

# PGCBA NewsJournal

Newsletter of the Prince George's County Bar Association, Inc.

March 2014

## PRESIDENT'S MESSAGE



*Dear Colleagues,*

We all know that particularly when it comes to the law it is an ever changing ever evolving process. Therefore, it is important that we stay up to date with the latest decisions particularly those that could potentially affect our clients.

Thankfully, through the Prince George's County Bar Association we have CLE's available to us. There are 3 upcoming CLE's: the **29th Annual Alan J. Goldstein Memorial Criminal Practice Seminar** on 29 March 2014 from 8:30 am to 1:00 pm. Dolores Dorsainvil, Senior Staff Attorney with the Office of Bar Counsel will present Ethical Considerations for Criminal Law Practitioners, Robert Bonsib will present Constructive Possession, Himedes Chicas will present Immigration Law and board member and Deputy State's Attorney, Donnell Turner and Andrew Jezic will present Nuts and Bolts of Maryland's Confession Law: Point/Counterpoint. Thank you, Todd Steuart for organizing this great event! The **Family Law Seminar** on 3 May 2014 (more to follow) and the **Tort Seminar – "Effective Use and Cross Examination of Experts for Civil Trials"** on 10 June 2014 (before the Annual Meeting when we will induct Denise Bowman our new President!). Topics include Strategy for Discovery Depositions, the Impact of Falik Court of Appeals Opinion, Focused Direct and Cross Examination, Mock Presentation of Direct and Cross Examinations and a Medical Malpractice Case Law Update. Speakers include bar supporters, Robert Clark, Thomas Doran, Giancarlo Ghiardi and David Kopstein. Michael Franchetti, MD and Richard Conant, MD will be guest speakers. Thank you, Gian Ghiardi for organizing this great event!

On **20 March 2014** we are having our annual March Madness Happy Hour, from 5:00 PM to 6:30 PM, at the Old Towne Inn. Come mingle with the Judges!

On **10 April 2014** we are holding our 3<sup>rd</sup> Social Hour at the DAV Hall located at **8205 Laurel Bowie Road, Bowie, Maryland**, from 6:00 PM to 8:00 PM. I am happy to report that **Michael J. Baxter, President of the Maryland State Bar Association** will be joining us at our **10 April 2014** Social Hour. I hope that you will come meet or catch up with the President of the Maryland State Bar Association and hear about his journey towards becoming president of our state bar and his leadership experience.



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# PGCBA NewsJournal

Published monthly (except Jul./Aug.) by

## The Prince George's County Bar Association

Established 1902

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...to represent the legal profession and to serve its members  
and the community by promoting justice, professional excellence,  
collegiality and respect for the law.

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Any member wishing to obtain an informal ethics opinion may call the Ethics Hotline

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William Renahan..... 301-351-7531  
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# PRESIDENT'S MESSAGE, CON'T

These events should not be missed!!

When this issue comes to print, Becky will have officially retired. I want to personally thank Becky Tippett for going beyond the call of duty and helping the Bar Association when we needed her the most. Becky, you stayed with us, you supported and stood by us, you worked long hours to make sure the bar association didn't skip a beat during the transition. Becky, you did this because the bar association means so much to you and we wanted to make sure you know that you mean so much to US! Thank you, Becky. Happy Retirement!

Jennifer L. Muskus  
President, Prince George's County  
Bar Association

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# MEMBER ANNOUNCEMENTS

## PGCBA COMMUNITY AND PUBLIC SERVICE PROGRAM 2014 AWARDS SOLICITATION

The PGCBA is soliciting applications for its Community and Public Service Project Awards. Awards are financed by the income received from the PGCBA's Traffic School Program. Since the program's inception in 2000, the PGCBA has awarded over \$95,000 to numerous community, public service and other charitable projects benefiting the citizens of Prince George's County.

Bar members are invited to nominate programs which serve the Prince George's County community.\* The organization must be a 501 (C) 3 to apply. Applications are available on our website [www.pgcbacom.com](http://www.pgcbacom.com). You may also contact Robin Hadden at [rhadden@pgcbacom.com](mailto:rhadden@pgcbacom.com) if you would like an application mailed to an organization that you think would be interested. The Public Grants Committee, under the leadership of Manuel Geraldo will review all applications. Awards will be announced in July 2014.

### SCHEDULE

March 2014 – Begin advertising the availability of the community service funds.

March 17, 2014 – The application process will be opened and the committee will begin to receive applications.

May 16, 2014- The application process will be closed and no applications will be accepted after 5:00 PM on the 16th of May.

July 15, 2014 – The recipients of the community service funds will be announced.

## CONGRATULATIONS!

*Congratulations are in order to Pres. Elect Denise Bowman, Past Pres. Debra Davis, Past Pres. Hon. Michele D. Hotten and member Angela Alsobrooks for being chosen for the Daily Record's "Maryland's Top 100 Women"!*

## BROWN BAG LUNCH

FREE TO MEMBERS!

March 20 - 12:00 PM  
Lawyer's Lounge, 3rd Floor  
Duvall Wing

Speakers:

Hon. Julia Weatherly, Circuit Court and  
Donnell Turner, Deputy State's Attorney

Topic:

Professionalism for the New and Seasoned Lawyers  
Mentoring Opportunities for Prince George's  
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### Announcement

HoulonBerman is pleased to announce that Jennifer L. Mayer has returned to the Firm and been appointed Senior Associate.

Her practice will focus on complex criminal and civil litigation in the Federal and State Courts of Maryland and the District of Columbia.

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# LAW PRACTICE 101

## FEBRUARY 6, 2014

“Sentencing in a Criminal/Jailable Traffic Case in the Circuit and District Courts”

Speakers: Judge Michael Whalen, Judge Lawrence Hill and Judge John Morrissey

Chair/Moderator: Judge Erik Nyce



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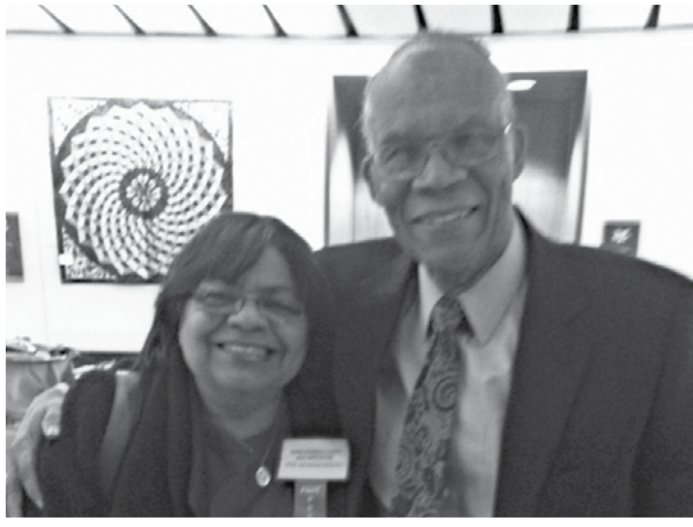
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WITH HONORED SPEAKER PROFESSOR LARRY S. GIBSON, SCHOOL OF LAW, UNIVERSITY OF MARYLAND

