

UNFAVORABLE on SB0424
Criminal Procedure – Admission of Out-of-Court Statements –
3 Assault in the Second Degree

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Dear Senators of JPR,

This Session and recent sessions are demonstrating removal of longstanding evidentiary standards. Maryland has looked to federal guidelines on such matters. I would like to believe that is because of the tendency to use “give-an-inch-take-a-mile” approaches. For a state with so many lawyers in the legislation, we have certainly fallen from the rigors of legislative review of late. For instance, there are several wiretap bills making their way through Annapolis. Fort Meade and NSA driven intelligence techniques should be allowed to sully once-thought out rules. I urge the Committee to resist this type of incrementalism.

I learned hearsay rules from the same institutions several of you have frequented, Univ. of Maryland Law and Univ. of Baltimore Law. The teachings I saw gave some of the best samples of hearsay rules and how to overcome evidentiary techniques. This incrementalist process of “if we only cast a bigger net” is not disciplined. It will spread to wrongful techniques. And I hope State’s Attorneys aren’t pushing this. I would hate to think that the state and its counties are hiring lazy, slothful workers when it comes to finding and admitting evidence. These occasions alleging 2nd degree assault are often heated engagements where words are offered to diffuse, deflect or scare off a physical assault. Hearsay should not be used against a defendant who was trying to get out of a physical engagement.

I urge an UNFavorable for this worrisome approach of SB0424.

humbly offered

~vince