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To: The Honorable Luke H. Clippinger and Members of the House
Judiciary Committee

From: Sheriff Charles A. Jenkins, Frederick County

Date: February 20, 2020

Re: **HB 1243 – Criminal Law – Hate Crimes**
John Weed Dignity Act

Position - **Support**

As Sheriff and Chief Law Enforcement Officer for Frederick County, I respectfully offer this written testimony in support of HB 1243. This legislation is being proposed as the result of a violent assault that occurred on September 20, 2019 in Frederick County, Maryland at the local fairgrounds. The unprovoked assault resulted in the death of 59 year-old John Marvin Weed, who was simply enjoying an afternoon at the county fair with family members. (This attack was captured on a number of cell phone video clips eventually obtained by my investigators.) I offer this account of the incident to explain my rationale for support of this bill.

Mr. Weed who is white, was approached by a group of young black males who asked him for money. Mr. Weed refused to turnover or surrender any money. In the eyes of the law this incident was clearly an effort to intimidate Mr. Weed and was basically a strong arm robbery. When Weed refused to surrender his money he was immediately struck twice in the face by the first of the two young men that were directly involved and charged in the assault. The second of the two involved men then hit Mr. Weed in the back of the head. Mr. Weed turned around and faced the second man who then struck him. Several witnesses to the

assault, which occurred on the crowded midway of the fairgrounds reported hearing demeaning racial slurs being directed at Mr. Weed by some of the other young men in the group.

As Mr. Weed is facing the second man, the first man launches himself full force at Mr. Weed from behind with his arm fully extended and a clenched fist, striking Mr. Weed with a savage punch to the back of his head. The attacker used the full momentum and force of his entire body into the punch. Mr. Weed dropped immediately to the asphalt pavement striking his head on the asphalt with his full body weight. While Mr. Weed was lying on the pavement with his life slipping away, the young men taunted and stepped over his near lifeless body, with one of the men spitting on Weed while he taunted him lying on the ground.

I was at the fair that afternoon and happened to be very close to where the attack occurred. Several people rushed up to me saying there had just been an assault and that a man was down on the ground bleeding and that there were people spitting on him. I bolted to the scene of the attack arriving in about 30 seconds. I was first to the scene, along with one of my deputies. Mr. Weed was lying on the asphalt, unconscious and almost lifeless, bleeding profusely from the head and face, and vomiting from the head injury.

As I attempted to make space around Mr. Weed's body to render aid, I could see he was still breathing but struggling. He was still partially surrounded by a large of young black males that were taunting and shouting racial slurs at Mr. Weed. EMS personnel arrived very soon after my arrival, so I immediately stepped away from Mr. Weed and tried to identify and detain witnesses to the assault. The two involved black males, who we later learned were brothers had fled the scene.

I could tell by the atmosphere, the circumstances, and the hostility of the racial slurs toward Mr. Weed, that the basis of this attack involved a racial component. After removing Weed's family members from the immediate scene, I watched a cell phone video of the assault several times. The brutal attack itself and the savage intensity of the single punch to the head that dropped Mr. Weed was very disturbing and sickening to watch. The punch was obviously intended to do serious damage to Mr. Weed, which in the end proved to be fatal. (The punch that dropped the victim was similar to "The Knockout Game" that was prevalent several years ago, targeting white victims in major cities.)

The video captured the two brothers taunting Mr. Weed laying almost lifeless on the ground, while the crowd was cheering and taunting in the background. The video then clearly shows the first brother leaping over Mr. Weed's body and spitting on him while over top of him in the air. To watch this despicable, disgusting and demeaning act of spitting on the victim decries of hatred and a deeply biased anger. I became enraged when I saw this disparaging act toward a man who was seriously injured as the result of a senseless act of violence. There is

nothing that could be more disgraceful or vile than spitting on the body of a defenseless person.

The unprovoked assault was senseless and horrific in itself. However, when you see the attackers taunting over the body and spitting on the victim it causes any normal person to become enraged. I am absolutely convinced there was a racial bias component to this attack, and the two involved young men had some type of deep hatred for this victim that they had never met or seen before. What logical reason could there be for this hatred and vile act, other than racial dislike for the victim.

I'm sure this is not the first incident of this type that involved a serious or deadly assault on someone, which involved some type of despicable act such as spitting, urination, or throwing bodily fluids. This was an act of intimidation and strong arm tactics in which Mr. Weed refused to surrender money to the involved brothers. His refusal to comply and surrender money cost him his life in this tragic incident.

There is nothing as insulting, demeaning, or disgraceful as throwing bodily fluids or spitting on someone while intimidating or committing a violent criminal act against that person with a racial bias. This was all because the victim refused to surrender money to the two men. Seeing the video, being directly involved in the aftermath, and seeing Mr. Weed lying on the ground severely injured convinced me this type of legislation is needed.

For this reason, I fully support this legislation to expand the criminal law in regard to hate crimes, and respectfully urge a favorable report on HB 1243.