

Upper Marlboro, MD
District Court Trial Session
June 24, 2022

Soon after we entered Courtroom 262, PD Adam Caldwell told us that Judge Brian Denton was on today. Throughout the docket, there was not a single trial. Instead, most cases were nolle prossed or put on the stet docket. Judge Denton whipped through the docket. The absence of police uniforms bristling with weapons and electronic equipment on the side bench was strange and striking, though we did see one person who *may* have been a police officer in plain clothes. The buzz among PDs and other lawyers in the courtroom today was about what effect the Supreme Court ruling on New York's gun laws might have in Maryland.

Two cases stood out. One was that of Mr. M, represented by Andrea Smith, a private lawyer. She made a powerful plea to have the case dismissed. She pointed out that the case was nearly two years old and the state had provided her with no discovery, even though she had requested it on multiple occasions. The incident appears to have occurred at Six Flags. ASA Brandon Ly said that the witness now lives in Delaware, and that the state contacted him yesterday (!) but he could not appear. ASA Ly asked for a continuance. Attorney Smith protested vigorously against a continuance, saying that the age of the case meant that discovery should have been provided long ago. Judge Denton then proceeded to say that Smith should have gotten the "discovery" from Six Flags where it originated. Smith replied, citing case law, that if the officer had evidence to bring a charge, her client "is due that." At no time did Judge Denton make a serious inquiry of ASA Ly as to why the state had not provided the evidence that it used to bring these charges. He ordered a continuance and moved on to the next case.

The other case was that of Mr. N, represented by PD Adam Caldwell. This was a single charge of second degree assault, dating from May 1, 2021. ASA Ly said that the witness had called yesterday and said that she could not be here today. He asked for a continuance. PD Caldwell objected to the continuance, citing the age of the complaint, and said that his client wanted his trial today. He asked ASA Ly if the witness had provided a reason why she could not be present. ASA Ly replied that he "would have to check the messages on [his] phone." (*Strange that he could not recall the complainant's reason, since it had come in yesterday, unless he thought it not helpful to offer it*). Judge Denton made no effort to inquire as to why the witness could not be present. (Usually, when we hear that a witness cannot be present, a reason is given). PD Caldwell said that his client "cannot work while this case is dragging on," and repeated that his client protested the continuance and wanted a trial today. Judge Denton then said that the SOC

said that Mr. N had “knocked down the door of the tenant,” and he then made some rambling comments about landlords and tenants. He then ordered a continuance of the case. Mr. N appeared distressed over this outcome and sat down in the front bench of the courtroom. When there was a pause later in the proceedings, he stood up and gestured toward the judge that he wanted to speak. Judge Denton cut him off curtly, saying that Mr. N needed to “speak to your counsel.” He then moved on to the next case.