



SUMMER 2017

MARILYN J. MOSBY
STATE'S ATTORNEY

TAKE A LOOK INSIDE

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Public Enemy #1
Dontae Breeden Convicted

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ASA Pushes for Access to
Re-Entry Resources

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Man who shot 82 and
90-year-old siblings sentenced

Assistant State's Attorney = ASA
State's Attorney Office = SAO

AFTER 4 TRIALS THOMAS SENTENCED TO LIFE +35 YEARS FOR THE ATTEMPTED MURDER OF SGT. KEITH MCNEILL



Gregg Thomas



Sgt. McNeill with
State's Attorney Marilyn Mosby

Judge Julie Rubin sentenced Gregg Thomas to life plus 35 years, without the possibility of parole for the first ten years, for the attempted first degree murder of Baltimore Police Sergeant Keith McNeill, the use of a handgun in the commission of a crime of violence, as well as prohibited possession of a gun.

After four trials, Assistant State's Attorney Traci Robinson successfully prosecuted this case in May. The first three trials resulted in mistrials.

On March 14, 2014, at approximately 7:00pm, Baltimore Police officers responded to the 1900-block of Belair Road for a shooting. Upon their arrival, officers found Sergeant Keith McNeill suffering from multiple gunshot wounds, and was transported to Maryland Shock Trauma for treatment.

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SAO HOSTS "AIM DAY" CELEBRATION



Aim to B'More participants share their experiences in the program

Participants and administrators of the State's Attorney Office's "AIM 2 B'more" diversion and expungement program gathered to celebrate eight people transitioning to unsupervised probation. Each participant successfully completed 100 hours of community service, maintained full-time employment for one year, and satisfied all education requirements (high school diploma/GED).

"AIM 2 B'more" offers first-time, non-violent, felony offenders the opportunity to have their records expunged in exchange for completing life skills and employment goals. The program is modeled after national best practices that reduce the likelihood of recidivism and transforms offenders into productive citizens.

An additional 20 participants were acknowledged for making significant progress in meeting their probation requirements. Additionally, Kelly Hurtt, Baltimore City's Community Services Coordinator, was recognized for facilitating more than 3,300 community service hours for "AIM 2 B'more" participants.

State's Attorney Mosby applauded and thanked the AIM participants and professional staff including "AIM 2 B'more" program managers, judges, and probation officers for their hard work while three AIM participants shared their personal stories and spoke about the growth they've experienced since joining the program.

PUBLIC ENEMY #1 CONVICTED, WILL SPEND LIFE +23 YEARS IN PRISON



Donatae Breeden

Donatae Breeden was sentenced to Life plus 23 years after being convicted by a Baltimore City jury in February. Breeden was found guilty of the first degree murder of 18-year-old Rykeise Shaw, as well as handgun violations including Use of a Handgun in the Commission of a Crime of Violence. Breeden was designated as "Public Enemy Number One" by the Baltimore Police Department in January 2016.

Assistant State's Attorney Michael J. Dunty prosecuted the case.

On December 28, 2015 at approximately 1:30 a.m., Shaw approached the corner store in the 1000 block of Greenmount Avenue on the border of Baltimore's Johnston Square and Penn-Fallsway neighborhoods. Shaw stopped to look

at items a man was selling outside of the store. Breeden—who was inside the store— exited, shot the teenager in the head, walked to his vehicle, and drove away.

Shaw was taken to Johns Hopkins Hospital where he was pronounced dead. A witness identified Breeden as the person with the handgun prior to the shooting, which was corroborated by video surveillance.

Breeden was convicted of attempted second degree murder in 1998.

"Breeden does not respect the value of human life; for this reason, he will spend the rest of his days on this earth behind bars," said State's Attorney Marilyn Mosby. "Knowing the pain of losing a loved one with so much of their life ahead of them, my prayers are with the family and friends of Mr. Shaw."

Breeden is one of nearly a half dozen defendants designated as Public Enemy Number One by the Baltimore Police Department convicted since 2015. Breeden was designated as Public Enemy Number One by the Baltimore Police Department.

MAN ATTEMPTS TO KILL OFF DUTY OFFICER



Sgt. Keith McNeill

Investigation revealed that Sgt. McNeill had been sitting in his vehicle when a male approached the left side and began shooting. Through witness interviews, Gregg Thomas was identified as the shooter.

Thomas was previously convicted of 2nd degree murder in 2004; and therefore, was prohibited from possessing a gun.

"This is the final victory on an arduous three year journey to justice and this sentence sends a clear message that senseless acts of violence inflicted on our public servants, especially those who devote their lives to protect us, will not be tolerated," said State's Attorney Marilyn Mosby. "Assistant State's Attorney Traci Robinson relentlessly prosecuted this violent perpetrator on behalf of Sgt. McNeill, his family and the Baltimore Police Department and now we can rest assured he will not wreak havoc on our communities ever again. Sgt. McNeill's exceptional strength through this process has been admirable and my hope is that this sentence brings the closure he needs as he continues to heal from this "heinous act."

