 22, of the first block Bellhaven drive; charged with selling hashish; held on \$5,000 bail.

A squad of Baltimore narcotic detectives raided two houses in the 200 block of 25th street and arrested six persons on drug charges while state and county police arrested seven others on drug charges in Cecil county.

The raids were the result of a two-month investigation into drug traffic in Cecil county and Baltimore city.

## Arrested Listed

Arrested at the house in the 200 block of East 25th street and charged with possession of suspected narcotics and narcotics equipment were:

LYNDA DE MARTIN, 18, of the 200 block East 25th street.

DAVID HOPKINS, 17, of the 4700 block Harford road.

EMIDIL LUZI, 18, of the 3300 block Rosalie avenue.

DAVID CONSTABLE, 19, of the 900 block St. Dunstan's road.

Arrested in the second raid at the house in the 200 block of East 25th street were:

LAWRENCE T. MINITOR, Jr., 24, of the 3300 block Chestnut avenue; charged with possession and sale of narcotics and possession of suspected marijuana.

WAYNE TIMMONS, 23, of the 1500 block West 40th street; charged with possession of suspected marijuana.

Arrested in Cecil county were:

TERRY C. RASH, 20, of Peach Bottom, Pa.; charged with conspiracy to violate narcotic laws.

CONNLEY E. BARKER, 19, of Colora, Md.; charged with possession and control of marijuana and conspiracy to violate narcotic laws.

HOWARD CRAIG, 19, of Port Deposit; charged with sale of marijuana.

WILLIAM J. LEE, 18, of Earlville, Md.; charged with selling marijuana, possession of marijuana

[Continued, Page C 2, Col. 3]

## [Continued From Page C 2]

and conspiracy to sell marijuana.

Three juveniles also were arrested in Cecil county on individual warrants.

## 4 Arrested

Yesterday morning Eastern district police arrested four persons on drug charges in a raid in a house in the 2100 block of North Barclay street.

Police said activities of persons in the house had been observed for a three-month period.

They said they confiscated 13 bags of suspected heroin.

Arrested in the raid were:

ROSETTA GREEN, 24, of the 2100 block North Barclay street; charged with possession of a suspected narcotic; bail set at \$6,000.

WILLIE C. FRYER, 43, of the same address; charged with possession of a suspected narcotic; bail set at \$6,000.

ROLAND J. FLEMMING, 27, of the same address; charged with possession of a suspected narcotic; bail set at \$6,000.

EVELYN GILES, 34, of the same address; charged with possession and sale of suspected narcotic; bail set at \$17,000.

Sum "E" Ed.  
11-21-69 PC-28

# DOPE FARMER GUILTY AGAIN

Man, 22, Grew Marijuana  
On Land Near Westminster

By DAVID M. ETLIN

[Westminster Bureau of The Sun]

Westminster, Nov. 24—A 22-year-old farmer who was convicted last year of cultivating marijuana was found guilty today of possession of some leftover from the same crop.

Clarence H. Bixler, who works on his father's farm near Westminster, was sentenced to 5 years in prison after Circuit Court Judge Edward O. Weant, Jr., ruled that he was a second offender.

Judge Weant also found Stephen M. Renner, a 22-year-old Baltimore carpenter, guilty of selling LSD to an undercover police officer and requested a pre-sentencing investigation in the case.

Trooper Lawrence Ireland told the court that he met with Bixler on several occasions during a two-month period, and that when he visited the farm July 7 he was introduced to Renner and several other persons.

The undercover officer said Renner sold him two tablets containing LSD. The same evening, the trooper said, he drove Bixler to a nearby barn where the farmer picked up a small package containing the marijuana.

Darrell Russell, the defense lawyer, argued entrapment, saying that "the criminal scheme originated in the mind of Trooper Ireland."

Mr. Russell also read excerpts from several articles declaring that marijuana is less harmful than either alcohol or cigarettes, and that the laws regarding marijuana are too harsh.

"Pioneer America might not have made it were it not for hard liquor," Mr. Russell argued, as he suggested that marijuana fulfills a similar role for today's youth.

