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Maryland Conviction Reversed

RICHMOND, Feb. 25 (AP) The Fourth U.S. Circuit Court of Appeals overturned the rape conviction of a Baltimore man today after finding that illegal evidence figured in his trial.

The court said Charles James Reeves, now serving a life term in the Maryland Penitentiary, must be retried within a reasonable time or be freed.

Reeves, a Negro, was convicted in Baltimore in 1959 for the rape of a young white woman. His conviction was upheld in the Maryland Court of Appeals.

Reeves contended his right to a fair trial was denied because a scrap of yellow paper was unconstitutionally seized and admitted as evidence in his trial. The scrap of paper allegedly detailed Reeves' activities the day of the rape which the prosecution said was set down to form the basis of an alibi.

The paper was found by police in a bureau drawer in Reeves' room in his sister's home. The Appeals Court held that although Reeves' sister had consented to the search it violated the Fourth Amendment because Reeves did not give permission.

In the course of the trial, however, the scrap of paper proved to be of questionable value and of questionable authorship. But, the court noted, in his opening statement the prosecutor had demanded the death penalty for Reeves and asserted the scrap of yellow paper would help prove his guilt. He was obligated to correct the impression he made, the Court said, but did not.

District Judge Roszel C. Thomsen held that the trial judge—Reeves had waived trial by jury—was not influenced in his decision by the scrap of paper. But the Appeals Court said there was a "reasonable possibility" that he might have been.

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