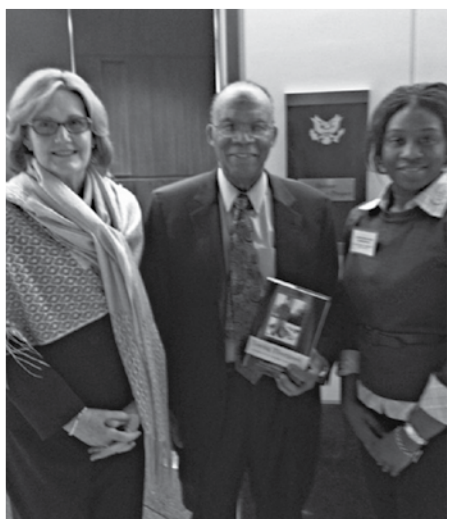
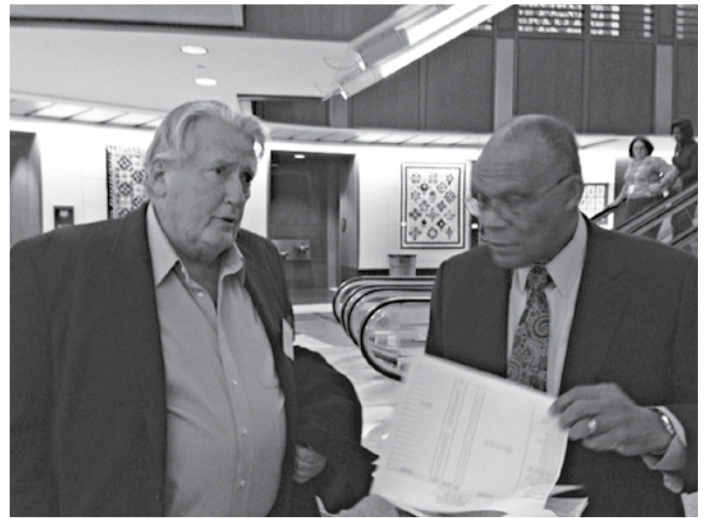
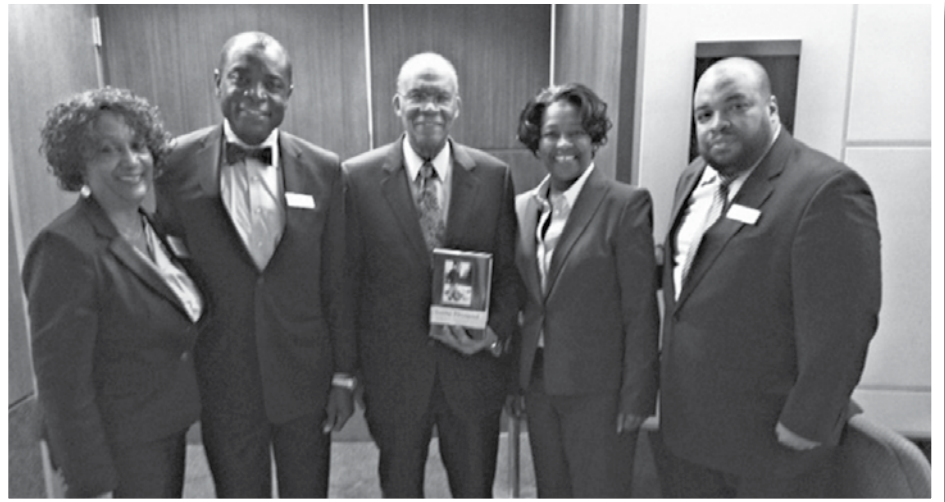
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# PGCBA & J. FRANKLYN BOURNE JOINT MEETING

WITH HONORED SPEAKER PROFESSOR LARRY S. GIBSON, SCHOOL OF LAW, UNIVERSITY OF MARYLAND

## FEBRUARY 11, 2014



# “DIVIDE AND CONQUER” – A PRIMER ON SEVERANCE OF DEFENDANTS AND COUNTS | by Robert C. Bonsib, Esq. and Megan E. Coleman, Esq.



What to do when you find your client has been indicted with others whose presence with you and your client at the trial table increases the likelihood that you will all “go down together?” Do you suffer the potential consequences of hostile defenses, or “spill-over” prejudice because your client, who comes to the trial table with little or no historical “baggage” will be tainted by sitting next to a “ne’er-do-well” whose history looks like an index to the Criminal Law Article?

Issues pertaining to when you can successfully move to sever defendants and counts that were joined for trial in the original charging document, or when and how you can resist having defendants and/or counts joined for trial that may have originally been charged separately are the focus of this series on severance and joinder.

In this first article, we will focus on the Maryland Rules, the standards courts have used to decide issues of severance and then review many reported cases for guidance as to the legal standards to be utilized and the fact-specific circumstances that have caused courts to grant or deny motions to sever/join defendants and counts. Hopefully this review of representative severance/joinder cases can serve as a quick reference resource when these issues occur.

As always, the best arguments become meaningless if you do not timely and appropriately advocate your position before the court – thus we start with a review of the Rules.

## Joinder of Offenses

Two or more offenses may be charged in separate counts of the same charging document, “if the offenses charged are of the same or similar character or are based on the same act or transaction or on two or more acts or transactions connected together or constituting parts of a commons scheme or plan.” Maryland Rule 4-203(a).

“If a defendant has been charged in two or more charging documents, either party may move for a joint trial of the charges. In ruling on the motion, the court may inquire into the ability of either party to proceed at a joint trial.” Maryland Rule 4-253(b).

## Joinder of Defendants

Two or more defendants may be charged in the same charging document, “if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. The defendants may be charged in one or more counts together or separately, and it is not necessary to charge all defendants in each count.” Maryland Rule 4-203(b).

“On motion of a party, the court may order a joint trial for two or more defendants charged in separate charging documents if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions constituting an offense or offenses. Maryland Rule 4-253(a).

## Time to Request Joinder or Severance

A request for joint or separate trials of defendants or offenses must be made in writing within 30 days after the earlier of the appearance of counsel or the first appearance of the defendant before the court, except when discovery discloses the basis for a motion, the motion may be filed within 5 days after the discovery is furnished. Maryland Rules 4-252(a)(5) and (b).

## Trial by Court vs. Jury

The rules governing joinder of separate cases for trials apply to both jury trials

and bench trials. *Reidnauer v. State*, 133 Md.App. 311, 318, *cert. denied*, 361 Md. 233 (2000); however, the consideration of whether evidence that may not be “mutually admissible” as to defendants or counts is different in a court trial than in a jury trial. *Id.* In a court trial, joinder of similar but unrelated offenses where evidence as to each individual offense is not mutually admissible at separate trials, does not prejudice the defendant as a matter of law. *Graves v. State*, 298 Md. 542, 547 (1984). “A judge has discretion to permit joinder of offenses or defendants even if there is no mutual admissibility of offenses because it may be presumed that a judge will not transfer evidence of guilt as to one offense to another offense.” *Conyers v. State*, 345 Md. 525, 552-53 (1997).

By contrast, in a jury trial, the trial court does not have discretion to join multiple offenses in one trial when evidence of each crime is not mutually admissible. *Bussie v. State*, 115 Md.App. 324, 332-33 (1997). Likewise, severance is absolutely mandated with respect to a jury trial when evidence with respect to separate defendants or separate offenses would not be mutually admissible. *Solomon v. State*, 101 Md.App. 331, 340, *cert. denied*, 337 Md. 90 (1994).