In December of 2015, State's Attorney Mosby awarded Sgt. McNeill the "Officer Craig Chandler Heroism Award," during the Office of the State's Attorney for Baltimore City's inaugural Winter Solstice Community Awards Banquet. This award is dedicated to a member of the Baltimore Police Department who was either injured or killed while serving the citizens of Baltimore.

SAO DOUBLES DOWN ON TRAINING



Misdemeanor Division Chief Jennifer McAllister shares her expertise with fellow prosecutors

Veteran Homicide prosecutor Sharon Holback was tapped in August 2016 to lead the SAO's training program. Holback, who has more than 30 years of trial experience, has placed an emphasis on delivering practical courtroom knowledge and skills to new and veteran assistant state's attorneys (ASAs).

"I want new ASAs to be able to marry a sound understanding of criminal law and procedure with practical trial techniques" Holback said of her vision for the SAO's training program.

Holback launched a brown bag lecture series on topics in which both new and veteran attorneys have expressed interest.

"People really responded to our forensic training," Holback said. "It is a challenge for prosecutors to keep pace with emerging technologies—such as video from cell phones and body worn cameras, and complex mixture DNA analyses— in the criminal justice system. Our attorneys need to understand these technologies and how best to use them in trial."

All new SAO employees, including administrative and support staff, undergo a two-week orientation program. Holback says the orientation is intended to familiarize new employees with the core vision and fundamentals of criminal practice, as well as operational elements of the office.



SAO PROMOTES TRANSPARENCY WITH USE OF FORCE POLICY

The Office of the State's Attorney for Baltimore City now follows the recommendations of the Association of Prosecuting Attorneys' (APA) 2016 Use of Force Project. The 21st Century Prosecution Standards developed through the project recommends that a prosecutor communicate directly with the public when declining to charge an officer after a police-involved use of force investigation. The project recommends that the prosecutor provide his/her decision in a detailed letter, on the office website or other easily accessible means.

The Office of the State's Attorney for Baltimore City has begun to post "use of force" investigation case summaries to its website and will continue to post any time a Baltimore Police officer is suspected of criminally assaulting or fatally wounding a person in Baltimore City, but the Office declines to charge the involved officer(s).

Each summary provides explanation and rationale for the decision not to pursue criminal charges against the involved officer(s), as well as supporting evidence and documentation for the declination to charge.



Pictured above David LaBahn, President of APA; State's Attorney Marilyn Mosby; Fulton County, GA District Attorney Paul L. Howard, Jr. and Coppin State University Faculty

In cases where the Office or an independent investigator chooses to bring charges against the involved officer(s), the legal process will move forward as it would in any other active criminal case for which prosecutors are ethically barred from commenting publicly.

RETURNING CITIZENS GET JOB TRAINING

Assistant State's Attorney Rena Kates was a prosecutor in District Court when she first heard Judge Pastore Klein's idea to start a program to connect defendants to employment opportunities. In September of 2016, Judge Pastore Klein launched the District Court Re-Entry Project (DCREP) to provide ex-offenders with job training and placement in an effort to reduce recidivism and help participants become productive members of society.



Pictured above ASA Rena Kates and Baltimore Police Department Detective Tom Wright

Kates says she offered her assistance to Judge Pastore Klein in developing the program.

"As a prosecutor, I've heard countless defendants tell judges that they were unemployed, which makes the defendants at high risk for recidivism, and I wanted to get involved with a pro-active approach to crime prevention," Kates said.

Judge Pastore Klein introduced DCREP to the entire Baltimore City District Court, and there are over 100 participants currently enrolled. Judges refer defendants to one of the 13 organizations that currently participate in the program.

The organizations focus on preparing ex-offenders for the workforce and include job placement assistance.

"The training periods range from two weeks to a year, and prepare candidates for jobs in a variety of fields, including renewable energy installation, construction, catering, and maritime transportation," Kates said.

DCREP offers willing defendants a chance to participate in job training as a condition of probation, or simply as a referral. A judge may refer a participating defendant to a suitable job training organization, and if the defendant successfully completes the organization's requirements, the defendant receives an agreed-upon incentive. For example, a judge may convert a supervised probation to an unsupervised probation, or even end the defendant's probation early.

The State's Attorney's Office is an integral part of making sure that this program succeeds.

"I would encourage District Court prosecutors to consider making participation in DCREP part of their plea recommendations," said Kates. Defendants often promise judges that they are ready to change," Kates said. "This program is a way to actually hold defendants accountable to these promises, and give them the tools to do so."



