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In the Court of Special Appeals of Maryland
September Term, 2015

No. 2740

JOHN HILL,
Appellant,
v.
STATE OF MARYLAND,
Appellee.

Appeal from the Circuit Court for Baltimore City
(The Honorable Thomas J.S. Waxter, Jr., presiding)

BRIEF OF APPELLANT JOHN HILL

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TABLE OF CONTENTS

TABLE OF AUTHORITIES

Federal Cases

Maryland Cases

Constitutional Provisions

STATEMENT OF THE CASE

On September 10-11, 2015, John Hill was tried in the Circuit Court for Baltimore City on two counts of rape, two counts of sexual offense [fellatio and cunnilingus], one count of assault with intent to commit murder, two counts of assault, and two counts of use of a handgun in commission of a crime of violence. Case Nos. 114272002 and 114272003. It was alleged he had raped and assaulted two teenage girls (Lori Teague and Lalia Wetzbarger) some thirty-three years prior. A jury found John Hill guilty of all charges. On January 5, 2015, the court sentenced Mr. Hill to an effective sentence of life suspend all but twenty-five years. ($T._5$ 50).[1] Mr. Hill filed a timely notice of appeal to the Maryland Court of Special Appeals on January 6, 2016. This appeal follows.

[1] Citations to the trial transcript are as follows:

- $T._1$ = Pre-trial hearing, Nov. 14, 2014;
- $T._2$ = Trial, day one, Sep. 10, 2015;
- $T._3$ = Trial, day two, Sep. 11, 2015;
- $T._4$ = Pre-sentence investigation hearing on Oct. 27, 2015; and
- $T._5$ = Sentencing, May 19, 2015.

QUESTIONS PRESENTED

I. Did the trial court abuse its discretion when it found no violation of Mr. Hill's speedy trial rights despite a post-accusation delay of thirty-three years?

II. Did the trial court abuse its discretion when it found no violation of Mr. Hill's due process rights, even though the government's inexplicable thirty-three-year delay in prosecution resulted in the destruction or loss of all the physical evidence and the inability of Mr. Hill to effectively cross-examine the government's witnesses?

STATEMENT OF FACTS

The facts of this case trace back to a cold winter's night over three decades ago. (T.4 4). On January 2, 1982, teenage friends Lori Teague and Lalia Wetzbarger were walking back toward their homes after an evening of hanging out with one another. (T.3 12). On the way, they decided to head towards the swings located on the grounds of a local elementary school. (T.3 13). As the girls walked, an unknown individual approached them with a gun in his hand. (T.3 13). The man demanded money but when neither girl could procure much, the man led the girls behind a fence near the perimeter of the school. (T.3 15). There he proceeded to sexually assault both women until Ms. Teague mustered enough courage to hit him over the head with a glass wine bottle. (T.3 20). When Ms. Teague and Ms. Wetzbarger tried to escape, the man fired his weapon and struck Ms. Wetzbarger in the arm. (T.3 39). Ms. Teague was able to get away from the attacker and run to a neighboring home where help was called. (T.3 21). Ms. Wetzbarger, however, played dead until the man who shot her fled the scene. (T.3 40).

Shortly after the crime, police officers collected a substantial amount of physical evidence. Photos of the crime scene were taken and physical objects were recovered, including a pair of gloves, (T.3 81), fragments from one or more bullets, (T.3 79), and a broken glass bottle, (T.3 81). Sexual assault exams were also performed on the two teens, and physical evidence of the attack was collected during those exams including vaginal swabs and hair evidence. (T.3 82).

Thereafter, the police arrested an individual by the name of Michael Eugene Roberts for the rapes. (T.3 83). However, Roberts was later released. (T.3 88). The

police next arrested John Hill for the rapes. (T.$_4$13). He was indicted sometime later that same year. *Id.* However, the case was nolle prossed due to speedy trial concerns on March 17, 1983. (T.$_4$ 4).

Though the indictment was nolle prossed, the prosecution left open an arrest warrant for John Hill in connection with the case. (T.$_1$ 13, 14). Thirty-three years later, that open arrest warrant ultimately led to John Hill's re-indictment on the lingering rape charges from 1982. (T.$_1$ 4). That indictment was tried in September 2015, over defense counsel's speedy trial and due process objections. (T.$_1$ 20).