## Mutual Admissibility - Prong (1): Similar Character? Same Transaction? Mutually Admissible? Prejudice?

In order to determine whether the evidence is mutually admissible, for purposes of a joinder analysis, the trial court must apply the first step of the “other crimes” analysis announced in *State v. Faulkner*, i.e., it must determine whether the evidence is prima facie admissible because it fits within any exception to the presumptive rule of exclusion. *Reidnauer v. State*, 133 Md. App. 311, 319, *cert. denied*, 361 Md. 233 (2000).

## Mutual Admissibility Not Established...

“[M]ere physical closeness and chronological syncope of criminal activity are not alone sufficient to render evidence of other crimes mutually



admissible based upon ‘same transaction’ relevance,” for purposes of determining whether joinder/severance of charged offenses is required. *Bussie v. State*, 115 Md.App. 324, 335 (1997). In *Bussie*, evidence of assault which occurred at a fast food restaurant, and evidence of possession of drugs which were discovered incident to arrest, were not “mutually admissible” under “same transaction” relevancy foundation. The trial judge committed error by conducting a joint trial for both charges, even though assault and discovery of drugs occurred in close physical and chronological proximity, where there was no evidence that the assault was connected to possession of drugs, the assault charges and drugs charges each required different evidence relating to “independent stories,” and the assault and drug charges could be independently proven. *Id.* at 338.

Another example where the evidence was not prima facie admissible was in *Reidnauer v. State*. There, evidence related to two separate incidents involving allegedly non-consensual sex acts with two different prostitutes, identity was not at issue, similarities in manner in which sexual assault were committed did not establish that offenses were part of common scheme, and because there was no evidence of propensity, the fact that one woman did not consent to sex act did not make it more likely that another woman also did not consent. *Reidnauer v. State*, 133 Md.App. 311, 321-23, *cert. denied*, 361 Md. 233 (2000). Thus, erroneous joinder of those unrelated cases required reversal of convictions for rape, sexual assault, and related offenses. In order for cases to be joined based on the common scheme exception to the “other crimes” rule, it is necessary that the crimes, including the crime charged, so relate to each other that proof of one tends to establish the other; moreover, there must be not merely a similarity in results, but such a concurrence of common features that the various acts are naturally to be explained as caused by a general plan of which they are the individual manifestations. *Id.*

#### ***Mutual Admissibility Established...***

Evidence was mutually admissible in *Solomon v. State*. There, evidence of two un consummated carjackings and a consummated carjacking which resulted in charges of first degree murder and

kidnapping was mutually admissible where evidence showed intent with respect to each of the assaults, evidence served to show identity of defendant, crimes were closely related in time and location, crimes had similar modus operandi, evidence established consciousness of guilt, and evidence showed defendant’s level of participation, which was relevant to the issue of whether defendant was eligible for capital punishment. *Solomon v. State*, 101 Md. App. 331, 368-79, *cert. denied*, 337 Md. 90 (1994).

Evidence was also mutually admissible in *Harper v. State*. There, the defendant used a false name when questioned by police about robbery in a trial concerning the robbery and related counts to establish he had knowledge of those offenses, and evidence regarding the robbery would have been relevant in a trial concerning the making of a false statement to establish the motive for making the statement, and thus, it would not have been an abuse of discretion to deny a motion to sever a count relating to the false statements from the other counts related to the robbery. *Harper v. State*, 162 Md.App. 55, 89 (2005).

#### **Proof of Prejudice**

“If it appears that any party will be prejudiced by the joinder for trial of counts, charging documents, or defendants, the court may, on its own initiative or on motion of any party, order separate trials of counts, charging documents, or defendants, or grant any other relief as justice requires.” Maryland Rule 4-253(c).

“Prejudice” within meaning of these rules refers only to prejudice resulting to defendant from reception of evidence that would have been inadmissible against the defendant had there been no joinder. Maryland Rule 4-253(c). *Galloway v. State*, 371 Md. 379, 394 (2002).

To prove that misjoinder of charges prejudiced the defendant in the form of improper testimonial access to the defendant, the defendant must demonstrate that he had important testimony to give on one count and strong need to refrain from testifying on other. *Bussie v. State*, 115 Md.App. 324, 343 (1997).

Defendant’s bare allegation that he wished to testify on less than all counts charged did

not mandate severance, where defendant did not indicate nature or importance of testimony. *Grandison v. State*, 305 Md. 685, 708, *cert. denied*, 479 U.S. 873 (1986).

Joinder for trial may be prejudicial to the defendant because he is embarrassed or confounded in presenting separate defenses, because the jury may cumulate the evidence of the various crimes charged and find guilt when it would not have done so if the offenses were considered separately, because multiple charges may produce a latent hostility that prejudices the defendant’s case, or because the jury may use evidence of one of the crimes or connected group of them to infer a criminal disposition on part of the defendant. *McKinney v. State*, 82 Md.App. 111, 119, *cert. denied*, 320 Md. 222 (1990).

#### **Mutual Admissibility - Prong 2: Judicial Economy**

In considering the second prong of the mutual admissibility analysis, determination of whether the interest in judicial economy in a joint trial of defendants and/or counts outweighs any other arguments favoring severance, is within the discretion of the trial judge and will not be disturbed absent an abuse of discretion. *Lee v. State*, 186 Md.App. 631, 671-73, *cert. granted*, 411 Md. 355, *reversed*, 418 Md. 136.

Judicial economy is a heavy counterweight in determining joinder and severance issue with respect to multiple offenses. *Solomon v. State*, 101 Md.App. 331, 346, *cert. denied*, 337 Md. 90 (1994).

#### **Cases Where Severance Should Have Been Granted Multiple Counts of Burglary**

For purposes of joinder/severance law, break-in and theft offenses were not mutually admissible under either common scheme or plan, or identity exception to rule excluding other crimes evidence, even though both burglaries at issue occurred in same neighborhood on same weekend, both homes were entered through rear window that was pried open, neither of homes were ransacked during burglary, and property taken from both residences was later recovered from defendant’s apartment when police executed search warrant. *Wynn v. State*, 117 Md.App. 133,

*con’t on next page...*

# “DIVIDE AND CONQUER”, CON’T

*cert. granted*, 348 Md. 207, *reversed*, 351 Md. 307 (1997).

## Multiple Sexual Offense Counts

Joinder for trial of three charges of third degree sexual offense was prejudicial where the offenses were not mutually admissible, and where joinder resulted in each child’s testimony being reinforced by that of the others. *McKinney v. State*, 82 Md. App. 111, *cert. denied*, 320 Md. 222 (1990).

## Murder and Separate Act of Attempted Murder of Police Officer

Defendant was prejudiced by joint trial of indictments arising out of murder, indictment arising out of attempted murder of police officer who arrested defendant for murder, and indictment alleging escape from confinement after the arrest. Details of attempted murder would have been inadmissible in separate trial for murder and conspiracy to murder; details of murder and conspiracy to murder would have been inadmissible in separate trial for attempted murder and escape; and evidence of defendant’s flight from officer and of details of attempted murder would be inadmissible in separate trial for escape. *State v. Edison*, 318 Md. 541 (1990).

