



**BALTIMORE CITY COUNCIL**  
**KRISTERFER BURNETT, 8<sup>th</sup> District**

Committees: Executive Appointments, Housing and Urban Affairs,  
Public Safety, Education and Youth

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**BILL NO:** Senate Bill 64  
**TITLE:** Criminal Procedure - Evidence - Causing Unavailability of Witness  
**COMMITTEE:** Judicial Proceedings  
**POSITION:** SUPPORT

This Bill will alter certain provisions relating to the admission in evidence, during certain criminal trials, of a statement offered against a party who caused the unavailability of the declarant of the statement under certain circumstances. I stand in support of this bill for the reasons below.

The No Snitching mentality has become a way of life and witness intimidation is the result which too often ends in violence, sometimes fatal.

According to States Attorney Marilyn Mosby's Office, the relocation of witnesses and victims is their most powerful method of protection. Their relocation numbers have increased from 96 victims, witnesses and their families in 2015 to 129 families relocated in 2018. These individuals are most likely to be subject to retaliation and witness intimidation.

Adjusting the standard of proof under the Forfeiture by Wrongdoing from "convincing evidence" to a lower standard of "preponderance of evidence" ensures that witnesses can prove witness intimidation and safeguard themselves against retaliation. This change would allow the State of Maryland to meet existing Federal guidelines.

As the SAO states, "The doctrine of forfeiture by wrongdoing exists because defendants who undermine the trial process by procuring a witness's absence at trial should not benefit from their wrongful actions by insisting on their rights of confrontation and to object to hearsay statements made by those who accuse them."

Sadly, our City is besieged with victims, witnesses and families who need the assistance and safe measures that this bill and witness relocation can provide. I strongly urge the Maryland Senate to pass Bill 64.

Sincerely,

A handwritten signature in black ink, appearing to read "Kristerfer Burnett".

Kristerfer Burnett  
City Councilmen District 8, Baltimore City