

COURT OF APPEALS OF MARYLAND

Lee v. State, 198 Md. 383

84 A.2d 63 (1951) · No. No. 14, October Term, 1951 · Decided October 14, 2001

SUMMARY

The Maryland Court of Appeals affirmed convictions for unlawful possession of lottery records and numbers. The court held that the search warrant and supporting affidavit did not need to be formally admitted at trial because the trial court had previously reviewed them, and that the affidavit established probable cause. The court also held that the evidence supported convictions based on lottery records dated January 1 and January 8, 1951.

CASE DETAILS

COURT	Court of Appeals of Maryland
WRITING FOR THE COURT	Marbury, C.J.; Delaplaine, J.; Collins, J.; Grason, J.; Henderson, J.; Markell, J.
JURISDICTION	Maryland
DECIDED	October 14, 2001
DOCKET	No. 14, October Term, 1951
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from convictions in the Criminal Court of Baltimore for unlawful possession of lottery records and numbers. The trial court denied the defendant's motion to quash the search warrant, proceeded without a jury, found him guilty on the fifth count of each of three indictments, and imposed fines and imprisonment.
STANDARD OF REVIEW	A verdict in a criminal case tried by a court without a jury will be set aside only when clearly erroneous.
PRECEDENTIAL VALUE	Published precedential opinion of the Court of Appeals of Maryland
PARTIES	Lee v. State

TOPICS

- probable cause
- search and seizure
- suppression of evidence
- criminal procedure
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the search warrant and supporting affidavit had to be formally introduced into evidence at trial.
2. Whether the facts stated in the affidavit established probable cause for issuance of the search warrant.
3. Whether the evidence was sufficient to support convictions for possession of lottery records on January 1 and January 8, 1951.
4. Whether the bench-trial convictions were clearly erroneous.

HOLDINGS

1. The search warrant and affidavit did not have to be formally offered or admitted into evidence because the trial court had already considered them in ruling on the pretrial motion to quash the warrant.
2. The affidavit established sufficient probable cause to justify issuance of the warrant.
3. The evidence was sufficient to support the convictions because the dated lottery sheets found in Lee's possession on January 12 could reasonably be inferred to have been prepared and possessed on the dates appearing on the sheets.
4. The convictions were not clearly erroneous because the evidence was sufficient to support a reasonable inference of guilt.

KEY QUOTATIONS

"In the case at bar, however, the court had these papers before it prior to the trial, and, therefore, it is nonsensical to say that there is any error in their not being formally offered in evidence during the trial." (at 387)

"When we review the evidence in a criminal case tried by a court sitting without a jury, we will set aside the verdict only when it is clearly erroneous." (at 389)

FACTUAL BACKGROUND

Police officers observed Lee engaging in conduct consistent with collecting lottery bets, including receiving money, writing numbers on slips of paper, and interacting with persons at businesses and a turf bar. Based on these observations, an affidavit was submitted and a warrant issued authorizing a search of Lee's automobile and his arrest. A search on January 12, 1951, produced papers headed "Mon. Jan. 1st" and "Mon. Jan. 8th," bearing names and numbers associated with lottery activity. Lee was convicted of possessing lottery records on those dates.

PROCEDURAL HISTORY

The Criminal Court of Baltimore denied Lee's pretrial motion to quash the search warrant and then convicted him in a bench trial on three lottery-possession counts. Lee appealed, challenging admission and sufficiency of the search warrant, the affidavit's probable-cause basis, and the sufficiency of the evidence supporting two convictions. The Court of Appeals of Maryland affirmed the judgments.

DISPOSITION

affirmed

CASES CITED

- Lambert v. State, 196 Md. 57, 68, 75 A.2d 327, 332
- Edwards v. State, 198 Md. 132, 151, 81 A.2d 631, 639
- Edwards v. State, 198 Md. 152, 83 A.2d 578

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