## Assault and Handgun Counts

Failure to sever assault and handgun charges arising when defendant shot his brother from assault and handgun charges arising when defendant threatened convenience store clerk one-half hour earlier was reversible error; evidence supporting each set of charges was not mutually admissible, and charges were not sufficiently connected to be part of single transaction. *Wieland v. State*, 101 Md.App. 1 (1994).

## Four Robberies

Trial court abused its discretion in not granting separate trials where defendant charged in four independent and distinct offenses that occurred in same neighborhood over the course of a one-month period. The COA reversed the CSA and held that the evidence offered to prove the defendant’s guilt on each of the four robbery charges would not have been mutually admissible had he been prosecuted in separate trials. *McKnight v. State*, 280 Md. 604 (1977).

## Two Arsons

Relying upon the State’s pre-trial representation that “the means by which the fires were set were basically the same” the trial court denied the defendant’s pre-trial request for separate trials as to the two arsons. The defendant renewed his request mid-trial after two fire investigators offered no evidence that there was any similarity in the manner between the fires and again renewed it at the close of the State’s case. The CSA noted that the defendant’s pre-trial motion did not provide a detailed factually based argument for severance, even though a proper motion was made. This, when taken together with the proffer made by the State that the manner in which the fires were set were the same, put the trial court at a disadvantage in ruling on the motion for severance. However, when it became clear at the end of the State’s case that the proffer had not been fulfilled, it was reversible error, at that time, not to grant the defendant’s motion for severance. *Ellerba v. State*, 41 Md. App. 712 (1979).

## Two Kidnapping Indictments

The defendant was convicted of kidnapping and assault for an offense that occurred on January 18<sup>th</sup> and for felony murder, kidnapping and handgun offenses on a different victim that occurred on January 21<sup>st</sup>. The CSA concluded that the trial court correctly determined that the offenses were of a same or similar character, but that it erred in concluding that the “other crimes” evidence of the two events was mutually admissible. While the evidence of the January 18<sup>th</sup> kidnapping would be admissible at the trial for the murder as tending to establish intent and knowledge, the reverse was not true. Any evidence regarding the murder would not have been admissible to prove the earlier kidnapping. Concluding that any prejudice that affected the earlier kidnapping conviction did not taint the murder conviction, the CSA vacated the conviction for the January 18<sup>th</sup> offenses but affirmed the convictions for the January 21<sup>st</sup> offense.

*Kearney v. State*, 86 Md. App 247 (1991).

## Cases Where Severance Was Denied

### Both Defendants Charged with Same Crimes Based On Same Acts

Defendant was not entitled to severance of his trial from codefendant, where both men were charged with identical crimes based on same substantive acts, both men were placed in vicinity of the murders shortly before shots were fired, and defendant was alleged to have been in possession of handgun. *Holt v. State*, 129 Md.App. (1999).

### Both Defendants - Same Charges – Pro Se Co-Defendant Not Grounds for Severance

The defendant did not establish “technical prejudice” to support motion to sever codefendant’s case, which involved identical charges under separate indictment, where he did not establish any particular incriminating facts that would have been inadmissible but for joinder; argument that codefendant was proceeding pro se and therefore might inadvertently say or do things adverse to defendant was insufficient and did not constitute technical prejudice. *Ogonowski v. State*, 87 Md.App. 173, *cert. denied*, 323 Md. 464 (1991).

### Joint Trial of Co-conspirators

The defendants were not entitled to severance in prosecution for conspiracy to distribute heroin; each defendant had direct dealings with one or more codefendants or charged co-conspirators; it could be inferred that each defendant was aware of roles of others in the scheme; and acts and statements of each defendant during the conspiracy were admissible against other defendant. *Manuel v. State*, 85 Md.App. 1, *cert. denied*, 322 Md. 131 (1990).

### Incriminating Statement by One Defendant Adopted by Co-Defendant

Testimony by inmate that he overheard incriminating conversation between defendant and codefendant did not require severance of the trials of the two in the theory that the conversation involved damaging admission by the codefendant which should not have rubbed off on defendant where it was obvious that the two were in full agreement with each other and that the defendant adopted the statement made by the codefendant. *Ball v. State*, 57 Md.App. 338 (1984).

### Solicitation to Commit Murder and Felony Murder

Evidence concerning felony murder charge and solicitation of murder charge was mutually admissible, such that trial court had discretion as to whether to join or sever the charges for that trial; evidence of the murder was relevant to show motive for solicitation charge, in which alleged target was a potential witness in murder prosecution, and evidence relating to soliciting of murder was admissible to show consciousness of guilt as to murder charge. *Lee v. State*, 186 Md.App. 631, cert. granted, 411 Md. 355, reversed, 418 Md. 136 (2009).

### Murder and Drugs Offenses

Severance of drug offenses from murder charges was not warranted, where murders arose from drug distribution conspiracy, and murders were overt acts in furtherance of conspiracy. *Holt v. State*, 129 Md.App. 194 (1999).

### Multiple Burglary Counts

Defendant was not prejudiced by joinder for trial by the court of indictments charging him with two separate incidents of burglary and theft where court was not confused by joinder and each conviction was reached only upon such evidence before the court as was relevant and material to the individual charge. *Graves v. State*, 298 Md. 542 (1984).

### Discharge of Firearm and Possession of Firearm By Convicted Felon

Denial of a severance motion would have been proper in a possession of a regulated firearm by one previously convicted of a crime of violence, possession of a regulated firearm by underage person, and unlawful discharge of a firearm within city; the offenses depended upon proof of the single act of firing a handgun into the air, and evidence of prior conviction of a crime of violence was not unduly or unfairly prejudicial to defense against other counts. *Carter v. State*, 145 Md.App. 195, cert. granted, 371 Md. 261, reversed, 374 Md. 693 (2002).

### Obstruction of Justice and Kidnapping and Assault Offenses

Trial court did not abuse its discretion in refusing to sever obstruction of justice charge from other charges arising from kidnapping and assault on victim, notwithstanding that defendant was charged with obstruction of justice on theory that his motive for

assaulting victim was to intimidate or to prohibit him from being able to testify at murder trial, and that defendant argued that if jury were presented with evidence that implicated defendant in a murder, it might improperly convict him because of belief that he was a bad person. *Marks v. State*, 84 Md.App. 269, cert. denied, 321 Md. 502 (1990).

### Possession of Firearm and Possession of Firearm after Conviction for Crime of Violence

Denial of motion to sever trial for possessing pistol from trial for possessing revolver after being convicted of crime of violence did not unduly prejudice defendant; same evidence as to each charge would support finding that defendant unlawfully possessed handgun; presumption of prejudice was inapplicable; and trial judge gave cautionary instructions. *Frazier v. State*, 318 Md. 597 (1990).

### Joinder of Defendants Multiple Robbery Counts Where Defendant Did Not Participate in One Robbery

Trial court did not err in permitting joint trial of defendant with codefendant, all of whom participated in conspiracy to rob stores at shopping center; although defendant did not participate in one charged robbery, evidence of that robbery was admissible as having natural connection with overall conspiracy, and there was ample evidence to link defendant to other robbery. *Battle v. State*, 65 Md. App. 38, cert. denied, 305 Md. 243 (1985).

