

**Upper Marlboro, MD,
District Court Trial Session
February 17, 2023**

Of the 22 people brought in for trial in Room 262B, this morning, 17 were Black, 3 were Latinx, 1 was Asian, and 1 was white. The oldest case was from December 19, 2019. Three cases were from 2020, and the rest were from 2022. LaKeecia Allen was the judge. Dispositions included 9 nolle pros, 8 resets/continuances, 2 bench warrants, 1 stet, and 1 case referred to Circuit Court. There was 1 trial.

Trials are rare for several reasons. First, police in the United States arrest so many people needlessly that it is impossible to try them all. Cases are routinely overcharged, giving prosecutors leverage to coerce guilty pleas in lieu of trials. And many cases are simply dismissed – but only after people have been jailed, forced to pay bonds, hire lawyers, and face other hardships. Fewer than five percent (that’s right, ***fewer than 5%***) of arrests nationwide result in trials. The sole trial today took well over an hour, which is standard.

Today’s single trial involved a young Black man, age 23. The arresting officer was Officer First Class Alonso-Arevalo. He was patrolling an area of Old Silver Hill around 10 o’clock at night when he saw a car with two people inside, parked in front of a closed establishment. Knowing nothing more than this, he drove his police car close enough to hem their car in against a brick wall and then turned on his flashing lights. His purpose, he explained to the court, was “to deter crime.” Officer Alonso-Arevalo said that as he approached the vehicle he saw someone inside “making furtive movements,” and ordered the two Black men to “roll their windows down.” Then he “smelled the odor of marijuana,” and ordered the young men out of the car, handcuffed them, and searched the car. He found two loaded firearms under the car seats and hauled the young men off to jail. Despite the officer’s keen nose, he did not report finding marijuana.

Defense attorney Joseph Vallario then questioned Officer Alonso-Arevalo. Why had he made the stop — had he intended to cite the young man for illegal parking? No. Was he an agent for the strip mall where they were parked? No. What made you think you should stop them? The answer: “I saw him making furtive movements.” You pulled in front of them and blocked their exit, Vallario said, why did you do that? Officer Alonso-Arevalo replied that he parked his car that way because “the brick wall was in front and I had nowhere else to go.” Vallario asked him this question from several different angles, but the officer stuck to that answer: “I had nowhere else to go.” Vallario asked if the officer could stop anyone in that area anytime. The officer said “the purpose is to deter crime,” repeating this mantra several times. When Defense Attorney Vallario finally asked him if he had the right to block in cars, turn on his flashing lights, approach and search anyone, anytime, the officer said that the young men were free to leave their car and walk away when he approached. At this point you may be thinking, as I did, of all the times when Black men have walked away or run from police officers who then shot them in the back.

Attorney Joseph Vallario summed up the defense by pointing out that the officer had no reasonable suspicion of criminal activity when he hemmed in the car, turned on his lights,

and ordered the young men to roll down the windows. He made a motion to suppress the evidence and the judge agreed. Hearing that, the state nolle prossed the case. This ordeal was over for everyone in the courtroom except the young man and his family who were in the court with him. He has already spent three days in jail, paid a bond, and hired an expensive private attorney just to gain back freedom unjustly taken from him. He deserves compensation but he won't get any in PG County. Officer Alonso-Arevalo faces no consequences for this unlawful arrest and is free to do it again. Judges have great discretion in these decisions, and another judge might have denied the motion to suppress. Trying to "stop crime before it happens" by turning armed officers loose on the public without procedural restraint is extremely dangerous, especially in the context of the current racial-economic divide.