

## Testimony of Charlene Franke

January 17<sup>th</sup>, 2023  
2939 Van Ness St. NW Apt #1208  
Washington, D.C. 20008

In Favor Of: S.B. 43/H.B. 133  
An Act Concerning Courts – Remote Court Access

My name is Charlene Franke. I am a volunteer with Courtwatch P.G. I am writing in support of S.B. 43/H.B. 133. I believe that virtual court access is essential to provide transparency into the criminal justice system and to ensure the courts' accessibility.

My experiences with virtual court access began in late 2021, when I joined Courtwatch P.G. as a volunteer. I am passionate about racial justice and making an impact in the local metropolitan Washington, D.C. area. I was drawn to Courtwatch P.G. because of their mission to observe and challenge the unequal, unfair and inhumane treatment of those facing charges within the criminal justice system, especially Black and Brown community members. When I started courtwatching, my eyes were opened to the injustices that happen frequently within the courts system. In the past year, I have witnessed mothers held without bond in cases of self-defense, teenagers passionate about school being treated like adults, and caretakers being separated from their loved ones. Some cases I've seen were predicated upon dubious police stops likely to be thrown out during the trial, but that still resulted in weeks of incarceration between the bond hearing and preliminary trial date. Some of the community members held without bond were suffering from health issues ranging from severe head trauma to gunshot wounds, or had mental health issues unlikely to be treated while incarcerated. Unhoused or low-income community members were often treated differently because of their socioeconomic status, while we also see racial disparities within bond rulings. And finally, we also witnessed commissioners and judges setting bonds that they knew to be unaffordable, in direct violation of the Maryland laws requiring that secured bonds must be set at an affordable rate. In 2022 alone, we wrote 130 letters to different actors within the Prince George's County criminal justice system calling out these violations of justice and bringing attention to crucial issues within the system (in addition to expressing gratitude for actors who have gone above and beyond).

Virtual court access allows for greater transparency and accountability within the Maryland criminal justice system. Courtwatch P.G. has seen concrete changes within Prince George's County as the result of our letters, as judges, attorneys and other offices realize that the public is paying attention to their actions. We like to say that you cannot have accountability without transparency, and I believe that accountability is the first step towards improvement. S.B. 43/H.B. 133 is the first step in guaranteeing the continuance of virtual access to the courts, which allows Courtwatch P.G. and other concerned citizens transparency into court proceedings.

In addition, virtual court access hugely increases the accessibility of the court system. While courts are open to the public, it is often difficult to participate in-person. Community members may not be able to travel to the courthouse, whether due to a lack of transportation options, not being able to find childcare or take time off from work, or living too far away. This disproportionately impacts low-income community members and those with disabilities. Virtual court access increases accessibility by allowing anyone with an interest in observing the proceedings to view and hear the trial from any location. This can allow a family member to speak on their loved one's behalf from a distance, or allow someone with mobility issues or no access to a car to stay informed about local court proceedings.

Maryland has previously shown that virtual court watch is possible, as Maryland courts first implemented virtual access as a response to Covid-19 and has since set up methods of providing audio-visual access to court proceedings. S.B. 43/H.B. 133 would simply safeguard these methods by cementing into legislation the 2020 Supreme Court of Maryland's ruling to allow virtual court access. I hope that the Maryland state legislature seizes this opportunity to be a leader nation-wide in furthering accessibility, transparency and accountability within their criminal justice system through guaranteeing audio-visual access to Maryland court proceedings.

For the reasons above, I support S.B. 43/H.B. 133. I hope that the Judiciary Committee votes favorably.

Thank you for your time,  
Charlene Franke

**Elizabeth W. Butterworth**

6210 Belcrest Road, # 1423

Hyattsville, MD 20782

January 16, 2023

Testimony of Elizabeth Butterworth

Volunteer, Courtwatch PG

In favor of: S.B. 43

An Act Concerning Courts – Remote Public Access

My name is Elizabeth Butterworth. I am a resident of Hyattsville, MD and a volunteer for Courtwatch PG. I am writing in support of S.B. 43, because public access to the courts is fundamental to our democracy, and crucial for promoting equal justice and holding the criminal legal system accountable for the harms caused to defendants and their loved ones.

