



**DEPARTMENT OF THE ARMY
US ARMY INSTALLATION MANAGEMENT COMMAND
OFFICE OF THE STAFF JUDGE ADVOCATE
4217 MORRISON STREET
FORT GEORGE G. MEADE, MARYLAND 20755-5030**

March 8, 2023

**WRITTEN TESTIMONY IN SUPPORT
SENATE BILL 749**

NOTE: This testimony is not intended as an official statement on behalf of the United States Army, the Department of Defense or the United States Government, but is limited to the personal opinions of the author.

I am pleased to offer this testimony in support of Senate Bill 749 entitled: “Crimes - Interception of Wire, Oral, or Electronic Communications - Exception for Imminent Danger and Admission as Evidence”

I view the benefits of this bill from two different perspectives, as informed by my varied career experiences as a Maryland attorney. I have worked as a public interest attorney representing victims of domestic violence, and also as a public defender representing those accused of committing acts of violence.

The exception offered in this bill would greatly impact domestic violence victims and survivors. In representing and advising clients in domestic violence situations, practitioners are often confronted with questions regarding their ability to record communications with their abuser and use this information in court. Abusive acts, more often than not, take place in an environment, such as the individual’s home, where there are no independent eyewitnesses for corroboration. When appearing in Court and confronting their abuser, either in seeking a protective order or during prosecution of a criminal matter in order to protect their safety, victims often are left in a “he said, she said” situation without any corroborating evidence.

Protective orders may only be granted based upon a showing of abuse by a “preponderance of the evidence,” meaning that a judge must find the victim’s evidence more convincing than the abuser’s evidence. Abusers are often adept at presently a convincing defense. Alternatively, in a criminal proceeding, a judge must have to find an abuser guilty of a crime “beyond a reasonable doubt” – a high bar for any victim to hurdle armed with only “he said, she said” evidence. Allowing this limited exception for recordings would greatly impact victims in seeking protection.

From a criminal defense perspective, this bill’s limited exception would allow additional protections against wrongful convictions or erroneously issued protective orders. Abusers often falsely accuse their victims of crimes, such as assaults, to deflect attention from their own actions or as a counter-measure to charges pending against them. The ability to provide exculpatory evidence in the form of audio recordings would provide further evidence in the situations where only the two parties were present. Frequently, criminal defendants are extremely hesitant to testify in their own trials for a variety of reasons including a significant fear that they will not be believed particularly, when there are no independent witnesses or independent evidence to corroborate their version of events. Considering the extreme risk of testifying, they understandably will not take the stand in their own defense.

In my practice representing both sides in domestic violence matters, I have seen incidents where audio recordings would have shed new light on the available evidence and be beneficial to the court in deciding the appropriate outcome. Therefore, I am writing in support of this limited exception as presented.

Thank you for your time and attention.

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Ms. Perrelli has been serving as Legal Assistance Attorney at Fort Meade since 2023. Prior to joining Fort Meade, she was a trial attorney at Katie C. Glasgow & Associates. She is also a former staff attorney at Maryland Legal Aid. She began her career as an Assistant Public Defender in Charles County followed by Anne Arundel County. She is licensed to practice law in Maryland and Washington DC. Ms. Perrelli is a graduate of Bucknell University and the University of Richmond School of Law.

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