

Upper Marlboro, Md.
District Court Trial Session
September 1, 2022

On Thursdays there is a special trial session focusing on drug-related cases, called the “drug docket.” We checked it out. The judge was Stacey Cobb Smith, the public defender was Charles Moore, and the ASA was Olabisi Alabi. There were 34 cases. 20 (60%) were nolle prossed; 7 (20%) were continued; 2 (6%) were statted; 2 (6%) were indicted; 2 (6%) were FTA/bench warrant; and 1 was abated by death. The deceased loved one was 21 years old and had been incarcerated twice, most recently from December 21, 2021 to March 31, 2022. He died on August 14, and the funeral was yesterday, August 31.

Cases were disposed of even faster than in the Friday “regular” court. The first 15 cases were disposed of in 15 minutes. Since these are cases involving more than 10 grams of marijuana, handguns, and attendant charges, I expected fewer nolle prosses and statts. Instead, there were more. Officers were lined up on the side, clocking overtime, and never once called upon. It was nolle pros after nolle pros. I spoke to PD Charles Moore who said that it is always this way. “It’s crazy,” I told him. He agreed. It’s a game of catch and release. But the “catch” isn’t harmless just because a “release” is coming down the pike. A lot of harm is done in these arrests. People pay hundreds of dollars to a private attorney to have that attorney shuffle through some papers, then stand beside them in court and listen to the ASA say, “the state moves to nolle pros this case.” The attorney (private or PD) replies, “speedy trial requested.” The judge says, “speedy trial noted,” and then it’s over. In under a minute.

At one point, the ASA noted that CDS (controlled dangerous substances) from months ago had not been tested “due to staffing shortage.”

The cases of Mr. R and Mr. S were a study in contrast. Both had been arrested by the same trio of Graham Report officers: Heaney, Norman, and Green. Mr. R’s case was more serious: 11 charges that included a loaded handgun, more than 10 grams of CDS, paraphernalia, etc. In contrast, Mr. S faced only two charges of mere drug possession. His case was called first, but he was not there. The ASA requested, and got, a bench warrant, citing the fact that the three arresting officers were present and the case could have moved forward if Mr. S had been present. Mr. R was called next. He was there (as were those same arresting officers from Mr. S’s case). But the ASA did not call on them at all, just nolle prossed these more serious charges against Mr. R. If Mr. S had been present, his case likely would have been nolle prossed too. But now he’s facing a bench warrant and another arrest. So why are these officers even in court?

Officer Moody showed up on the case of Mr. T. Several years ago, he entrapped Mr. U, an unhoused friend in my neighborhood who suffers from schizophrenia. Mr. U is a gentle,

harmless soul, well known in my neighborhood and a living example of how persons unhoused and living with mental illness are treated as police fodder. Officer Moody dressed as an undercover cop in 2017, gave Mr. U \$10, and asked him to buy some drugs for him. Mr. U did just that and then Moody arrested him and Mr. U was dragged through the court system, even being indicted (!) and incarcerated twice for FTAs. The case dragged on for 3 years, and in the end was nolle prossed. When I discovered this last year and talked to lawyers about suing Moody, I was told that "this is legal," and the statute of limitations had passed. Officer Moody is still out there, doing what's "legal."