See "E" Ed  
11-25-69 P A 16

19-2B

### Narcotics Den

#### Nets 3 Years

Essie Mae Davis, 20, who admitted operating a narcotics den at her apartment in the 1000 block West Barre street, was imprisoned for three years by Judge J. Gilbert Prendergast. Police raiders forced open the apartment door June 8 and confiscated 21 capsules of heroin and 2 syringes, according to Robert C. Stewart, prosecutor. Although nobody was home at the time of the raid, the Davis woman was the person who rented the apartment, evidence showed.

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11-25-69 PC2

19-2B

**LSD Possession**  
**Term Suspended**  
Ray D. Hurt, 18, of the 10

block North Collington avenue,  
who admitted possession of LSD,  
was given a suspended one-year  
term by Judge Prendergast.

Eye Sun 55\*

11-26-69 PA-7

19-2B

# Police Arrest Man, Woman In Dope Raid

Police raided an apartment on South Calhoun street last night and arrested two persons while uncovering more than \$70 worth of suspected drugs.

Charged with possession of narcotics, narcotics paraphernalia and with operating a disorderly house were Melvin Lancaster, 26, and Shirley Hutchinson, 24, both of the first block South Calhoun street.

A hearing on the charges today in Southern District Municipal Court was postponed until December 22. Judge Avrum Rifman held Miss Hutchinson under \$7,500 bail and Lancaster who has a warrant against him for parole violation, was ordered held without bail.

The 10 P.M. raid, conducted by five plain-clothes policemen and a policewoman, ended five days of surveillance of the apartment.

Under a mattress in the third-floor apartment police found 208 capsules of heroin, 28 capsules of cocaine and 75 capsules of another ingredient, possibly a drug. Also discovered were several syringes and needles.

On Pennsylvania avenue last night police arrested a 45-year-old man and charged him with possession of narcotics and violation of the alcoholic beverage laws.

Scheduled to receive a hearing today in Central District Municipal Court was Monroe J. Banks, of the 4300 block Norfolk avenue.

Police said they spotted Mr. Banks sipping a beer in the 1000 block Pennsylvania avenue about 10.30 P.M. When they approached him, he turned to leave, dropping a paper bag containing 35 capsules of suspected heroin.

Eve Sun 5 5\*  
11-26-69 PC-4

19-2B

# EX-TEACHER GETS 4 YEARS

Sentence To Be Concurrent  
With Earlier Drug Term

By DEWITT BLISS

[Towson Bureau of The Sun]

A former Baltimore school teacher who is already serving five years in prison on narcotics charges was sentenced to four years in jail yesterday in Baltimore County Circuit Court on bad-check charges growing out of the purchase of three television sets on the same day.

Judge Walter M. Jenifer ruled that the sentence he imposed on Miss Sue Helen Romesburg, 22, should be served at the same time she is serving the narcotics sentence.

Miss Romesburg's lawyer had claimed that she bought the television sets so that they could be sold to provide money for the narcotic habit of her boyfriend.

### Pleaded Guilty

She pleaded guilty to obtaining the sets, each worth more than \$300, by false pretences.

She received the five-year term last summer on narcotics charges resulting from a raid at her Parkville apartment which also resulted in charges against several young men.

The three television sets, all bought last March 26, were worth a total of \$972.22, according to Severn Lanier, assistant prosecutor.

Sun E  
12-2-69 P C-8

19-2B

## Dope Charges Jail Soldiers

Two teen-age soldiers were arrested at Fort Meade yesterday by Anne Arundel county police and charged possession and sale of heroin with and conspiracy to kill a police undercover agent.

Anne Arundel county police said PFC Brian D. Macklem, 18, of Darien Center, N.Y., and PFC James C. Orr, 19, of Concord, N.C., both stationed at Fort Meade, were being held without bail at the county police headquarters in Millersville.

A hearing was scheduled for today in Millersville People's Court.

Lt. Bernard Kiessling said the two men were picked up late yesterday afternoon by five members of the county police intelligence unit.

The arrests came after a police informant warned that some soldiers were planning to kill undercover narcotics detective Thomas Leighton, who had been working the Fort Meade-Boomtown area the last six months, Lieutenant Kiessling said.

### More Arrests

He said more arrests were expected in the murder-conspiracy charge.

Detective Leighton made contact with the group thought to be involved in the conspiracy about three months ago, police said. On several occasions he purchased heroin.

