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SENATE OF MARYLAND 1983-1997
HOUSE OF DELEGATES 1979-1983

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The Honorable William C. Smith, Jr.
Chair, Senate Judicial Proceedings Committee
2 East, Miller Senate Office Building
Annapolis, Maryland 21401

February 5, 2020

SENATE BILL 591- PETITION TO MODIFY OR REDUCE SENTENCE- FAVORABLE

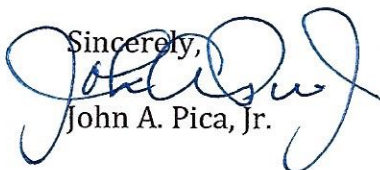
Chairman Smith and Members of the Senate Judicial Proceedings Committee, I'm writing in support of Senate Bill 591. Leonard Cirincione was convicted of first-degree murder as a result of a motor vehicle accident in June 1986 in which a police officer was killed. Leonard Cirincione was sentenced to life imprisonment and a consecutive 20-year sentence for another charge of attempted murder with a motor vehicle. Mr. Cirincione has been in prison for almost 34 years.

Based on unchallenged testimony by several fact witnesses at trial, he was severely intoxicated from PCP. PCP "cigarettes" were found in his car. Seven doctors and health professionals from the Circuit Court Medical Services and Clifton T. Perkins Hospital interviewed, treated, and noted their observations of Mr. Cirincione's conduct and behavior in their medical records. **These treating health care providers were not called to testify at trial.**

There were also lay witnesses at the jail who observed his behavior in jail. Each of these witnesses and physicians would have testified that Mr. Cirincione exhibited clear signs and symptoms of PCP intoxication. None of these persons was interviewed or called as a witness at trial. **Consequently, the very testimony that would have negated specific intent and would have resulted in a manslaughter conviction was not heard by the jury.**

Despite the recommendations of at least three treating physicians that Mr. Cirincione's defense counsel file the defense of Not Criminally Responsible, an NCR defense was not filed, and puzzlingly, these psychiatrists were not called to testify. It was clear that Mr. Cirincione was not properly represented at trial.

Please refer to the letter of support in the attending exhibits. I respectfully ask that you give SB 591 a favorable report.

Sincerely,

John A. Pica, Jr.

ADDENDUM TO LETTER FROM JOHN A. PICA, Jr.

LETTERS OF SUPPORT FOR LEONARD CIRINCIONE

The following individuals have written letters of support for his release or stating that Leonard deserves a second chance. Letters are available upon request.

The Honorable Kurt L. Schmoke- former Baltimore States Attorney and Mayor of Baltimore

Robert Koppel, Warden (retired)- Maryland Correctional Institution-Jessup

Dan Zaccagnini, former member, Maryland Parole Commission

Mary Pat Donelan, Catholic Prison Ministry, Maryland Citizens United for the Relief of Errants

John A. Pica, Jr.- former Maryland State Senator

Edward Reilly- Chair, United States Parole Board Commission (retired)

Jim Sanders- Catholic Chaplain, Maryland Correctional Institution-Jessup

Father Donald Gryzmski- President, Archbishop Curley High School, Baltimore

Micheal May- Attorney and Retired Baltimore City Police Officer

William Andrews- Contractor, Maryland Correctional Enterprises Printing Services

Margaret Burns- formerly with the Governor's Office of Crime Control and Prevention

A diverse, broad-based group of individuals has been working together for the purpose of seeking Leonard's release. The group is led by Ezio Borchini, Esq., Jane Harman, PhD, and Margaret Burns, formerly with the Governor's Office of Crime Control and Prevention, and Joseph Lemmon, PhD. This group has grown to more than 50 individuals since its inception in the mid-1990's.