As a volunteer with Courtwatch PG and a member of the legal profession (practicing civil legal aid), I have witnessed the harms that the criminal legal system causes, especially to Black and brown communities. Court processes are routinely humiliating, traumatizing, and dehumanizing. The injustices of the criminal legal system tear families apart and have a deep impact on the lives of defendants and their loved ones. Black and brown people are disproportionately subject to inhumane treatment by police, prosecutors, and judges.

Public access to the courts is a constitutional right. But the health risks of exposure to the ongoing COVID-19 pandemic, as well as the realities of the rising costs of transportation, childcare, and missing work, make it increasingly difficult for loved ones and community members to equally exercise this right. Remote access during the COVID-19 pandemic allowed greater public access to the courts, and facilitated the successful efforts of loved ones and volunteers to hold courts accountable for violations of defendants' rights. But in recent months, remote court access has been severely curtailed. Without safeguarding remote access, we risk further undermining the integrity of the criminal legal system, and harming thousands of members of our community in the process. The racist violence exacted by the criminal legal system is an emergency. I urge the General Assembly to treat it as such, and to take action.

A citizen of Maryland, I strongly support S.B. 43 for the reasons I have stated above, and I urge the committee to vote favorably as well.

Thank you for your time,

Elizabeth Butterworth, Esq.

Volunteer, Courtwatch PG



January 16, 2023

**National Lawyers Guild  
Georgetown University Law Center Chapter**

600 New Jersey Ave. NW  
Washington, DC 20001

In favor of:     S.B. 43  
                  An Act Concerning Courts – Remote Public Access

We are the Georgetown University Law Center student chapter of the National Lawyers Guild (NLG). The National Lawyers Guild (NLG) is the nation's oldest and largest progressive bar association. Founded in 1937 as the country's first racially integrated bar association, the NLG's mission is to unite lawyers, law students, legal workers, and jailhouse lawyers in the fight for profound progressive change to the United States' economic and political system, and to create a legal system that values human rights over property interests. As the student chapter at Georgetown Law, we represent future lawyers committed to supporting human rights within our local communities. For this reason, we are writing in support of S.B. 43. We believe that Maryland should protect and expand remote access to court proceedings in its state judicial system. Greater transparency in our courts promotes greater accountability to our communities and serves as a small step toward a more just future.

As law students, our members have worked and volunteered with public defenders, civil rights agencies, and community organizations, and we know that countless injustices occur within our country's criminal system every day. Community members are torn from their homes, families, jobs and subjected to fear, degradation, and uncertainty. We know—because we have seen it—that the police officers regularly violate constitutional rights when they stop or arrest people without cause. We know that Maryland jails routinely subject detainees to mistreatment, including denying access to essential medications. We know that Maryland judges routinely, and in violation of the law, require unaffordable bonds so that loved ones remain in cages solely because of their inability to pay. We also know that each of these injustices has a disparate impact on Black and Brown communities, who are disproportionately subject to unequal and inhumane treatment by police, prosecutors, and judges alike.

Remote court access does not, on its own, provide a remedy to these injustices. However, bearing witness to injustice is a first step toward ending it, and protecting and expanding remote court access is an essential part of that. We have a constitutional right to open and public courts, but this constitutional right is nothing more than an empty promise if the public cannot, in practice, access the courts. Modern-day challenges—such as the cost of transportation, taking time off work, and securing child care—have severely limited our collective ability to exercise these rights. Virtual access to proceedings helps protect the rights of community members caught in the criminal system and ensures that the people can exercise their right to public courts in practice, not only in theory.

We understand that in recent months, remote access has been severely curtailed in Prince George's County, undermining the ability of volunteers and community members to ensure equal justice for their loved ones. Without the necessary safeguards for remote access, we risk further undermining the rights of the human beings—the parents, children, friends—subjected to our criminal system.

For the reasons above, the National Lawyers Guild at Georgetown Law wholeheartedly supports S.B. 43. We hope the committee votes favorably as well.