Two weeks ago, police were informed of the plot to kill the detective. The killing was to take place November 28.

Plainclothesmen provided

[Continued, Page D2, Col 1]

cover for Mr. Leighton at the meeting on November 28 but the detective refused to accompany the suspect to an unspecified location, police said, and a second meeting was set up for this Friday with arrests by police to take place then.

However, an informant told police yesterday the group had learned about police intentions and were preparing to leave town. Police then moved in to make the arrests.

Lieutenant Kiessling said the drug operations, mainly dealing with heroin, were thought to be large scale in the Fort Meade area. He said Mr. Leighton had posed as a hippie and a soldier in his undercover work which had led to 18 narcotics arrests.

Sum 5 5\*  
12-4-69 PD-2

19-2B

# Court of Special Appeals of Maryland

No. 41, September Term, 1969 — Filed November 18, 1969

CONLEY HAL FRANKLIN

vs.

STATE OF MARYLAND

Appeal from the Clerk, Circuit Court for Baltimore County.  
John Grason Turnbull, Judge.

Argued by *Carl Berenholtz*, Baltimore, Maryland; *Charles B. Heyman*, Baltimore Maryland and *George B. Cavanagh*, on brief, for appellant.

Argued by *T. Joseph Toughey*, Assistant Attorney General, with whom were on brief: *Francis B. Burch*, Attorney General; *Samuel A. Green, Jr.*, State's Attorney for Baltimore County and *L. Robert Evans*, Deputy State's Attorney for Baltimore County for appellee.

Argued before MURPHY, C. J.; ANDERSON, MORTON, ORTH and THOMPSON, JJ.

MURPHY, C. J.—

Appellant Franklin was convicted by the court sitting without a jury of unlawfully possessing heroin in violation of Maryland Code, Article 27, Section 277<sup>1</sup> and sentenced to one year in the Baltimore County Jail. On this appeal he contends that the evidence was legally insufficient to support the conviction.

There was evidence showing that on the night of July 22, 1968 appellant was, in some manner not disclosed by the record, brought into the emergency room at City Hospitals in a semi-conscious state and unable to talk. The hospital physician then in attendance, Dr. Martin Levinson, testified that several hours after appellant's admission to the hospital he took a medical history from him; that appellant was then "essentially fully conscious, but very sleepy"; and that appellant told him at that time "that he had taken an overdose of heroin intravenously and that he had passed out following taking this overdose." Levinson testified:

"Given the information that he gave us that he'd taken heroin, his condition was entirely compatible with having had an overdose of heroin."

Dr. Levinson mentioned specifically the fact that appellant was "bluish in color with some blue tinges around his mouth and extremities," and that his eyes "were remarkable for the constricted pupils." Dr. Levinson testified that many patients "do have constricted pupils following an overdose of heroin." On cross-examination the doctor testified that the symptoms exhibited by appellant could have been the result of extreme alcoholism but that he did not smell any odor of alcohol on the appellant. Levinson treated appellant for having an overdose of narcotics, after which appellant was arrested and charged with the present offense.

three hypodermic syringes and needles, and a 'smoked-bottom' teaspoon." The arresting officer testified that he saw Peachie throw against the wall a hypodermic needle which he had in his hand, and a handkerchief which had on it several splotches of blood. The blood marks on the handkerchief were still wet. Peachie had fresh needle marks on him. Medical testimony established that capsules found on the table and the glass, teaspoon, and two of the syringes contained traces of opium derivatives. In affirming Peachie's conviction of possession of heroin, the court said (page 242):

"\* \* \*The evidence that Peachie had a hypodermic needle in his hand and threw it away, along with a handkerchief containing fresh blood stains, and that he had fresh needle marks on his arm, would permit the inference that he had taken an injection of the drug just prior to the entry of the officers. This circumstantial evidence points clearly to the fact that he had administered the drug to himself. Of course, if that fact is assumed, it necessarily follows that he had possession and control of the instrument and its contents at the time of the injection, as well as an intent and purpose to administer the drug.\* \* \*" (Emphasis supplied.)

