

Upper Marlboro, MD
District Court Trial Session
July 15, 2022

There were 30 cases in Courtroom 262 today. Judge Gregory Powell presided over them all. Devy Patterson Russell was the panel PD, and the ASA was someone new to me. Her first name was Lisa, I think, but I didn't get her last name. 15 cases were nolle prossed, 6 put on the stet docket, and 8 were postponed or continued. 1 person, representing themselves, pled guilty and was given 90 days suspended with two years of supervised probation, and probationary fees waived. For the first time that I have seen, one case had the letter "U" for sex, rather than male or female.

The courtroom seemed chaotic and random today. The courtroom door, normally open at 8AM, was not unlocked until 8:45, and there was only one bailiff and one clerk in the court.

Attorney Russell did not appear to have spoken with any loved ones in advance, and she did not seem focused on the loved ones. Once, in response to a question, she laughed dismissively and said, "It's over my pay grade." The ASA repeatedly asked to have cases passed, and then she and Russell would ask to be allowed to huddle in the hallway with their clients. (This is why the last case was not called until 12:15). The courtroom gallery was full and there was a buzz in it that I have not heard before. One man, after speaking to the ASA for a bit before the hearing began, stormed out of the courtroom, saying as he headed for the door, "I showed up here for no %&*# reason!" Fortunately, he made it out the door before the bailiff had time to react.

Three cases stood out. Ms. A was in court for violating a protective order. The ASA and PD Russell had reached an agreement to have this case put on the stet docket, but Ms. A did not seem to understand what "stet" meant (apparently PD Russell had not explained it to her) and spoke out, saying, "I don't know what that means." PD Russell just looked at her, and Judge Powell began to explain the particulars, speaking rather fast with legal verbiage. Ms. A still did not understand. "Will this be over in a year?" she asked. This discussion between Ms. A and the judge went on for a bit, and then the ASA suddenly asked the judge to make it two years. PD Russell did not protest, but just asked that it be 18 months, and Judge Powell agreed. This is the kind of acquiescence to the state that Russell showed throughout. Some PDs would have demanded that the ASA make a case for any extension, but PD Russell did not – nor did the judge. So on the whim of the ASA, Ms. A's time in limbo has been extended from 12 months to 18.

The case of B involved second degree assault. B did not have an attorney and wanted to plead guilty. B was marked as female in the Case Search report, but the Judge and ASA used he/him pronouns. Judge Powell said that B could have a public defender and asked why “he” had not gotten one. B said quietly that there were a lot of things to take care of and that “I was in court for eviction.” Judge Powell then said that B had waived right to counsel and then read the maximum sentence for the charge (10 years for this second degree assault). At this point, the complaining witness, Ms. C, came up the aisle and was allowed to speak, saying that she only wanted no contact, but did not want B in jail. Ms. C used she/her pronouns for B. The judge then ordered a 90-day suspended sentence with two years of supervised probation and waived the supervisory fee.

Mr. D was represented by private attorney Esteban Gergely. Mr. D was charged with fourth degree burglary. The ASA asked to continue the case, saying that there was another related case and the cases should be tried together. Attorney Gergely went full bullhorn. “These two cases are completely unrelated,” he said very loudly, “my client just went back to his home to get his belongings at a time when the protective order had not yet been served.” He went on in this vein for a bit, and then the judge asked the ASA, “why can’t you just go forward today, if your charges have merit? Was he served with a protective order?” The ASA said that he was not. “Then how did he know,” the judge asked. The ASA was silent, and Judge Powell asked Attorney Gergely, “do you want to go forward with a trial today?” Gergely said yes, with great enthusiasm, and the ASA immediately said the state would put this case on the stet docket. This is the kind of engaged defense that PD Russell’s clients did not receive.