Sincerely,

National Lawyers Guild, Georgetown University Law Center Chapter

January 23, 2023  
1900 county rd apt 203  
District Height, MD 20747

**Oral and Written Testimony of B. Bianca Mills**  
**In favor of: S.B.43/H.B.133,**

**Dear Senator Rosapepe and Delegate Moon,**

**My name is B. Bianca Mills. I am a resident of Pg County, Maryland, I am a family member first and Community Outreach Director of Life After Release secondly), We are an organization that observes and documents information from bail hearings in order to hold officials accountable for injustices in the court system. I am writing in support of S.B. 43/H.B.133. I support this bill because it is highly important that the court keep this access available. Because it totally made a difference in my son's life 2yrs ago when my family from out of town and suffering from covid couldn't get out to support this young man, so having remote access was the best thing they came up with. If not for the access 67 community members wouldn't have been able to show up on zoom all at once due to the pandemic in person wasn't available cause numbers were so high. community members and court watchers from all over us were able to join I truly know it made a difference in my son's outcome.**

**This bill is very important because allowing more people to observe court is the first step to fixing problems like these, and the fact that these issues predominantly affect Black and Brown people is unjust. Remote access to courts is vital to the community because transportation costs are rising, and many people are busy with jobs and other circumstances, yet everyone still has a right to open and public courts. I believe that legislators should support this bill because it will allow for more equality and transparency in the court system, By continuing to allow remote access to courts, people of all economic backgrounds will be able to attend court hearings. In addition, it makes it easier for family members and friends to attend their loved one's hearing, for the same reasons mentioned above. I support S.B.43/H.B.133, and I hope the Judiciary Committee votes favorably.**

**Thank you for your time, B Bianca Mills**  
**240-801-1527**  
**bicana@lifeafterrelease.org**

To:

Delegate David Moon  
Senator Jim Rosapepe

From:

Rita Gray  
7708 Hanover Pkwy,  
Greenbelt, MD 20770

Re: Virtual Access to Courts

I strongly support virtual access to courts as is provided for in your proposed legislation. I appreciate the effort you both made by sponsoring similar legislation last session.

The Courts in my county, Prince George's, have removed zoom access and have substituted an inadequate audio-only access. I regularly log in to bail hearings that used to be held via zoom. The new audio "access" is spotty at best. I have heard situations where the people whose release from detention is being determined cannot hear the proceedings from the jail. Last year, my Quaker Meeting voiced its support for similar legislation. I testified before the house Judiciary Committee in favor of the legislation last year and plan to participate in any hearings held this year.

Thank you for your work to keep our courtrooms truly public. Injustice happens in empty courtrooms.

Sincerely

Rita Gray

Maryland Resident supporting HB133 and SB043  
"Court Remote Public Access Act"

**Written and Oral Testimony**

1-23-2023

**Maryland Resident**  
Mr. DaMarqus Moore

Good afternoon, Ladies and Gentlemen, of the  
House of Delegates Judiciary Committee and Chairman Clippinger  
The Senate Judicial Committee and Chairman Smith

My name is DaMarqus Moore, and I am a Maryland Resident. I am here today as a board member and representing "Helping Ourselves to Transform" and I am also a returning citizen. I mentor men and woman who have returned home from behind the wall. I also mentor youth with diversion measures to ensure they do not see the inside of a court room.

I am here to not only show support for bill HB133 and SB043 to be passed but to give a brief outlook on why it's so important.

We all have a moral right to be supported by those who we love and to reassure that when our loved one is faced with judicial problems, they have a chance at a fair and unprejudiced trial. I have heard well to many people that I mentor tell me they did not have a fair trial.

A lot takes place in the court room and bill HB133 and SB043 will ensure that the rights of our loved ones are being respected in court. Along with the relief of any hardships one may face getting to court for lack of transportation. Bill HB133 and SB043 will assure fairness, transparency, and accountability in the court room.

Thank you for your time.  
Mr. Damarqus Moore



701 Lenzen Ave. San José, CA. 95126 • info@siliconvalleydebug.org • 408.971.4965

**To: Maryland General Assembly**

**From: Silicon Valley De-Bug**

**Re: Support of Legislation to Protect Remote Access to the Courts**

**Dear Maryland Legislators,**

Silicon Valley De-Bug is a community based organization headquartered in San Jose, California. We partner with organizations nationally, including Maryland's Life After Release, in supporting families whose loved ones are incarcerated and facing the criminal legal system. Our collaborations are based on a common community organizing model called participatory defense - an approach for families and communities to observe and engage in the court system in order to advocate for freedom of fellow community members. We are part of the National Participatory Defense Network - with partners in over 30 cities across the country.

