

Bill Number: HB 1190

Scott D. Shellenberger, State's Attorney for Baltimore County

Opposed

WRITTEN TESTIMONY OF SCOTT D. SHELLENBERGER,
STATE'S ATTORNEY FOR BALTIMORE COUNTY,
IN OPPOSITION OF HOUSE BILL 1190
CRIMINAL LAW – YOUTH ACCOUNTABILITY AND SAFETY ACT

I write in opposition to House Bill 1190 that will change a fundamental part of the criminal law that has been around for many years.

The felony murder rule traces its roots back to England and arrived in Maryland as part of the Common Law. The concept has been codified in Criminal Law 2-201. It has been in effect in Maryland for a very, very long time. The concept is simple two or more individuals are jointly participating in an inherently dangerous felony like a robbery with a handgun. One of them shoots and kills the victim. Both can be charged with felony murder even though only one did the shooting. The concept relies on the fact that everyone that participates in a dangerous felony is responsible for all acts that occur. Your intent of committing the felony transfers to all acts.

An example of how this works is the horrible case of the death of Officer Amy Caprio. All four of the defendants charged in the death of Officer Amy Caprio were juveniles. The four defendants stole a car and were in the Perry Hall area of Baltimore County breaking into houses. Their method was for three to break into homes and one to man the getaway car. The one who was in the driver's seat was Dawnta Harris when he was confronted by Officer Amy Caprio. Harris purposefully drove over Officer Caprio killing her. The driver, Dawnta Harris, who killed Officer Caprio was 16 years old when he committed his crime. He ran over Officer Caprio in cold blood. Officer Caprio confronted Harris when he was behind the wheel. He pretended to open the car door but then gunned the car running over her. He was convicted for first degree felony murder and received a life sentence. His co-defendants were breaking into houses and each were convicted of Felony Murder and received 30 years in prison.

The Caprio case shows that you should not take away the crime of Felony Murder. But for the three co-defendants breaking into multiple houses they would not have needed a get away driver. The adjustment of culpability can be made in the sentence not in the crime. That is what happened in this case. The driver Harris got a life sentence. His co-defendants got 30 years each.

I urge an unfavorable report.