### Four Defendants Joined in Bank Robbery Prosecution

Joint trial proper were four defendants charged in a bank robbery were all charged with committing the same offenses and that such offenses flowed from a bank robbery in which they all participated. Nearly all the evidenced needed to prove guilt in a joint trial would have been introduced in separate trials and would have been admissible. *Stevenson v. State*, 43 Md. App. 120 (1979).

### Defendant Tried Jointly With Co-Defendants in Four Robberies in Which He Was Charged Jointly With Two Co-Defendants But Also With Co-Defendants Charged in Three Robberies in Which Defendant Not Charged

Five individuals were charged with participating in five robberies of liquor

stores. All were convicted of one or more of crimes charged in eleven indictments. The COA held that the trial court erred in forcing the defendant to go to trial with his co-defendants where the trial consisted of joined offenses, including three cases in which he had not been charged with any offenses. *McChan v. State*, 238 Md. 149 (1065).

### Multiple Robberies Within Short Time In Same Geographical Area

Defendant and co-defendants committed robberies over the course of two and one-half hours, in the same geographical area. The denial of the defendant's motion for severance of counts was error as there was no evidence that the participants in the robberies had agreed that they would commit more than one robbery or that they would keep robbing until they obtained enough money to buy drugs. Each establishment that was robbed was selected at random or on impulse and that only after one robbery was attempted was a decision made to rob another place. The COA rejected the State's argument that the evidence from the robberies as mutually admissible to establish a common scheme or plan and, further, rejected the State's position that the defendant was not prejudiced by the denial of his motion. It noted that "mere proximity in time and location within which several offenses may be committed does not necessarily make one offense. *State v. Jones*, 284 Md. 232 (1979).

### Next Article

In our next article in this series we will discuss *Bruton* issues as affecting severance, severance issues in the federal courts and practice pointers regarding ligating severance issues.

*Robert C. Bonsib, Esq. is a partner at MarcusBonsib, LLC and Chair of the PGCSA Federal Practice Committee and Megan E. Coleman is an Associate at MarcusBonsib, LLC in Greenbelt, MD and both concentrate their practice in the defense of state and federal criminal matters.*

Email: [robertbonsib@marcusbonsib.com](mailto:robertbonsib@marcusbonsib.com) – [megancoleman@marcusbonsib.com](mailto:megancoleman@marcusbonsib.com)  
Website: [robertbonsib.com](http://robertbonsib.com)



## Collaborative Law Training for Volunteer Attorneys April 23-25, 2014

There is a three-day training for Legal Aid Bureau

attorneys and attorneys who volunteer for organizations funded by *Maryland Legal Services Corporation* such as **Community Legal Services**. The training is sponsored by the Judiciary's Department of Family Administration in partnership with the Pro Bono Resource Center.

The **Collaborative Law Practice** is an alternative legal process focused on minimizing conflicts and resolving disputes out of court. In this Practice each party has his/her own Collaborative-trained lawyer as well as the option of calling on other specialists such as mental health counselor, a neutral financial advisor, or a child specialist to provide additional support. The parties and both attorneys agree in writing to work together to find mutually agreeable resolutions and stay out of court. The Collaborative attorneys can only represent the parties in the Collaborative process and cannot represent the parties outside the Collaborative process.

This Practice is spearheaded by the Collaborative Project of Maryland, a non-profit organization. It aims to provide clients of modest means access to collaborative dispute resolution, either through the use of pro bono volunteers or on a reduced or subsidized-fee basis.

The training is offered at no cost to the attendees. Registration will require volunteer attorneys to commit to provide pro bono services with their local MLSC-funded legal service provider as part of the Department of Family Administration's Collaborative Law Pro Bono Project. You can register on line at: <http://dfmaryland.eventbrite.com> The training will take place at the Judiciary Education and Conference Center,

Annapolis, MD, April 23-24 from 9:00 a.m. to 4:00 p.m.

**SAVE THE DATE!!**  
**CLS Pro Bono Awards Reception & Auction, Wednesday**  
**April 2, 2014, 6:00 p.m. to 8:00 a.m.**  
U.S. Federal Courthouse, Greenbelt, MD.

A special recognition will be given to **Former Chief Judge Robert M. Bell** of the Maryland Court of Appeals. We will honor some of our best volunteer attorneys with the following awards: **Jean K. Aelion, Esq., August Gardner, Esq., Nakia Gray, Esq., Kwaku Ofori, Esq., Bud Stephen Tayman, Esq.**

We Have Funding Available to Pay for Attorneys Fees!  
CLS continues to refer cases under our **Family Law Judicare Program**. Funding for this program is made available by Maryland Legal Services Corporation. Attorneys receive \$80.00 per hour up

to \$1,600.00 per case. Payment is made after the case is concluded.

Once again we are requesting acceptance of one pro bono case for each Judicare case. Your pro bono commitment does not need to be a family law matter. It can be in any area of civil law including foreclosure prevention.

Please contact Michael Udejiofor or Angela Wright at 240-391-6532 to be added to the list!

*Community Legal Services of Prince George's County, Inc. is a non-profit organization established to provide quality civil legal services to low-income persons in Prince George's County. It does this through the generous contribution of legal advice and legal representation by members of the private Bar. Additionally, CLS operates free legal clinics in the County. They are located in the Circuit Court House, Langley Park and Suitland. For more information about our services, please contact Nora C. Eidelman, at 240-391-6532, ext. 12.*

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# \*\*\*UPCOMING EVENTS\*\*\*

## Law Practice 101

March 6, 2014  
4 PM  
More info. to come

## March Madness

March 20, 2014  
5 PM  
Olde Towne Inn

## Brown Bag Lunch

March 20, 2014  
See Page 4

## Goldstein Seminar

March 29, 2014  
See Flyer Page 20

## Happy Hour

April 10, 2014  
DAV-Bowie

## Law Practice 101

April 13, 2014  
4 PM  
More info. to come

## District Five Town Meeting

May 7, 2014  
Courtroom 357  
3 PM  
More info. to come

## Golf Classic

May 13, 2014  
See info. page 18

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**THE FAMILY LAW SEMINAR (MAY 3RD)**

**THE TORT SEMINAR (JUNE 10TH)**

*Look for more details soon &  
mark your calendar!*





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**LEG 514 Trial Strategies: The Art of Cross Examination** (*In Partnership with Anne Arundel Bar Association*) Even well-planned cross examinations can go horribly wrong. Learn how to avoid pitfalls during cross examination of witnesses, how to handle hostile witnesses/parties, phrase questions to block witness evasions, and compel admissions on the key points. Discuss the keys to successfully preparing for cross examinations. *\$55.00 (add'l \$10.00 if out of county resident)*

**Speakers:** Jon Brassel, Esq., Stephen Krohn, Esq.  
Laura Robinson, Esq.

**When:** March 26, 2014; 6-8:30 pm

**LEG 516 Evidentiary Issues at Trial** (*In Partnership with Anne Arundel Bar Association*)

Getting evidence accepted by the court is one of the most important factors in being successful at trial. Take advantage of this unique opportunity to gain valuable information on the best evidence practices from the experts. Gain practical advice for likely scenarios, discover judges' opinions and preferences, and prevent common mistakes. Learn what you must and cannot do in getting evidence admitted and excluded and much more. *\$55.00 (add'l \$10.00 if out of county)*