We submit this letter to compel the legislature to support the bill to protect remote access of the courts. What we learned nationally during the early years of COVID is that court access is critical to the function of justice and its absence will invariably lead to a justified skepticism of the court system and a deprivation of constitutional protections of those facing the system.

This became painfully apparent in Prince George County in particular. Conversely, when the community was able to gain access, they were able to expose the illegal detention of individuals who otherwise were being vanished. Transparency in the courts is the only safeguard the public has to ensure community members can hold court actors accountable.

Of course in no way should remote access replace in person court accessibility. Rather, we want to protect remote *access* to all court proceedings—in-person and otherwise—for members of the public, including dedicated court watchers, advocates and family members. And as the criminal legal system disproportionately targets Black and Brown communities, access rights is absolutely a racial justice issue.

It is clear that COVID has ushered in a new era where in person gatherings may not always be possible. This is all the more reason for the Maryland legislature to concretize the right to remote access of the courts.

**Sincerely,**

A handwritten signature in black ink, appearing to read "Raj Jayadev", with a horizontal line underneath.

**Raj Jayadev**  
**Executive Director, Silicon Valley De-Bug**



January 22nd, 2023  
108 N Quince Avenue  
Highland Springs, VA, 23075

Testimony of Odessa Wilson  
In favor of: S.B.43/H.B.133

My name is Odessa Wilson. I am a resident of Highland Springs, Virginia. I recently received my Bachelors of Science in Psychology from Colorado Technical University. I am a part of the Life After Release Program based out of Prince George County, Maryland. I am writing in support of S.B.43/H.B.133. I support this bill because it is important that court hearings are as transparent and judges are as accountable for their decisions as possible. Continuing the allowance of remote access to court hearings will ensure that more people will have the ability to observe the way the justice system works. This in turn would lead to an overall more fair and impartial justice system in the future.

I am writing to support this bill due to the things that have been brought to my attention during my time as a court watcher. Many injustices are experienced everyday such as having to remain in jail due to an unpayable bond or being denied medication only to be sent to mental health court to receive more jail time. These injustices also include things such as being incarcerated from missing hearing notices due to homelessness. This bill is essential because allowing people observe a court of law in action will reduce the chances of this happening. The fact of the matter is that these injustices often happen to the Black and Brown people within our communities. In addition to that the cost of transportation is steadily rising which makes remote access to court hearings all the more relevant. The entire process makes it more convenient and allows for the right to open and public court, especially to those who have work and other circumstances within daily life.

I am in strong belief that the legislators overseeing this should support the bill as it would allow impartiality and transparency within the court system. It is something that I believe should be a goal to be reached in the near future. Also, many people can not afford public transportation or can't afford to take time off of work to appear in person. This would cause the population of court to be unfair and jagged. By continuing to allow remote access more individuals, no matter their circumstances, can attend court hearings for themselves or family members.

For the reasons i mentioned above i am in support of S.B.43/H.B.133. I truly hope that the Judicial Commitee votes in favor as well.

Thank your for your time and consideration.

Odessa Wilsonc

# Fully Restoring Every Sons Hope



Ref: SB043

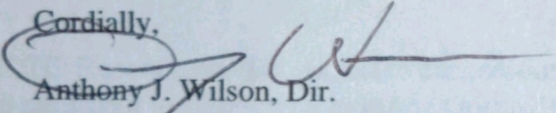
January 20, 2023

To Senator Rosapepe, Delegate Moon and Members of the Maryland General Assembly,

Good day to you all! We at FRESH write this letter of support for Senate Bill 043. We believe Court Proceedings-Remote Public Access and Participation is a bill that is not only in the public's interest, but also in the interest of the defendant's who are being tried and entitled to a fair and public trial.

We at F.R.E.S.H thank you in advance for your time and favorable consideration in this most important matter to our community and citizens of this great State of Maryland.

Cordially,

  
Anthony J. Wilson, Dir.

