

**Upper Marlboro, MD
District Court Trial Session
October 28, 2022**

Ten people were on this morning's docket in Room 262B. Of these cases, 5 were continued, 4 were indicted, and 1 was put on the stet docket. Patrice Lewis was the judge, Brandon Ruben was the public defender, and Jason Alston and Alexis Abbey were assistant state's attorneys.

Today continued a familiar pattern: weapons cases were all indicted or continued. Something new was the drubbing that the ASAs took from Judge Patrice Lewis. In case after case, Judge Lewis bore down on missing discovery, poor record-keeping, and errant filings. In the case of Mr. G, involving alleged theft of a coat, the incident's location was listed merely as "Burlington." Mr. G was not present, but Judge Lewis questioned the ASAs anyway. In turn, they called four witnesses, all police officers, none of whom was present to testify. Then Judge Lewis asked about the location of "Burlington" on the charges, took them to task for not having an address of the alleged incident, and statted the case.

When PD Ruben told the court that his client Mr. H was incarcerated, the ASAs and the clerk said that he was not. It turned out that he was, after all, and had been indicted.

Ms. J faced traffic charges and alleged disorderly conduct from September 25. PD Ruben asked for a continuance because of outstanding discovery which he had requested on October 5, twenty-three days ago. ASA Abbey then rifled through his papers and eventually said that some discovery (not including video) had gone out at 11:33PM, October 27 (last night!) Judge Lewis took a dim view of that and turned to Ms. J, saying, "It's absurd that the state expects you to receive evidence when it's filed at midnight." ASA Abbey then said that the person who handled video evidence no longer works with the department and it will take two weeks for that to be processed. PD Ruben seized the moment to ask Judge Lewis, "If I don't receive discovery in two weeks, is it appropriate for me to file a motion to dismiss?" Judge Lewis replied that she knew what he was asking and, yes, he could, "but that's not my intention. There could be good reason it wasn't provided," she said.

When Judge Lewis heard the case of Mr. K, charged with intoxication and traffic offenses, and learned that the state had not yet provided body cam and other evidence, she passed the case, telling ASA Abbey to immediately sit down with the private attorney and determine exactly what evidence was missing and come back to her with that list so that they wouldn't "have to do this again."

So the morning went. We learned that cases involving weapons are rapidly being indicted now. Ms. L, 20 years old, was in court today on gun possession charges. She said that she was in a park with some people, one of whom put a handgun in her purse. Then the police swept

through and charged her. None of the three weapons charges on her case have probable cause, but now she's indicted. The trial won't be heard for many months, and it seems unlikely that a jury will convict; but meanwhile this is hanging over her head.

Scott Hechinger dug into some arrest and disposition figures and found this: 86% of felony cases in New York State, and 93% in New York City, are ultimately dismissed. Millions of people are jailed until trial for charges that ultimately will be dismissed. It seems that similar figures are true of PG county, too. So when judges in our bond hearings free even three-quarters of the people before them, they're still caging a lot of people whose cases ultimately will be dismissed.