

Upper Marlboro, MD
District Court Trial Session
November 10, 2022

This morning there were 17 trial cases in Room 262B. 7 were nolle prossed, 5 continued, 2 statted, 2 indicted, and 1 bench warrant issued. The public defender was Bre Jones, the judge was Ada Clark-Edwards, and I did not get the name of the ASA.

This was a “drug docket,” I was told – today, cases involving CDS, etc., were consolidated and run together. Only two cases did not have CDS charges. Most involved traffic “stop and search” setups that alleged guns and CDS. Most cases had private defense attorneys. And most were old. The oldest case was from November, 2019. There were 3 cases from 2020, and 5 from 2021. So over half the cases were more than a year old.

Given that evidence in trials usually relies heavily on officer’s testimony, video cam, and lab testing, the absence of all these was striking. In case after case, officers were not present to testify, body cam video was not available, nor were lab tests. When this evidence *was* available, there were still problems. Defense attorneys protested that the evidence had been sent to them just a few hours ago and they had not had time to view it. In the case of Mr. A, the ASA insisted that body cam evidence was available; but when she went to prove it, she could not find it on her laptop. Then she said there was a mistake in the “system,” and it had been put under a different number. She asked for a continuance which the judge granted. When this case is recalled some weeks hence, what are the odds that the “discovery” will come sliding into the defense attorney’s possession within mere hours of the hearing?!

Frustration spilled over more than once. Private defense attorney James Verme told the judge that there was no point in him even coming to court this morning because his client, Mr. B, had been indicted but he had just now learned of it. “I’ve been with this case for eight months,” he said, his voice rising, “and now he’s been indicted and I only learned of that 30 minutes ago.” He asked for the new Circuit Court case number but was told that it was not yet available. His voice rose quite a bit as he protested the fact that his case was no longer in District Court but there was no number for the Circuit Court case. He ended up saying, “I apologize for venting,” but repeated his frustration. The judge ordered the clerk to get that Circuit Court case number ASAP, and Attorney Verme and Mr. B sat in court for another 30 minutes until the number came rolling in and they left. I suppose Mr. B will be sent quite a bill for this morning’s pointless appearance with his defense attorney.

Defense attorney Andrew Jezic also had his moment. The ASA asked for a continuance for his client Mr. C, because “the chemist is on leave for the next three weeks and is unavailable.” Attorney Jezic objected strongly, saying, “we shuffle attorneys around in our office to make sure that someone is present for every hearing for our clients,” and pointed out that “leave” is pre-approved and someone else should have been able to stand in for the chemist. Judge Clark-Edwards told the ASA that “there are already a number of continuances in this case and I don’t believe that pre-approved leave is a reason for another continuance.” The ASA said the state would nolle pros the case.

We learned that defense attorneys usually receive any body cam video just a day, or hours, before a case; and that some believe the ASAs don’t even watch it. We also learned that many of the gun possession cases are made by undercover officers who do not wear body cams.