F.R.E.S.H

P.O. Box 471073

District Heights, Maryland 20753

240-938-2166

Website: [Fullyrestoringeverysonshope.com](http://Fullyrestoringeverysonshope.com)



Senator James Carew Rosapepe  
James Senate Office Building, Room 101  
11 Bladen St.  
Annapolis, MD 21401  
[jim.rosapepe@senate.state.md.us](mailto:jim.rosapepe@senate.state.md.us)

Delegate David Moon  
Taylor House Office Building, Room 101  
6 Bladen St.  
Annapolis, MD 21401  
[david.moon@house.state.md.us](mailto:david.moon@house.state.md.us)

January 12, 2023

Dear Senator Rosapepe, Delegate Moon, and other members of the Maryland General Assembly:

We write regarding the legislation to be introduced this session in the Maryland General Assembly regarding the issue of access to courts in Maryland.

My name is Ellora Thadaney Israni, and I am an Attorney at Civil Rights Corps in Washington, D.C. Civil Rights Corps is a national non-profit organization that works to dismantle systemic criminal-legal injustice. We have won federal civil rights lawsuits across the country challenging unconstitutional systems of wealth-based pretrial detention, as well as supported dozens of state, local, and federal policymakers as they work to craft constitutionally compliant, decarceral pretrial policies. We work in jurisdictions around the country, including Maryland, to ensure that the constitutional and legal rights of people involved in the criminal legal system are protected.

Access to court proceedings plays an integral role in ensuring that the public is able to observe the legal system and demand accountability. Increased transparency means that members of the public can serve as added checks on the court system and help mitigate harm. Injustices like wealth-based pretrial detention and the criminalization of poverty have only come to light because of open courts and the diligence of court watchers. In our experience, actors in these courtrooms are often not even aware that ongoing practices are illegal. As an advocacy organization, with expertise in these areas, access to criminal courtrooms has allowed us to spot injustices and work with jurisdictions and communities to remedy them.

In recent months, I have personally experienced how impediments to court access are impediments to justice. In July 2022, my colleagues and I, along with co-counsel, filed a federal lawsuit challenging pretrial detention practices in Prince George's County. *See* Complaint, *Frazier v.*





*Prince George's County*, No. 22-cv-1768 (D. Md. filed July 19, 2022).<sup>1</sup> Many of the facts in the Complaint were brought to light by the diligent observations of court watchers in Prince George's County, and the Complaint alleges grave constitutional violations. Put simply, without virtual access to courts in Prince George's County, these injustices would never have been brought to light. Unfortunately, shortly after we filed the lawsuit, Prince George's County restricted court watchers' Zoom access to court proceedings. See Sarah Holder, *Fiona Apple Pushes Maryland Courts to Keep Cameras On*, Bloomberg (Nov. 29, 2022).<sup>2</sup> The lawsuit is pending.

Access to courts is vital to communities and to building public trust in the judiciary. But too often access depends on wealth and privilege. People with financial resources and the ability to travel are able to take time off work to attend their loved ones' court proceedings. Virtual access extends this opportunity to families without money and to people who are unable to travel to courthouses (especially those not accessible by public transit). It allows families to fully participate in court proceedings, in real time, and to attend them with regularity. This kind of social support is vital to people involved in the criminal legal system. Virtual court access provides a small but critical step toward closing the wealth-based gaps that exist in the court system.

Public access to court proceedings should not end with the COVID-19 pandemic. We urge you to keep Maryland courts open and accessible to the public.

Warm regards,

Ellora Thadaney Israni  
Attorney, Civil Rights Corps  
[ellora@civilrightscorps.org](mailto:ellora@civilrightscorps.org)

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<sup>1</sup> Available at [https://storage.courtlistener.com/recap/gov.uscourts.mdd.516199/gov.uscourts.mdd.516199.1.0\\_1.pdf](https://storage.courtlistener.com/recap/gov.uscourts.mdd.516199/gov.uscourts.mdd.516199.1.0_1.pdf).

<sup>2</sup> Available at <https://www.bloomberg.com/news/articles/2022-11-29/why-fiona-apple-is-fighting-for-courtroom-transparency-in-maryland>.