In *McCuen vs. State*, 3 Md. App. 73, involving a conviction for unlawful possession of narcotics by a prison inmate, we noted that although there was evidence showing that his cell was freely visited by other inmates, the fact that narcotics were found therein, coupled with the fact that at the time the narcotics were discovered the inmate defendant was under the effects of some kind of drug, constituted legally sufficient evidence to convict.

evidence to establish, circumstantially, that he did indeed possess narcotics in violation of Section 277. We are, of course, mindful of the doctor's admission that appellant's symptoms could also have indicated a state of extreme alcoholism; we note, however, that no odor of alcohol was detected upon the appellant by the attending physician and that appellant was treated for an overdose of heroin.

That this decision will likely deter drug addicts and users from seeking medical aid when they need it is, unfortunately, the all too plain result of this case. Communications made to a physician in his professional capacity are not privileged under the common law of Maryland, nor with some exceptions in the case of psychiatrists, have they been made so by statute. See *Robinson vs. State*, 249 Md. 200, 221; *O'Brien vs. State*, 126 Md. 270, 284; *Leszynski vs. Russ*, 29 F.R.D. 10 (D.C. Md.). To be treated and likely jailed on the one hand, or become seriously ill, even die, by avoiding desperately needed medical attention, on the other hand, is indeed a Hobson's choice, one seemingly at odds with recent legislative enactments purporting to recognize that narcotics addicts are sick people, physically and psychologically, who need medical and psychiatric care, not punitive incarceration and "cold turkey." See the Preamble to Chapter 376, Acts of 1966, now codified as Maryland Code, Article 27, Section 306B, and Maryland Code, Article 43B, entitled "Comprehensive Drug Abuse Control and Rehabilitation Act," which became effective July 1, 1969. But under the law as it presently exists in Maryland, and applied to the facts of this case, we can reach no other conclusion than to affirm appellant's conviction. If the law is to be changed to prohibit the State from securing convictions on facts similar to those in the instant case, it must be done by the legislature.

Judgment affirmed.

(1) "It shall be unlawful for any person to manufacture, possess, have under his control, sell, prescribe, administer, dispense or compound any narcotic drug, except as authorized in this subtitle."

(2) Appellant was acquitted of the second and third counts of the indictment charging, respectively, control and sale of heroin.

(3) That there is a real, and not a fanciful, difference between a confession and an admission in a criminal case is clear, viz., a confession is a direct acknowledgement of guilt on the part of the accused and, by the very force of the definition, excludes an admission, which, of itself, as applied in criminal law, is a statement by the accused direct or implied, of facts pertinent to the issue, and tending, in connection with proof of other facts, to prove guilty, but of itself insufficient to authorize a conviction. *Stewart vs. State*, 232 Md. 318; *Vincent vs. State*, 220 Md. 232.

(4) The duration of the possession is immaterial in determining guilt. See *Haley vs. State*, supra at page 32.

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19-2B

Appellant testified that he had been drinking heavily on the night in question; that he didn't remember being brought to the hospital and had no recollection of making any statements to the hospital physician. Asked on cross-examination if he took any kind of narcotics that night he stated: "If I did it was not to my knowledge."

On this evidence, the trial judge, in finding appellant guilty of unlawful possession of narcotics, reasoned that his incriminatory statements to the hospital physician were tantamount to a confession of guilt, and that the confession was sufficiently corroborated by the medical findings so as to show that appellant "did have an overdose of heroin."<sup>2</sup>

In maintaining that the evidence was insufficient to show that he unlawfully possessed heroin, as charged in the indictment, appellant argues that it is not a crime to be under the influence of narcotics; that appellant's statement to the physician that he had taken the overdose of heroin cannot, without more, establish the fact that he "possessed" the heroin within the meaning of Section 277; that the evidence was just as consistent with a medical determination of extreme alcoholism as it was with a finding of heroin overdose, particularly since there was no evidence of needle marks, nor was it shown by either direct or circumstantial evidence that he administered the drug to himself. Appellant points out that to sustain a conviction of possessing narcotics based on his own statement to the physician, coupled medical findings compatible therewith, "would substantially deter a user or addict from voluntarily submitting himself to a doctor or hospital for medical help, for it would mean that such person could be subject to indictment, trial and a finding of guilty, because he was under the influence of narcotics at the time he submitted himself for medical attention."

