

Upper Marlboro, MD
District Court Trial Session
October 7, 2022

This morning, three of us were in District Courtroom 262, where 21 people were charged, a few with more than one case, adding up to 25 cases in all. Of these, 10 were nolle prossed, 7 were continued, 4 bench warrants issued, 2 indictments, 1 stet, and 1 jury trial prayed. The panel public defender was Chris Peretti, the ASA was Alexandra Perona, and the judge was Ada Clark-Edwards.

Of the 25 cases, 44% were nolle prossed or stotted. Again, given all the turmoil involved in bringing these cases, this process is not “fair, efficient, and effective,” as the Maryland Judiciary’s motto alleges.

Mr. Y was not present when his case was called and the judge issued a bench warrant. Mr. Y showed up later, saying that he was caught in traffic, and the judge recalled the bench warrant and reset the case.

This is in stark contrast to an incident we saw earlier, when a judge had handcuffs slapped on a Black woman when she showed up after he had ordered a bench warrant for her, and ordered her straight to jail. He issued the bench warrant 4 minutes into the session and she showed up before the session was over. She told us she had been directed to two wrong rooms in the courthouse that morning and sat in each one for some time before realizing this.

Once again, the stand-out case today involved a Black woman, Ms. Z, whose case stemmed from a car accident on November 30, 2021, nearly a year ago. Two officers involved in the arrest were present in the courtroom: Officer Well, 3206, and the complainant Officer Hull, 3780. ASA Perona asked for a continuance, but Ms. Z’s lawyer, Ayah Innab, protested, saying that she had not yet been provided police body cam footage nearly one year later and no further delays were warranted. ASA Perona then asked to speak to the officers. I could not hear what was said but could see their faces. It appeared that ASA Perona wanted some closure on the case today, but officer Hull seemed to want something more. (The ASA has discretion to make their own decision in these cases but it seems that they defer to the officers.) In the end, Perona refused to nolle pros or stet the case, or ask for a trial today (lacking evidence today, there is little doubt of the outcome) and Ms. Z then “prayed” a jury trial, so it now goes to Circuit Court. The stance of the officers seemed strange to me – usually they are not consulted about case outcomes. So we spoke to Attorney Innab in the hallway afterward and she told us

that this case involved an auto accident in which Ms. Z's foot was broken and she was bleeding. These officers insisted that she take a breathalyzer test before giving her medical help or having her treated. It took an additional 45 minutes for her to get medical help because of this. Body cam footage would show all of this, she said. Were these officers after a courtroom plea deal and an apology from Ms. Z as we have heard in the past? Is it too soon to say we see a pattern here?

We seem to hear more indictments (rather than nolle prosses) in cases involving officers stopping people under some pretense, searching their car, and finding a gun somewhere. We learned that there is increasing pressure on the State's Attorney's Office to push these gun cases. Presumably, this means more pressure to plead guilty, in the end.

I've been interested in what really happens in all of these "Motor Vehicle - Unlawful Taking" cases we see, since many of them are nolle prossed. Sometimes, the person owns the car, as did Mr. A today, or it's some other less-than-stolen thing. Mr. A co-owned a car with his wife who filed a civilian complaint against him on this charge, so he landed in court today, only to have the case nolle prossed. The alleged incident happened in June, but the warrant was issued on August 15 and served two weeks later. Jackson was initially held on a bond of \$2500, which was converted to an unsecured bond. Today, his address is listed as "homeless" in a city "unknown."

During the first session, ASA Perona spoke quietly and very fast so that we could not hear well, even though we sat nearby. Those in "the well," as the area before the judge's bench is called, often speak without considering whether they can be heard in the gallery. Today, the problem was especially pronounced so I spoke to Perona between sessions and mentioned that it was difficult to hear and asked if it would be possible to speak a bit slower and louder. There was some improvement in the next session, but not enough.