**Speakers:** Hon. William Mulford, Robert Zarbin, Esq.,  
Michael Russo, Esq.

**When:** (Check website)

**Where:** Room 100, Center for Applied Learning Technologies (CALT) Building

**Registration to Open Soon**

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*\*This course fulfills the requirements for Rule 17 of the Maryland Rules of Procedure for Alternative Dispute Resolution. This course is approved for 40 CEUs from the Maryland Board of Social Work Examiners*

**Speaker:** Tara Taylor, M.P.A.  
Toby Treem Guerin, J.D.

**When:** May 2<sup>nd</sup>-4<sup>th</sup>; 3:30 pm (Friday)  
May 16<sup>th</sup>-18<sup>th</sup>; 3:30 pm (Friday)

**For easy and fast registration, print out a registration form from the website below and fax it to (410) 777-4325 or email a PDF to [lehoward1@aacc.edu](mailto:lehoward1@aacc.edu).**

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# FAMILY LAW, MATTERS: UPDATES FROM YOUR EDITOR

| by Master Paul Bauer Eason

Guess what happens when an article you were expecting does not arrive and none of your prior contributors have anything appropriate in their voluminous “article banks?” That’s right, yours truly gets to “whip up” something on a tight deadline. But that’s why I’m paid the “big bucks” --just kidding, of course. This is a strictly volunteer operation and I am only the quarterback, “Omaha, Omaha!” But, in reality, the lack of the article is really quite fortuitous as there are some new “goings –on” of which Family Law practitioners need to be apprised. Let’s begin with the---

## Status Conference Pilot Program:

What, you may ask, is this all about? Good question. Here’s the answer. As you probably know by now, all Circuit Courts in Maryland must adopt and implement a Differentiated Case Management (DCM) system-- ostensibly designed to move cases along expeditiously. Courts are graded by how well they adhere to the time standards. We in Prince George’s County want to be at the top of the heap (to paraphrase Ole Blue Eyes). As a general rule, think one year from the *date of filing* that the Complaint for Absolute Divorce, Custody or Child Support must be tried and closed “for statistical purposes.” So what’s the problem? The “problem” is that ninety percent (90%) of all domestic filings in Prince George’s County have either no lawyer or only one lawyer in the case. Consequently, the folk in the entirely *pro se* cases are, as one might expect, totally unaware of DCM time standards and what they must do to move their cases along. For example, many SRL’s (Self Represented Litigants) assume the Court will serve the pleadings for them, or do not know how to have a default entered against their non-responsive opponent. *Ergo*, cases languish and time standards are missed. The Status Conference Pilot Program is designed to get in front of this problem so that even before a case is formally “at issue” by way of the filing of a contested answer or entry of a default, the parties will be required to attend a Status Conference. This procedure is not unique

to Prince George’s County and has been utilized in other counties with encouraging results. We expect to dramatically improve our compliance standards through the operation of the pilot program thus making way for the Status Conference to become a permanent part of our DCM procedures.

The following information has been prepared by the Court to describe the goals and mechanics of the pilot program:

## Scope of Policy:

“Status Conference” will be used when a self-represented litigant files for Custody, Visitation, or Divorce. The case will be re-scheduled until both parties appear, an answer is received, a default judgment is obtained, or the case is dismissed.

The Status Conference pilot project will commence February 13, 2014. The Clerk’s Office will randomly select 90 self-represented Family Law Cases, which meet the criteria to participate in the pilot project, to set for a Status Conference before Master Paul Eason.

## Procedure:

Status Conference

1. Party files a Complaint in the Office of the Clerk of the Circuit Court. The Clerk will issue a summons for service and mail to the Plaintiff for service. After the summons is issued, the Clerk will forward the case file to the Office of Calendar Management to set for a Status Conference.
2. Office of Calendar Management will send Notice of the Status Conference to all parties involved. The file will be returned to the Clerk’s Office and the notice docketed. The file will be pulled by the Family Division File Pullers prior to the Status Conference.
3. At the Status Conference, the Master will review the file, determine if service has been effected, an answer

or responsive pleading has been filed, and what is the next step.

## PLAINTIFF ONLY PRESENT

- a) **No service, Complaint is sufficient:** The Master will explain service process and reset for new Scheduling Conference.
- b) **No service, Complaint is deficient:** The Master will reset case and explain how to resolve insufficiency and how to file amended pleadings or the Master will dismiss case.
- c) **Service Completed, no answer:** The Master will refer case to paralegal if the case is ripe for default. The paralegal will guide plaintiff through default process. (If the case is not ripe for default, the Master will explain default process, how to get case to the point of obtaining a default, and reset for new Scheduling Conference to ensure completion of the default process.)
- d) **Service Completed, answer filed:** The Master will reset the case for appropriate hearing and have notice sent to all parties.

## BOTH (ALL) PARTIES PRESENT

- e) **Answer filed:** The Master will review the Complaint and Answer for sufficiency. If the case is uncontested, a hearing can be completed immediately and the case resolved and closed. A witness must also be present if the parties wish to complete their divorce. If the case is contested, the Master will refer the case to a Case Manager to determine services and future dates.



f) **No answer filed:** The Master will review the Complaint for legal sufficiency and refer the defendant to a Case Manager for the defendant to file an Answer to the Complaint. If the answer is uncontested, a hearing can be completed immediately and the case resolved and closed.

A witness must also be present if the parties wish to complete their divorce. If the case is contested, the Master will refer the case to a Case Manager to determine services and future dates.

does not wish to file an answer, the Master will have the defendant served in open court. The case will be reset for another New Case Scheduling Conference.

If service has not been completed and the defendant

(I am also attaching for your information a hand-out I prepared for guidance in preparing Orders of Court.)

## **Master Eason’s Guidelines for the preparation of Orders of Court:**

**You have been asked/ instructed to prepare a Consent Order or an Order of Court after a hearing. I and the Court greatly appreciate your assistance. In order to promote uniformity, standardization and to assist the members of the Bar, the following Guidelines are being published:**

- **Timeliness**—When counsel is requested to prepare an Order at the conclusion of a hearing, a Memorandum is generated which sets the deadline for the Order’s submission. Typically, the Order is due in two weeks. The Memorandum also advises the attorneys that if no Order is submitted by the Due/ “Dispo” Date, then counsel must appear in Court to explain why the Order has not been submitted. Calendar Management is also informed of the “Dispo” date so that the case is set on the docket.

**Unfortunately, the Orders are very rarely submitted on time and consequently staff must be directed to call the lawyers to inquire as to the status of the overdue Orders. This practice must end. Accordingly, if no Order is submitted on time or no request is made for an extension of time in which to submit the Order and no one appears on the Dispo Date, I will recommend dismissal of the case.**

- **Format of Orders**—At the end of the Order, the Judge’s line should be top right and the Master’s line should be below the Judge’s line to the left. With a notation “approved as to form and content”

*Example:*

\_\_\_\_\_  
J U D G E

\_\_\_\_\_  
D A T E

Approved as to form and content

\_\_\_\_\_  
**Paul Bauer Eason  
Family Law Master**

- **If the order is more than one page, then on the top of each page there should be a page number, case number and case name**

*Example:*

**Case No: CAD13-17624**

**Page Two**

**Michael E. Owens vs. Crystal M. Owens**

- **If child support is part of the order then the following three paragraphs need to be in your order:**

*con’t on next page...*

# FAMILY LAW, MATTERS, CON'T

ORDERED, that pursuant to Article I of the Rules of Interpretation, § 24(a), Annotated Code of Maryland, the obligor's child(ren) support obligation shall continue until such time as the child(ren) die, marry, become emancipated, reach the age of eighteen (18) years or, if any child attains the age of eighteen (18) years and is enrolled in secondary school, until such child(ren) graduate(s) from or is/are no longer enrolled in secondary school or attain(s) the age of nineteen (19) years, whichever event occurs first; and it is further,

ORDERED, that both parties are required to notify the Court within ten (10) days of

moving to a new address or within ten (10) days after receiving the first earnings from a new employer, so long as the Support Order is in effect; and it is further,

ORDERED, that failure to comply with the above paragraph of this Order shall subject the obligor to a penalty not to exceed \$250.00; and it is further,

- Remember to dismiss counter-claims as "moot," when appropriate.
- Attach child support guideline work sheets in all cases where child support is ordered.