During the September 2015 trial, both victims could only vaguely recall the physical characteristics of their attacker. Ms. Teague described the girls' attacker as "white," "wearing a knit cap" and not being "a really big man." (T.$_3$ 14). Similarly, Ms. Wetzbarger described the individual as having "dark hair, medium height, dark eyes." (T.$_3$ 33). When asked about his age, Ms. Wetzbarger described the individual as "Um, twenty maybe. Something like that." (T.$_3$ 34). Neither of the women identified John Hill as her attacker. (T.$_3$ 7-27; 30-45).

To supplement the testimony of Ms. Teague and Ms. Wetzbarger, the prosecution also presented the testimony of Detective Stinette. Detective Stinette was a cold case detective who was first assigned to the case in the fall of 2014. (T.$_3$ 77). Detective Stinette testified that no new evidence had arisen at the time he took over the case. (T.$_3$ 78). Instead, it was John Hill's attempt to clear the open warrant that triggered the government's renewed interest in the matter. (T.$_1$ 9). Detective Stinette testified that he attempted to retrieve the physical evidence from the case (which should have included

the crime scene photographs taken in 1982, the bullet fragments, a pair of gloves, a broken bottle, and the physical evidence from the sexual assault exams including hair evidence and vaginal swabs) by contacting the sergeant in charge of the evidence control unit. (T.$_3$ 79-82). However, none of the evidence, or even the original case file could be located. *Id.* Detective Stinette's only source of information regarding the evidence that was collected at the time stemmed from a microfilm report that captured some of the documents from the original file. *Id*. As was true with Wetzbarger and Teague, Detective Stinette also did not provide any evidence of John Hill's involvement in the crime. (T.$_3$ 74-90).

The only person to suggest that John Hill was the man responsible for the two thirty-three-year-old rapes was a man by the name of Mark Johnson. From his 18th birthday, Mr. Johnson has been convicted of at least ten burglaries that he could recall. (T.$_3$ 57-59). Johnson had also been in and out of prison in relation to these crimes. *Id*. Mr. Johnson pled guilty to his most recent burglary charge in federal court in April of 2014. (T.$_3$ 60). Though Mark Johnson insisted on direct examination that his testimony against John Hill was not a part of any deal, (T.$_3$ 55), he acknowledged on cross that his sentencing in the federal case had been postponed in anticipation of his testimony in John Hill's trial. (T.$_3$ 61). Mark Johnson also admitted that as part of his agreement, he was receiving immunity for at least three or four pending charges and a sentence reduction for his past convictions. (T.$_3$ 61-62). As Mark Johnson described it, the deal he received was so good it was "basically cleaning the books for my crime that I had did." (T.$_3$ 55).

At John Hill's trial, Mr. Johnson testified that he was arrested in 1982 and immediately reached out to the police to offer information. (T.$_3$ 54). Mark Johnson then told the police that John Hill told him he committed two rapes. (T.$_3$ 53). Mark Johnson claimed that John Hill made the disclosure while the two were "just . . . playing in the neighborhood, running around." (T.$_3$ 63). Mark Johnson also claimed that back in 1982 he "believe[d] John did have an – on his – up in the top of this area he had something like a, like an – I guess like a scratch or a bruise and he said that's where, he said, the girl had hit him with the bottle." (T.$_3$ 54). By the time of trial, any evidence related to Mark Johnson's original statements to the police had been lost. (T.$_2$ 14). By the time of trial, it was also the case that Johnson could not recall when the supposed confession was made, (T.$_3$ 63). He could not remember if it was day or evening. *Id.* He could not remember what day of the week it was. *Id*. He could not remember who else might have been present beyond saying, "[i]t could have been quite a few people." *Id*. at 64.

John Hill has been in the state's custody since the time his case was originally nolle prossed in 1983. (T.$_5$ 12). John Hill was serving a thirty-year sentence as a result of an unrelated kidnapping charge in the early 1980s and has been incarcerated from the time of that conviction until the present day. *Id.* He is currently 57 years of age.

ARGUMENT

I. THE LOWER COURT ERRED IN FINDING NO SPEEDY TRIAL VIOLATION DESPITE A POST-ACCUSATION DELAY OF THIRTY-THREE YEARS THAT WAS OCCASIONED ENTIRELY BY THE GOVERNMENT'S SIMPLE LACK OF DILIGENCE.

