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## SB64- Criminal Procedure – Evidence – Causing Unavailability of Witness

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### **Support**

Good afternoon Mr. Chair and Honorable Members of the Judicial Proceedings Committee For the record, I am Aisha Braveboy, State's Attorney for Prince George's County. I am testifying in support of SB 64 Criminal Procedure – Evidence – Causing Unavailability of Witness. This legislation makes changes to an exception to the hearsay rule in a criminal case involving specific felony drug crimes or a "crime of violence" when a statement is offered against a party who, through wrongdoing, has caused the unavailability of the witness who made the statement.

My office has encountered hundreds of cases where the victim becomes uncooperative after improper, illegal and sometimes threatening contact by a Defendant. That contact has been direct contact or contact through a third party.

In domestic violence and child sex abuse cases, my office observes this time and time again ---witnesses who disappear, change their testimony or flat out refuse to cooperate with the State after contact with the Defendant. Recently, my office was prosecuting a repeat domestic violence offender. The Defendant placed a pillow over the face of his girlfriend and shot her in the head. The bullet didn't kill her, but for the grace of God. She immediately received medical treatment and told officers that her boyfriend, the Defendant had tried to kill her.

The witness tampering started immediately. While the victim was in the hospital, the Defendant texted and called her begging her to tell the police she was robbed. He told her that his life was in her hands and that she should not or could not send him

to jail. After the Defendant's arrest, the manipulation did not stop. The Defendant got his wife, his sister and other family members to contact the victim. The victim was threatened, coerced and guilted into disappearing. She willfully ducked service and told investigators that she was not going to testify. The Defendant was coordinating all of this through face to face meetings with his family and through code. While ultimately the State had enough evidence to charge his wife with attempting to Influence a Witness, there was not sufficient evidence to charge the Defendant. The victim's statement was powerful evidence and had the State been able to hold a hearing, there would have been a preponderance of evidence that Defendant wrongfully caused the absence of the witness.

The Defendant has a wake of victims. He uses fear, love and intimidation to skirt the criminal justice system. This Defendant is no different than many of our domestic violence and child sex abuse defendants. What we all know is they prey on the weak. They exploit vulnerable victims. The current law allows these Defendants to re-victimize their victims and not face the consequences of their actions. It is the ultimate perversion of a just system and we should change it to better serve our victims and the citizens of our State. This legislation is vitally important because this bill expands the application of this hearsay exception, apply a lower standard of proof to the exception. I urge this committee's favorable report on SB 64.