SAO FIGHTS FOR VICTIMS' RIGHTS AND TOUGHER CRIMINAL LAWS IN ANNAPOLIS

During the 2017 Legislative Session the State's Attorney fought for several bills to hold violent offenders accountable and ensure justice for victims. Here are some criminal justice highlights from this year's legislative session.

PROTECTING VICTIMS OF SEXUAL ASSAULT

SB217/HB429: REMOVING PHYSICAL RESISTANCE AS A REQUIREMENT TO PROVE A SEX CRIME

These bills establish that evidence of physical resistance is not required to prove that a sex crime occurred. Victims will no longer have to prove that they physically fought back against their rapist to prove that a crime occurred.

SB349/HB255: RETAINING RAPE KIT EVIDENCE AND NOTIFYING VICTIMS OF RAPE KIT DISPOSAL

These bills make common sense improvements to the way rape kits are stored and disposed of in MD. Most importantly, they require all jurisdictions to retain rape kits for at least 20 years, enabling victims who initially wish to remain anonymous to decide, at a later date, to involve law enforcement.



State's Attorney Mosby speaks at the Women's Rally in Annapolis.

SB316/HB369: ADMITTING EVIDENCE IN CASES OF REPEAT SEXUAL OFFENDERS

For the fourth consecutive year, State's Attorney Mosby personally lobbied for critical legislation that would allow prosecutors to introduce evidence of a defendant's other relevant sex crimes and bring our state's sexual assault laws closer to federal rules. SB316/HB369 was part of the Governor's 2017 legislative package.

Survivors and Activists Shatia Lansdowne, Angela Wharton, Kiara James, and others shared their powerful stories of survival, while experts from Baltimore Child Abuse Center



State's Attorney Mosby joins Governor Larry Hogan, Senate President Mike Miller, House Speaker Michael Busch and others at Bill Signing in Annapolis

and experienced prosecutors from State's Attorney's Offices in Baltimore County, Calvert County, Carroll County, Wicomico County and Baltimore City shared the current limitations of prosecuting serial rapists. Several advocacy groups including the Baltimore Child Abuse Center, MCASA, Phynyx Ministries, FORCE: Upsetting Rape Culture, and Maryland's Chi Beta Zeta chapter of the Zeta Phi Beta Sorority lobbied for the bill. Over 3,500 people have signed a petition urging legislators to pass it. Unfortunately, after passing the Senate in 2016, neither bill was brought to a vote in 2017. The SAO continues to fight for this critical legislation and will be working with stakeholders and advocates throughout the summer to increase its future chances of passage.

TARGETING GUN OFFENDERS

SB224/HB294: PROHIBITS DOMESTIC ABUSERS FROM POSSESSING A REGULATED FIREARM, RIFLE OR SHOTGUN

This legislation backed by House of Ruth is critically important to protect domestic violence victims from lethal abuse. Current law prohibits firearm possession by individuals "convicted of a disqualifying crime," which includes a case in which a person received a Probation Before Judgment (PBJ) for a crime of violence or domestically related crime.

Under current law, an individual who receives a PBJ for second degree assault would not be prohibited from owning a gun despite using it to threaten their partner. SB224/HB294 closes this

dangerous loophole by ensuring that individuals who received a PBJ for a domestically related second degree assault WILL be prohibited from possessing a firearm.

SB826/HB1396: IMPOSING MANDATORY MINIMUM SENTENCES FOR REPEAT GUN OFFENDERS

Possession of an illegal handgun is a misdemeanor in Maryland. State law provides for mandatory minimums that the court must impose on repeat offenders; however, these sentences are not true mandatory minimums and can be suspended.

The goal of this proposed legislation was to ensure that repeat gun offenders serve the mandatory minimum sentence without the option for parole or a suspended sentence. This bill was introduced by the Baltimore Police Department. SAO Gun Violence Enforcement Division Chief Charles Blomquist testified in support. Unfortunately, neither bill was brought to a vote.

SERVING ALL VICTIMS OF CRIME

SB835/HB1362: SUPPORTING ALL VICTIMS OF CRIME REGARDLESS OF IMMIGRATION STATUS

SAO proudly supported SB835/HB1362—the Maryland Law Enforcement and Governmental Trust Act—and submitted written testimony in support of both bills. Trust and faith in the criminal justice system is critical to its success—victims and witnesses of crime must feel empowered to participate in the system and

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82 & 90-YEAR-OLD SIBLINGS CAUGHT IN HAIL OF BULLETS RECEIVE JUSTICE, SHOOTER CONVICTED ON NEARLY A DOZEN CHARGES

Carl Cooper was convicted to life suspend all but 50 years plus 10 years to run consecutive to the life sentence for one count of attempted first degree murder, three counts of using a handgun in the commission of a crime of violence, three counts of reckless endangerment, two counts of first degree assault, one count of illegally transporting a firearm, and one count of being a felon in possession of a regulated firearm.