The Sixth Amendment to the U.S. Constitution guarantees that every defendant has a right to a speedy trial. The right to a speedy trial is an integral part of the criminal justice system since it helps to "prevent undue and oppressive incarceration prior to trial, to minimize anxiety and concern accompanying public accusation and to limit the possibilities that long delay will impair the ability of an accused to defend himself." *United States v. Ewell*, 382 U.S. 116, 120 (1966). The right to a speedy trial is secured to a defendant. *Id.* The Supreme Court has said "whether a delay in completing a prosecution amounts to an unconstitutional deprivation of rights," depends on the circumstances of the case. *See Ewell*, 382 U.S. at 120; *Pollard v. United States*, 352 U.S. 354, 361; *Beavers v. Haubert*, 198 U.S. 77, 87 (1905). However, it is equally clear "the delay must not be purposeful or oppressive [to the defendant]." *Id.*

In the Speedy Trial context, the length of the delay is measured from "the commencement of the prosecution (by way of warrant, information or indictment) to the time of the trial." *State v. Hamilton*, 14 Md. App. 582, 585 (1972) (citing *State v. Lawless*, 13 Md. App. 220, 231 (1971)). As this court's language in *Hamilton*, a warrant is one way in which prosecution can commence for purposes of calculating speedy trial delay. *See State v. Hamilton*, 14 Md. App. 582 (1972); *cf. Escobedo v. Ill.*, 378 U.S. 478, 492 (1964) (recognizing that "when the process shifts from investigatory to accusatory . . . our adversary system begins").

In *Barker v. Wingo*, the Supreme Court set out four factors to be considered when an accused claims that his or her speedy trial rights have been violated. 407 U.S. 514 (1972). The four factors that must be balanced to determine whether a defendant has been denied his right to a speedy trial are: (1) whether the pre-trial delay was uncommonly long, (2) whether the government or the criminal defendant is more to blame for the delay, (3) whether, in due course, the defendant asserted his right to a speedy trial, and (4) whether the accused suffered prejudice due to the delay. *Id* at 530. The court identified the length of delay as a "triggering" factor. In other words, if the defendant shows a period of unjustified delay, the court is required to conduct an inquiry into the other factors. *Id*.

A court abuses its discretion when it fails to resolve a defendant's Sixth Amendment speedy trial claim pursuant to the *Barker* balancing test. The length of the delay is a "double inquiry." *Doggett v. United States*, 505 U.S. 647, 651. First, until the defendant shows that the delay was presumptively prejudicial, "there is no necessity for inquiry into the other factors that go in the balance." *Barker*, 407 U.S. at 530; *accord Doggett*, 505 U.S. at 651-652. Courts generally find that a delay is "presumptively prejudicial" as it approaches one year. *Doggett*, 505 U.S. at 652, n.1.

Once the accused shows that the length of the delay renders it presumptively prejudicial, the "court must then consider…the extent to which the delay stretches beyond the bare minimum needed to trigger judicial examination of the claim. This latter inquiry is significant to the speedy trial analysis because…the presumption that pretrial delay has prejudiced the accused intensifies over time." *Doggett*, 505 U.S. at 652. Even

if the delay is merely the result of administrative misfeasance or simple negligence on the part of the state or its officers, it is clear that there must, nonetheless, be a dismissal when the right has been denied. *See Barker v. Wingo*, 407 U.S. 514, 522; *see also Strunk v. United States*, 412 U.S. 434 (1973) (finding that a court cannot remedy violation of the right to a speedy trial by reducing defendant's sentence).

The first of the *Barker* factors assesses whether the delay before trial was uncommonly long. Though courts haves decided that this first factor "depends on the circumstances" of the case, both Maryland courts and the Supreme Court have found a substantial delay in certain cases. *See Beavers v. Haubert*, 198 U.S. 77, 87 (1905); *Williamson v. United States*, 250 F.2d 19, 21 (1957); *Caesar v. State*, 10 Md. App. 40, 42 (1970).

The court in *Caesar v. State* found a delay of twelve months in bringing the case to trial to be "'substantial' in the constitutional sense." 10 Md. App. 40 (1970). The *Caesar* court acknowledged that defining a delay as "substantial" is dependent on the circumstances of a given case. *Id.* But, the court went on to confirm that criminal defendants must be protected "against unreasonable or unnecessary delay." *Id.* at 43. Furthermore, though the State should have reasonable time to prepare for trial, the court found that "where the delay seemed to have been occasioned to meet the convenience of individuals and <u>there was nothing in the record to show that it [the delay] was caused by sound, necessary or legitimate reasons</u>," the delay is of constitutional moment. *Id.* at 49 (emphasis added). Similarly, in *State v. Lawless*, this court found a delay of eighteen months to be constitutionally noteworthy. The *Lawless* court found that "a lapse of 18

months between indictment and arraignment is significant and it is worthy, under the Sixth Amendment, of further analysis." *State v. Lawless*, 13 Md. App. 220, 231 (1971).