In *Haley vs. State*, 7 Md. App. 18, we held on authority of *Bryant vs. State*, 229 Md. 531, that the terms "possession" and "control," as employed in Section 277, must be given their ordinary meanings; that the term "control" meant "to exercise restraining or directing influence over" and thus the term related to authority over what is not in one's physical possession; that the term "possession" meant "the act or condition of having in or taking into one's control or holding at one's disposal." Once a narcotic drug is injected into the vein, or swallowed orally, we think it apparent that it is no longer within "one's control" or held at "one's disposal." And it would likewise be beyond the taker's ability to exercise any restraining or directing influence over it. Consequently once the drug is ingested and assimilated into the taker's bodily system, it is no longer within his control and/or possession in the sense contemplated by Section 277.

But evidence showing that a person has a prohibited narcotic drug within his system, while not *per se* constituting possession or control under Section 277, would tend to show circumstantially that he was in possession and/or control of the drug prior to taking it. In *Peachie vs. State*, 203 Md. 239, the police observed through a hole in the door Peachie and two others "sitting around a table on which a glass of water containing tablets,

like the facts in either *Peachie or McCuen*, the primary evidence in the present case of appellant's possession of narcotics stems, by way of an inference, from his own statement. As Section 277 does not by its terms purport to proscribe the "use" of prohibited narcotics, appellant's statement that he took an overdose of heroin was not literally a confession; rather, it is more in the nature of a significantly incriminating admission.<sup>3</sup> But whether appellant's statement constituted a confession or admission is immaterial, for the rule is the same in either case, namely that an extrajudicial confession or incriminatory admission of the accused does not warrant a conviction unless there is also independent evidence to establish the *corpus delicti*, i.e., the facts that are necessary to show that a crime has been committed. *Miller vs. State*, 251 Md. 362; *Holland vs. State*, 244 Md. 671; *Pierce vs. State*, 227 Md. 221; *Burton vs. State*, 7 Md. App. 671; *Koprivich vs. State*, 1 Md. App. 147. Otherwise stated, an extrajudicial confession or statement by a person accused of a crime, unsupported by other evidence, is insufficient to warrant a conviction, but if there is evidence, independent of the confession, which relates to and tends to establish the *corpus delicti* the conviction may be justified. *Johnson vs. State*, 238 Md. 140; *Bradbury vs. State*, 233 Md. 421; *Whitmer vs. State*, 1 Md. App. 127. The sufficiency of this independent evidence need not establish, by itself, the *corpus delicti* beyond a reasonable doubt, but any facts and circumstances that are substantial in nature and fortify the truth of the confession or statement are sufficient to support a conviction. *Miller vs. State, supra*. The character, nature, and amount of independent proof of the *corpus delicti* need not, of itself, be full and positive; it may be circumstantial in nature when direct evidence is not available. In short, the existence of such independent proof is to be determined largely by the circumstances of each particular case. *Miller vs. State, supra*; *Pierce vs. State, supra*. And it has been held that testimony in proof of the *corpus delicti* is sufficient if it establishes facts that are consistent with the commission of a crime, although they may at the same time indicate, or be consistent with, a noncriminal causation. See 2 *Wharton's Criminal Evidence* (12th Edition) § 394.

We think appellant's statement "that he had taken an overdose of heroin intravenously," after which he had "passed out," justifies not only the inference that prior to taking such drug, he necessarily was in possession of it, but also the inference, absent affirmative contrary evidence, that the drug was self-administered, or administered by another at his direction (thus placing him in constructive possession of the drug).<sup>4</sup> That appellant's physical condition was consistent with his having taken an overdose of heroin is clear from Dr. Levinson's testimony. Although his medical conclusions appear based, in part, upon information given by the appellant, we think the doctor's testimony, considered in its totality, shows sufficiently that appellant's symptomatology, particularly his "bluish" and unconscious condition, and the constriction of the pupils of his eyes, provides the requisite quantum of corroborative independent

## HOLDUP-ESCAPER

### GIVEN 3 YEARS

Sun E 12/16/69 pc-14

Had Fled Court Guards,  
Was Caught Again In Utah

By DEWITT BLISS

[Towson Bureau of The Sun]

A man who was shot in the shoulder in an unsuccessful hold-up and later slipped away from deputy sheriffs at the courthouse was sentenced to three years yesterday in Baltimore County Circuit court.