Assistant State's Attorneys Otis Freeman and Cynthia Banks prosecuted the case.

On February 22, 2016 at approximately 1:00 p.m. police responded to a shooting reported at the Walbrook Junction Shopping Center. Police found Hogan McGill, 82, and Martha Gillard, 90, each suffering from a gunshot wound to their right legs.

Investigators reviewed footage of the shooting and saw Cooper approach an unknown individual and open fire. The intended target escaped, but McGill and Gillard were struck by the errant bullets. Cooper then fled the scene on foot.

At trial, Cooper claimed that the man shown firing the gun was not him.

Cooper has two previous convictions for attempted murder on his record.

"This sentencing ensures that Cooper, a violent repeat offender, will never endanger our communities again," said State's Attorney Marilyn Mosby. "This perpetrator has a high propensity to commit violent acts with no regard for the impact of his behavior on innocent bystanders. Our City is that much safer without Cooper freely living among us."

LEGISLATIVE UPDATE CONTINUED

protected against retribution either by their attacker(s) or their government.

REFORMING THE CRIMINAL JUSTICE SYSTEM

SB207/HB166: IMMEDIATELY FORWARDING CHARGES AGAINST CORRECTIONAL OFFICERS TO STATE'S ATTORNEY FOR REVIEW

These bills expand the definition of "law enforcement officer" in Article 2-60 of Maryland's Courts and Judicial Proceedings Code to include correctional officers. This statute—which already applies to educators, emergency services personnel and police officers—provides that any applications filed in District Court for a statement of charges against certain individuals must be immediately forwarded to the State's Attorney for review.

SB215/HB471: ELIMINATING AUTOMATIC ADULT JURISDICTION FOR JUVENILES

This legislation would have eliminated automatic adult jurisdiction for juveniles in cases of robbery, assault, and gun crimes. While the SAO supports efforts to reform the juvenile justice system and seek rehabilitation over incarceration for youth offenders, we support removal from the community, if warranted, in order to protect Baltimore City residents.

Juvenile Division Chief Gavin Patashnick testified in opposition. Neither bill passed.

SB409/HB1403: AUTHORIZING THE SAO TO APPOINT CRIMINAL INVESTIGATORS WITH POLICE POWERS

These bills, sponsored by the Baltimore City Senate and House Delegations, would have granted the SAO the authority to appoint investigators with police powers, enabling the SAO to supplement the BPD in making arrests, carrying a firearm and serving warrants. Three other counties in Maryland already have identical legislation. Unfortunately this was not brought to vote.

SB545/HB1023: ENABLING BALTIMORE CITY TO APPOINT CIVILIANS TO LAW ENFORCEMENT REVIEW BOARDS

House Bill 1016, passed by the General Assembly in 2016, authorized jurisdictions to allow public participation on law enforcement hearing boards. Further legislation, however, is needed to amend the Law Enforcement Officers' Bill of Rights to enable the City to appoint civilians to the hearing boards and achieve the goals of last year's bill. Civilian participation in law enforcement hearing boards is critical to restoring trust and faith in the criminal justice system and improving public safety. The SAO joined the Mayor's Office and BPD in support of this legislation.

Unfortunately, there was no movement on these bills after their initial hearings.

SB790: CLARIFYING ANIMAL CRUELTY STATUTES TO EFFECTIVELY PROSECUTE AND CONVICT ANIMAL ABUSERS

This bill clarifies our animal cruelty statute, enabling prosecutors to more effectively prosecute and convict animal abusers before they have the opportunity to redirect their violence towards humans.

ASA Wes Corning worked with animal rights advocates prior to session to draft this legislation and testified on the bills. This bill successfully passed.

SB880/HB1390: REFORMING THE STATE PRETRIAL SYSTEM

This legislation was created to ensure that pretrial release decisions are based on an individual's relative risk, maximizing public safety and minimizing unnecessary and costly detention. It aimed to establish pretrial services for all jurisdictions in Maryland and ensure the setting of bail bonds within the defendant's financial means, unless the defendant poses a flight risk or danger to society. This legislation unfortunately did not pass.



SA'S STAFF RECOGNIZED FOR IMPACT IN THE COMMUNITY

The Office of the States Attorney for Baltimore City has so much talent! Our employees are often recognized for their stellar work in the community and the local criminal justice system. Here are a few highlights:



Chiefs Gerald Collins (Major Investigations Unit) and Charles Blomquist (Gun Violence Enforcement Division) won the Maryland State Bar Association Leadership in Law Award.



Advocate and Homicide Relocation Coordinator Heather Courtney won the 2017 Vincent Roper Memorial Award.



Major Investigations Unit Chief Gerald Collins and Team Captain Richard Gibson won the Mid Atlantic Regional Gang Investigators Network Co-Prosecutor of the Year Award.

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