

Upper Marlboro, MD
District Court Trial Session
September 23, 2022

This morning, three of us went to the District Court, where 20 people were charged, a few with more than one case, adding up to 25 cases in all. Of these, 10 were stet, 7 nolle pros, 5 continued, 1 guilty plea, 1 trial requested, 1 bench warrant. The PD was Stanford Fraser, and ASAs were Ms. Parker and Joshua Myers. The judge was Bryon Bereano.

The docket was shorter today than usual, but the usual figures stood out; of the 25 cases that made it this far, nearly 70% were nolle prossed or put on the stet docket. On one hand, we might say that's a good outcome – folks are going home with these charges not hanging so close to their heads. On the other hand, after all the state has put them through up to this point, and all the salaries to officers, attorneys, the court administration, judges, and ASAs and all the distress unleashed on loved ones, now the state says, “never mind. Can't make a case for trial so we'll just let this hang over your head for a while and threaten to bring this up again if we decide to later.”

The assistant state's attorney asks for a continuance when they are not prepared to bring a case. They ask for continuances because their witnesses aren't present, or the camera footage isn't ready (common reason), witnesses aren't there, etc. Bereano granted a continuance five times today. Judges grant it most of the time. But four times today Bereano challenged the ASA and denied a requested continuance. Each time, the ASA immediately moved to nolle pros the case.

When a case is nolle prossed, the ASA never offers an explanation. Once today, in a case involving a typical handgun-in-vehicle case of the sort we see so often, Bereano unexpectedly asked, “What is the basis for the nolle pros?” The ASA said that they have “no intention of proceeding in this matter.” Bereano asked, “Based on what?” The ASA said others in the office made that decision and the matter was dropped.

We have learned that PG County judges are showing frustration that prosecutors don't rack up more convictions in gun cases. Evidence that these stops actually reduce gun violence is vanishingly small or non-existent. The ASAs may begin pushing for more convictions in these cases.