Judge Walter M. Jenifer suspended any sentence for Henry F. Smock, 21, whose last local address was in the 2100 block Dundalk avenue for violating his probation on an earlier narcotics charge.

At the trial November 6, the judge found him innocent of the possession of marijuana and narcotics equipment at the Dundalk avenue apartment where he was arrested the day after the abortive holdup at B. & F. Liquors in the 8200 block Pulaski highway.

#### How He Escaped

According to testimony at his trial he walked into the store about 9.20 P.M. August 28, 1968 with a BB gun showing under a jacket carried over his arm.

Frank G. Sisolak, the proprietor, pulled out a gun and the defendant and a companion fled after one shot had been fired.

When his case was postponed October 8, 1968, he hid behind a bench in a lockup and ducked out when a deputy sheriff left it unlocked after removing all the other prisoners.

Smock was eventually arrested in Salt Lake City and returned to stand trial.

Sun E  
12-16-69 pc-14

19-213

## Four Arrested In Drug Raid

Five policemen raided a West Baltimore apartment last night and arrested three men and a woman on charges of possession of heroin. One of the four also was charged with sale of the drug.

The raid took place at 10.15 P.M. in an apartment in the 1500 block of West Fayette street, Western district police said.

Arrested were Donald Brooks, 29, of the 1800 block Edmondson avenue; Carrie Ann Johnson, 19, of the 900 block Monroe street; Joseph Richardson, 27, of the 900 block Monroe street, and Harold Johnson, 23, of the 2200 block Penrose avenue.

All were charged with possession and control of heroin, police said. Mr. Brooks also was charged with sale of heroin.

A preliminary hearing for the four was scheduled today in Western Municipal Court.

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19-2B

## Flour Is Sold As Heroin, Grand Jury Gets Case

A municipal court judge has remanded two men for grand jury action for allegedly conspiring to peddle common cooking flour under the pretense it was heroin.

In signed statements submitted to Judge Joseph G. Finnerty, both defendants said they were addicts and had been trying to sell flour at \$1 a capsule to other drug users.

Charged with conspiracy to violate the narcotics laws are: Ivory L. Moore, Jr., 24, of the 2100 block Division street, and Leon L. Burrell, 21, of the 1600 block of North Appleton street.

The two defendants were arrested after a pair of tactical patrolmen saw Mr. Moore drop a green paper towel to the pavement December 15 outside a bar on North Fulton avenue.

Both men had been observed acting suspiciously on the corner of Baker street and Fulton avenue, police said.

Wrapped in the towel were 19 capsules containing a white substance, but field tests failed to show that it was an illegal drug. Vernon May, tactical officer, testified.

The two defendants were held on \$4,000 bail each.

Greene SS#  
12-18-69 pc-6

19-2B

### Youth Gets Delay In Beer, Dope Case

The case of a 16-year-old boy charged with possession of marijuana and a can of beer was postponed yesterday in Northeastern Municipal Court until January 12.

Milton R. Skalinski, Jr., a student at Mount St. Joseph High School, requested the postponement in order to retain a lawyer. He was released on \$3,100 bail. Also charged with driving while intoxicated he was released on \$250 bail in this case.

Police said the Skalinski youth, who lives in the 2000 block Fleet street, was stopped at 5 A.M. yesterday after he ran a traffic light at Harford road and Homestead avenue.

When stopped, he had a can of beer in his right hand, police said. He was taken to Police Headquarters for a breath test. While there he was searched and a brown manila envelope containing suspected marijuana was found in a coat pocket, police said.

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19-2B

## Bandit, 17, Gets 12 Years For Armed Holdup

A 17-year-old, who admitted the armed holdup of a 51-year-old insurance collector last May, was sent to prison for 12 years yesterday by Judge George D. Solter in Criminal Court.

In view of the guilty plea by James L. Pearson, of the 2600 block Edmondson avenue, prosecutors dropped two other robbery charges and a narcotics indictment against Pearson.

The defendant admitted being one of two youths who forced Russell Ryland, of the 3000 block Stafford street, to surrender \$92 in the 2700 block Riggs avenue after they threatened him with a pistol.

Joseph Harlan, the prosecutor, said the youths used a jacket partially to cover the weapon and ripped off Mr. Ryland's change belt.

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19-2B