- Clients do not need to sign Consent Orders if they have already been "Vair Dired" on the record in open Court.
- Close the case statistically.
- Remember to cross-reference any related cases—CAS, CADV's CASR's and CAP's.

That's it for now. This Master will gladly answer any questions you may have and I may be contacted at [pbeason@co.pg.md.us](mailto:pbeason@co.pg.md.us)

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Or **Jason DeLoach, 301-292-3300 or [jdeloach@alexander-clever.com](mailto:jdeloach@alexander-clever.com)**

## **BAR ASSOCIATION LEADERSHIP OPPORTUNITIES**

### **Positions Available: Secretary – Director**

PGCBA's Nominating Committee, chaired by Immediate Past President, Bryon S. Bereano, is seeking candidates for the positions of Secretary and Directors for the Prince George's County Bar Association Board.

The deadline for submitting applications is Friday, April 11, 2014. Elections will be held at the Bar Association's Annual Meeting on Tuesday, June 10, 2014.

Minimum qualifications for an officer position are delineated by the By-laws. Generally, anyone who has been an Active PGCBA member in good standing for two years and has served on the Board OR as a chair or co-chair of a standing or special committee or section for two years may be a candidate for the office of Secretary.

Any active member currently in good standing may seek nomination as a candidate for a two-year term as a Director. The Board of Directors generally meets the second Tuesday of each month (depending upon scheduling) except for June and/or July, when the annual Retreat is held. The regular Board meeting schedule is determined by the President at the beginning of the new Bar year.

The Board of Directors manages the affairs of the PGCBA and provisions of the PGCBA Bylaws state in part that a nominee for a directorship commits that:

- 1. he or she will serve as a member and Board liaison of at least one committee or section;**
- 2. miss no more than two Board meetings without good cause and;**
- 3. attend the Board's annual retreat.**

Anyone who would like to be considered for the position of Secretary or Director is requested to fill out the Application for Bar Leadership form and return the form, together with a brief summary of professional and bar activities, with a current photo through email to the Bar Association office, at [rhadden@pgcba.com](mailto:rhadden@pgcba.com) prior to the Friday, April 11, 2014 deadline. Questions may be directed to Immediate Past President Bryon S. Bereano at 301-952-4759, or to Robin Hadden at 301-952-1442.

---

### **APPLICATION FOR BAR LEADERSHIP**

**TO:** Bryon S. Bereano **DEADLINE FOR SUBMISSION:**  
C/O Prince George's County Bar Association, Inc. **April 11, 2014**  
14330 Old Marlboro Pike, Upper Marlboro, MD 20772-2840

**Applicant:** \_\_\_\_\_

**Firm:** \_\_\_\_\_

**Address:** \_\_\_\_\_

---

**Please check a box: Secretary [ ] Director [ ]**

Please email the form, a brief summary of professional and bar activities with a current photo

**TO [RHADDEN@PGCBA.COM](mailto:RHADDEN@PGCBA.COM) NO LATER THAN FRIDAY, APRIL 11, 2014**

**(PHOTOCOPIES OF THIS FORM ARE ACCEPTABLE)**

**THIS APPLICATION IS ALSO AVAILABLE AT WWW.PGCBA.COM**

# The 29<sup>th</sup> Annual Alan J. Goldstein Memorial Criminal Practice Seminar

*Sponsored by the Prince George's County Bar Association's Criminal Law Committee*

**Saturday, March 29, 2014**

**8:30 a.m. to 1:00 p.m.**

**Jury Assembly Room, Courthouse, Upper Marlboro**

**TOPIC**

**Ethical Considerations for Criminal Law Practitioners  
Senior Staff Attorney  
Office of Bar Counsel  
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**Constructive Possession  
Robert Bonsib, Esq.**

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Himedes Chicas, Esq.**

**TOPIC**

**Nuts and Bolts of Maryland's Confession Law: Point/Counterpoint**

**Speakers: Donnell W. Turner  
Deputy State's Attorney  
Prince George's County, MD  
Andrew Jezic, Esq.**

**Presented by:**

**PGCBA Criminal Law Section: Todd Steuart, Esq. Chair**

**Cost for Seminar and Materials**

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**Number of Reservations \_\_\_\_\_ Amount Enclosed \_\_\_\_\_**

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# NOTICE OF NEW RULE 3-741

by Hon. Thomas J. Love

Please be advised that the Court of Appeals has adopted Maryland Rules 2-701 – 705 and 3-741 concerning the award of attorneys' fees in civil cases. The Rules are new and are applicable to any civil case filed after January 1, 2014. Rule 3-741 deals with requests for attorneys' fees and "related expenses" in the District Court. A copy of the Rules may be obtained on the Judiciary's web site. Rule 3-741 generally provides:

- "Related expenses" include compensation for the services of paralegals and law clerks. Rule 2-701 (b).
- A claim for attorneys' fees must accompany the complaint. Evidence in support to the entitlement to attorneys' fees and the reasonableness of the amount requested shall be presented at trial. If the case is filed under affidavit, Rule 3-306, evidence establishing the right to attorneys' fees and the reasonableness of the requested fee must be included in an accompanying affidavit.
- A party requesting attorneys' fees shall apply the standards set forth in Rule 3-703 (f)(3), which are essentially the factors enumerated in Maryland Rule of Professional Conduct 1.5 and in *Monmouth Meadows v. Hamilton*, 416 Md. 325 (2010).

However, in cases where the claim for attorneys' fees does not exceed the lesser of 15% of the principal found to be due or \$4,500, the party need not address all of the factors set forth in Rule 2-703 (f)(3). Instead, the party claiming the fee must demonstrate that the amount is reasonable and does not exceed the amount that the party has agreed to pay that party's attorney and, in addition, must provide:

- (A) a detailed description of the work performed, broken down by hours or fractions thereof expended on each task;
- (B) the amount or rate charged or agreed to in writing by the requesting party and the attorney; and
- (C) the attorney's customary fee for similar legal services.

Counsel should be cognizant of the requirements set forth in Rule 3-741 when attorneys' fees are requested in any case filed in our court after January 1, 2014.

