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February 7, 2022

Testimony in Support of

HOUSE BILL 212

Criminal Law – Indecent Exposure in the Sight of a Minor

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Dear Chairman Clippinger, Vice Chairman Moon, and Members of the Committee:

I am writing to show my strong support for House Bill 212 on behalf of State's Attorney Aisha Braveboy and the Maryland State's Attorneys' Association, and to urge a favorable report. Passage of House Bill 212 would serve to provide justice to vulnerable victims and serve as more protection for the most precious amongst us, our children.

I am currently an Assistant State's Attorney in the Special Investigations Unit. I prosecute violent string felonies, crimes involving gangs and homicides. Previously, I worked in the Major Crimes Unit prosecuting crimes against victims to include shootings, carjackings, burglaries and other serious offenses.

During my tenure in the Major Crimes Unit, I had the opportunity to prosecute a case in which an adult male exposed his genitals and masturbated in front of a child. The victim was 11 years old at the time of the incident. The defendant and the victim lived in the same apartment complex. In the Fall of 2019, the victim told her mother that her neighbor exposed himself and was making sounds which appeared sexual. On February 11, 2020, after the first suspected incident, the victim was departing for school. She left her second floor apartment and the defendant stood at the bottom of the stairwell. The defendant had his penis exposed of which the victim described as "looking like a chicken neck." At trial the victim testified that she heard the defendant moaning and moving his hands up and down. The defendant made direct eye contact with her and had her passageway blocked for her to go to the school bus. Frightened, she ran upstairs and told her parents.

The victim's parents reported the second incident to the police. The defendant was charged in District Court. The State brought the case in Circuit Court after the defendant initially refused to

take a plea. Key to the victim's testimony was that she stated: "This was the first time I saw something like that." Sadly, the victim was thrust into an adult situation that may very well shape her entire life. After the State's successful conviction, the victim wrote the following at sentencing to the Court. "I didn't want him in jail; but it's the best so not just me but other kids [can] be safe. Now, I feel safe to go outside."

At the time of the conviction, the Maryland statute only allowed three (3) years maximum incarceration for the crime of which the defendant was convicted. The defendant was sentenced to three years with 45 days of active incarceration. The Indecent Exposure Within the Sight of Minor Act, House Bill 212, increases the penalty of the crime perpetrated on the victim to the maximum penalty of five (5) years active incarceration and or a \$10,000 fine. The recommended enhanced penalties will undoubtedly serve as a further deterrent and enhance protections for those who are the most vulnerable amongst us, our children.

For the foregoing reasons, I respectfully urge a favorable report, and ultimately passage, on HR 212.

Sincerely,

*Hurmayonne W. Morgan*

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