



Maryland Criminal Defense Attorneys' Association

Robin K. Henley
President

Pauline C. Onyemaechi
President-Elect

Natalie Finegar
First Vice President

Erica Suter
Second Vice President

Megan Coleman
Treasurer

David Zwanetz
Secretary

2331 Rock Spring Road
Forest Hill, MD 21050
Phone: 443-966-3885
Fax: 443-640-1031
www.mcdaa.org

Maryland Criminal Defense Attorneys' Association Favorably for Senate Bill 534 Senate Judicial Proceedings Committee Hearing February 19, 2020

The Maryland Criminal Defense Attorneys' Association (MCDAA) includes public and private defense attorneys and associated professionals. MCDAA supports Senate Bill 534 to safeguards against false jailhouse witness testimony.

Our members report that currently, jailhouse informants are commonly used in some jurisdictions in Maryland. For example, a criminal defense attorney reported the following about the use of jailhouse informants in Charles County:

“They [jailhouse informants] are all over the place in the jail in La Plata, having in many cases pleaded guilty and then having their sentencing postponed over and over again—as long as three years in some cases—as they sit in the Charles County Detention Center and try to harvest or manufacture information on other inmates. Up to two or three years ago, they were routinely testifying at trials. For example:

- In 2016, there was a jailhouse informant wired up to try to get another inmate to confess to an uncharged crime. The informant basically led the detective on a wild goose chase. A month or so later, the same informant testified in a jury trial against a different, unrelated defendant and the State never disclosed that he had just given bogus information against a different defendant.*
- In December 2016, a man charged with attempted murder testified against his co-defendant and went on to be listed as a jailhouse informant witness for the state in at least four cases. He was then linked to a couple of armed robberies that predated his incarceration, and resolved those cases favorably because of his work as a jailhouse informant. In total, he received a 7.5 year sentence for attempted murder and armed robbery charges.*
- case had been charged with attempted murder, and previously with armed robbery and car theft. For these charges he received a total of 7.5 year in local jail, rather than going to prison.*
- A jailhouse informant was on the witness list for a homicide case in 2018. The jailhouse informant by his own account had offered to testify in 14 different cases. His first sentencing date was set for November 2016, and as a result of his offering to testify repeatedly, he is still pending sentencing in Charles County. The state disclosed this witness to me as late as possible, forcing the trial to be postponed, and did not provide anything close to adequate impeachment discovery.”*

MCDAA encourages the House Judiciary committee to vote in support of SB534.