THOMAS J. LOVE  
Administrative Judge  
District Five

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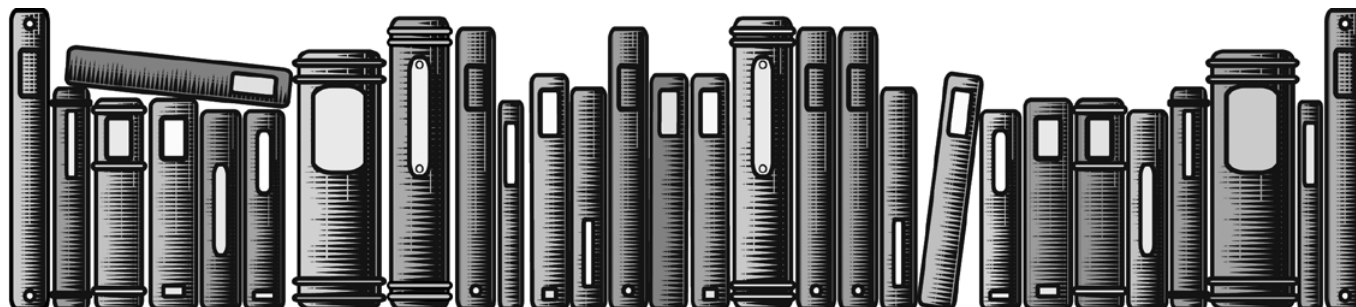
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# GET HEALTHY TODAY | *by Edith Lawson-Jackson*



## Seeking the Six Pack

With Spring quickly approaching and hot summer days right around the corner, everyone is focused

on being “summer ready”. The big winter coats and sweaters come off, and some of us even venture onto the beach. If the thought of this makes you nervous, then you should probably be considering how to work towards obtaining a smaller midsection, which really can’t be accomplished without you making overall improvements to your physique. That’s because there really is no such thing as “spot reduction”. Instead, your body loses fat from all over, more in areas where you genetically release fat the quickest, and less in areas where your body tends to want to hold onto fat longer. Everyone has certain areas that release fat more or less easily. But if you work hard to reduce your overall bodyfat percentage, all areas will gradually come down. That includes the layer of fat that covers most of our abs.

What you need to know now is how to get your body to release enough fat that you begin to shed it even in your “stubborn” fat areas - like your abs. Your first thought is probably that you need to eat less and do lots more cardiovascular work. Well that’s partly, but not entirely, true. What will cause you to burn the most fat, around the clock, and reveal toned muscles (which is all abs are) is weight training. That’s right...good old weight training! If you’ve watched any of the weekend infomercials or the morning news talk-shows, you have to have heard by now that what people really need to engage in is more weight training or resistance type exercise to reduce the accumulation of bodyfat. Many women will shy away from the idea of lifting weights, but any fitness expert OR doctor will tell you that there are numerous benefits to weight training for both men and women, and that it’s the single best weight to improve the development of tone and definition. And what are abs? Abs are the development of visible abdominal muscles and the absence of fat on those

muscles. The same holds true for arms that don’t jiggle when you wave goodbye.... tight toned arms (like Michelle Obama’s) are the result of her development of triceps and biceps muscles which are visible due to a decrease in fat in the same area. Hours and hours of cardio won’t give you hard abs or tight toned arms - you have to weight train to get those highly coveted assets.

Now doing cardio does contribute to the visibility of the muscles which you will develop by weight training. In fact, unless you are naturally lean and slender, you will need to do some cardio to uncover the nice defined muscle which you develop by weight training. So you will have to reduce your body fat by either doing cardio or dieting, or preferably, by doing a combination of both in moderate amounts. What range of bodyfat am I talking about to be able to see actual muscle definition? In a nutshell, you need to be around 14-22 percent bodyfat for a woman, and 6-13 percent for a man, in order to be able to see the muscles that have been developed through weight training. So it’s no surprise that people who have great abs also have an overall lower bodyfat percentage. Because again, you won’t see them if there’s a layer of fat on top, and you won’t see them if you’re a cardio queen but you don’t work your abs. Many typical American women, the ones I see walking around the courthouse regularly, probably fall into the bodyfat percentage range of 28-35%. So it’s really not such a daunting challenge to get to where you need to be to see a flat tummy and jiggle-proof arms by summer.

To achieve a flatter tummy and even work towards visible abs and other visibly toned body parts, you only need to follow a simple formula CONSISTENTLY. First, get in a minimum of three sessions of cardio each week for 30 minutes. That can be walking at a brisk pace, jogging, dancing, playing a sport, or using any other piece of cardio equipment. Second, just watch what you eat. There’s no need for a full out diet if you just want to gradually reveal some muscle tone by the summer. You’ve got a few months and in that period of time, if you’re doing your cardio, weight training, and watching your diet, there’s no need for severe calorie

restriction. Just eliminate some things you know you can do without - like soda. Try having your salad dry instead of drenching it in dressing. Get rid of sauces like mayo and butter. Use Smart Balance (butter substitute) instead. Limit your sweets and all baked goods to the weekends. Watch portion size so that you’re eating only about 4 ounces of protein and 4 ounces of veggies per serving (that means only eat half your meal whenever you eat out at a restaurant and save the other half for your next meal 3 hours later). Limit starchy carbs to one serving of no more than 4 ounces per day. Small things like this will add up to really make a difference when combined with exercise.

Finally, the main component when seeking a six pack, or toned arms, or sexy shoulders, is the weight training component. This component involves about 20-30 minutes a day, three days a week, of abdominal and some overall body toning exercises. And you don’t even have to have a gym membership. I’ve found that the best abdominal exercises don’t require fancy equipment. Here are four you can do in your home that work as good as any piece of equipment:

**The Plank** - (please do an online search for visuals of this exercise) where you lie on your stomach on the floor, prop yourself up on your elbows and tips of your toes, and hold the position for 1 minute with a straight back and abdominals held in tight.

**Side Plank** - (please do an online search for a visual of this exercise) where you lie on the floor on your side, then prop yourself up on one elbow, and lift your side and hips up off of the floor in a side crunching motion before returning back to the floor on your side.

**Crunches** - just about everyone knows this exercise. With your feet shoulder width apart while lying on your back on the floor (knees bent and pointing at the ceiling), you place your hands behind your head and crunch your body up towards the ceiling.

**Twisting Crunches** - lie on the floor just like with crunches, except either lock



your feet under a sofa (or heavy piece of furniture) with legs spread further apart than shoulder width. With hands behind your head, crunch up all the way until your torso forms a 90 degree angle from the floor and touch your right elbow to your left knee and then your left elbow to your right knee before returning slowly to the lying position on your back.

All four of these exercises should be done for 15-20 repetitions (even if you have to take a short break) for 3 sets each.

Additionally, you should do 3 sets of 15 repetitions of pushups (do "girl" or knee pushups if you can't do standard pushups), 3 sets of 15 repetitions of biceps curls, 3 sets of repetitions of shoulder presses, and 3 sets of 15 repetitions of triceps extensions with dumb bells . And you don't need a gym membership to do these exercises. If you don't have dumb bells, you can use large cans of soup or a medicine ball to do the bicep and triceps exercises. But investing in a set of 5 pound and 10 pound dumbbells, as well

as a 10 pound medicine ball, would be inexpensive and a good idea.

There you have it! That's all it takes to uncover developed abs and toned arms. The key is combining all three components mentioned herein. More importantly, though, is the need for consistency. Put in an hour total 3 days a week to follow this program and you won't mind at all wearing short sleeves when summer approaches....you may even don a bikini at the beach in June.

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