

Booth M. Ripke

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February 17, 2020

Chair Luke Clippinger and Vice Chair Vanessa Atterbeary
House Judiciary Committee
House Office Building Room 101
Annapolis, MD 21401

Re: In Support of H.B. 637 – In-Custody Witness Testimony

Dear House Judiciary Committee:

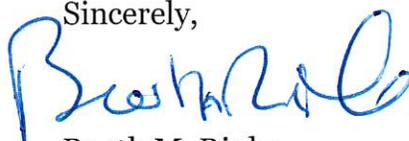
I am writing in support of H.B. 637, and I wanted to take time to express why. I have practiced criminal law in Maryland for more than 20 years. I am also the Chair of the Maryland State Bar Association Section Council on Correctional Reform. This Bill addresses a serious recurring problem with State sponsored testimony from inmates and prisoners when the extent of the inmates history is not disclosed, or sometimes even questioned by the prosecutor using the informant.

Just this month, a federal judge granted a new trial for a former client of mine, Matthew Horner, based, in part, on discovery violations caused when the prosecutors failed to disclose harmful information about an in-custody witness who falsely claimed he heard other inmates confess to him. It was only years after the defendant was convicted and sent to prison for life that I found the proof in police reports that this in-custody witness had actually been a paid informant for more than a decade. This informant was a drug addict, and police had repeatedly intervened on his behalf in numerous drug cases to get him benefits. None of this was ever disclosed and so the jury never knew about his history. The prosecutors were also naive. The prosecutor on the case had never worked with a jail house informant before and did not learn his background.

H.B. 637 would prevent injustices like this. State's attorneys would have to keep a record of an informant's past, which cases they have testified in, what they said, and what benefit they received. Because that was never done in Mr. Horner's case, the prosecutors were not even aware of this informant long history of lying to the police in other cases. Other states already have mandated state-wide record collection on such witnesses. But, H.B. 637 will not only result in better trials and a more reliable criminal justice system, it will save money.

Thank you for the opportunity to speak on this important legislation.

Sincerely,

A handwritten signature in blue ink, appearing to read "Booth M. Ripke". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Booth M. Ripke