EXHIBIT 3- MEDICAL RECORDS OF LEONARD CIRINCIONE AFTER THE ACCIDENT

1- Rappeport, MD; J. Janofsky, MD; N. Conti, LCSW - Sept 15, 1986 – Medica Screening Services for Circuit Court of Baltimore City: **“Mr. Carincione [sic] may not have been criminally responsible at the time of the crime and further hospitalization at Clifton T. Perkins Hospital Center is indicated.”**

2-Attending RNs - June 14 – July 11, 1986: Baltimore City Jail Hospital:

June 14:“ ...complains of being abused by the officers and other people”. June 15: “Will continue to monitor for **bizarre behavior**” June 17: **“At cell door, loud, very manic, whistling loudly....Agitated”** [Baltimore City Jail Medical Dept, Progress Notes]

3- Wilcox LNP, Kashyup MD - July 3, 1986 : Balt City Jail Hospital:

“I found my interview with this resident **confused and extremely frightening**. He presented with very **bland affect, face expressionless, staring, somewhat blank-looking eyes....Speech is disjointed...Extremely inappropriate affect**. I’m unsure exactly what is wrong with this man...blank stare..stiff posture” “Not stable. Remain in housing” [i.e., ordered to remain hospitalized, in Psych Ward] [Mental Status Exam in response to Reclassification Request Form, BCJ Medical Services, July 3 1986]

4-E.C. Mabey, MD - July 8, 1986 – Balt City Jail Hospital:

“Assessment: **Paranoid behavior... Please check this patient re: his emotional/psychological state, condition. In my opinion he should be monitored frequently...**” [PHP Corp Balt City Jail Med Serv, 7/8/86]4-

5- Michael Gotts, MD – June 20, 1986 - Balt City Jail Pre-Trial Screening Unit:

“The diagnostic impression is Mixed Substance Abuse. **We suggest the Defense Attorney file a formal plea of “Not Criminally Responsible”** ‘. [1986 June 20 Balt City Jail, Dr. Micheal Gotts]

6- K. Kashyup, MD – June 19, June 24, 1986 - Psych Service, Balt City Jail Hospital:

“He was quite hostile at arrival in jail and appeared to need psychiatric hospitalization....I saw him ...6/19/86...has difficulty controlling his emotions” [Balt City Jail Medical Services Consultants Findings and Recommendations, 6/24/86]

7- K. Kashyup, MD; Wilcox LNP - June 14, 1986 - Balt City Jail Hospital, Psychiatric Service:

“Hostile,” “Behavior got more and more agitated with talking” “Follow-up: see Pysch ASAP” “Paranoid behavior with violent threats.” Recorded an **elevated body temperature and blood pressure**.

Defendant remained on these antipsychotic drugs for 10 days. Haldol given by injection, with orders to “repeat in 30 minutes if **severe agitation/violence occurs**”. [Balt City Jail Medical Dept Mental Status Exam, 6/14/86, Wilcox, RN, LNP; Kashyup, MD][Physician Orders, 6/14/86] [Balt City Jail Med Serv Exam Records, Jun-Jul 1986]

8- Northern District Police HQR detention - June 12, 1986: Defendant’s father told by jail officer that he cannot see his son because **‘He is acting wild’**. Inadmissible as hearsay because defense counsel did not call the jail guard as a witness.

9- Maria d’Fann, LCSW - June 14 1986:– Balt City Jail: **“Speech: Violent...Mood: Combative...Resident was disoriented...poor memory..He did not know where he was or the date. Resident made weird facial gestures..became violent and threatened this intake person with bodily harm”** Transferred defendant into jail hospital. [Baltimore City Jail Referral for Psychological Evaluation Referral, June 14, 1986]

These records were never subpoenaed by defense counsel. Nor were these doctors or staff ever interviewed. They were not called to testify at trial. The observations in the records are classic signs of PCP intoxication.

All of the above observations by health professionals were noted in medical records. The jury never heard the above evidence. All of these observations indicate signs and symptoms of PCP intoxication.

HOUSE BILL 323 AND SENATE BILL 591 WOULD ALLOW A CIRCUIT COURT JUDGE TO REVIEW THE RECORD AND DECIDE WHETHER LEONARD CIRINCIONE SHOULD BE RELEASED FROM PRISON AFTER 34 YEARS FOR A VEHICULAR HOMICIDE CASE.