In *Williamson v. United States*, the United States Court of Appeals for the D.C. Circuit found a seven-year delay in bringing a case to trial was substantial. 250 F.2d 19 (1957). The *Williamson* court said that in order for the government to have been allowed to try the defendant after seven years, it had to show "(1) that there was no more delay than is reasonably attributable to the ordinary processes of justice, and (2) that the accused suffered no serious prejudice beyond that which ensued from the ordinary and inevitable delay." *Id.* at 21

The second of the four factors in a constitutional speedy trial claim is whether the government or the defendant is responsible for the delay. *Barker v. Wingo*, 407 U.S. 514. Once the delay is found substantial, the burden then shifts to the State to demonstrate "there was no more delay than was reasonably attributable to the ordinary processes of justice and that the accused suffered no serious prejudice thereby." *Id.* at 50. Even if an accused has notice that criminal charges are unresolved, "[a] defendant has no duty to bring himself to trial; the State has that duty as well as the duty of ensuring that the trial is consistent with due process." *Barker v. Wingo*, 407 U.S. 514. Consequently, prosecutorial inaction cannot be justified simply because the accused knows charges against him remain unsettled.

The third factor of the *Barker* test determines whether the defendant asserted his right to a speedy trial. In evaluating whether the defendant neglected to assert his right to a speedy trial, the reviewing court must consider whether he was available for service of

the warrant, or other notification of the pending charge. *Johnson v. Zerbst* (1938) 304 U.S. 458.

The last of the *Barker* factors assesses whether the accused suffered prejudice as a result of the delay in prosecution. The Supreme Court in *Doggett v. United States* determined that "affirmative proof of particularized prejudice is not essential to every speedy trial claim." 505 U.S. 647. In fact, the Court said there are certain instances where "excessive delay presumptively compromises the reliability of a trial in ways that neither party can prove, or for that matter, identify." *Id.* at 655. The *Doggett* Court identified a sliding scale for evaluating whether the accused has a duty to demonstrate prejudice. On one end of that scale, if the government made a "reasonable" effort to bring the case to trial, the defendant must show "specific prejudice to his defense." *Id.* On the other end of the scale, if the accused can prove that the state's delay was done intentionally to gain a tactical advantage, there would be an "overwhelming case for dismissal" because prejudice would be presumed. *Id*.

In the middle of these two situations is delay caused by "official negligence." *Id.* If the state's delay in prosecution is due to negligence, the court must then perform a separate balancing test to "determine what portion of the delay is attributable to the government's negligence and whether this negligent delay is [of] such a duration that prejudice to the defendant should be presumed." *See Doggett*, 505 U.S at 655; *see also United States v. Celestine*, 2011 WL 6176816, at 9 (W.D. La. December 9, 2011). The extent of proof that the accused would have to produce "varie[s] inversely with the government's degree of culpability for the delay." *Doggett*, 505 U.S. at 657.

Consistent with *Doggett*, this court too has recognized that the accused's affirmative duty to establish prejudice lessens as the length of the delay and prosecution's culpability in causing the delay increase. In *Lawless*, this court recognized "that a certain quantitative and qualitative degree of delay gives rise to a rebuttable presumption of prejudice and will shift the burden of going forward with the evidence from the accused to the State." *Lawless*, 13 Md. App. at 232. However, the court said that before this "critical point" is reached, the accused must show that he has "suffered actual prejudice, in cases where he has made no demand for a speedy trial or (2) that he has suffered the strong possibility of prejudice in cases where he has made a demand for a speedy trial." *Id.* Applying these rules to the instant case makes clear that John Hill's constitutional right to a speedy trial was violated by the government's inexplicable decision to wait thirty-three years before bringing him to trial.

As *Barker* instructs, the first question is the amount of delay. In assessing when the prosecution commenced in the instant case, the record shows that though Mr. Hill's charges were nolle prossed in 1983, the government issued a warrant for Mr. Hill shortly thereafter in the same case. (T.$_1$ 13). As the prosecutor explained, that warrant was based entirely upon the 1982 charges:

THE COURT: "Right. But the warrant was based on charges from 1982?"

MR. PATASHNICK: Correct.

(T.$_1$ 12).

The government believed John Hill was responsible for the 1982 rapes of Lalia Wetzbarger and Lori Teague. The government first began its pursuit of those charges by

indicting John Hill in 1982. The government nolle prossed those charges later the next year when it ran into speedy trial problems. However, unwilling to step away from its ongoing pursuit of the matter, the government issued a warrant for John Hill shortly after the 1983 nol pros to keep the prosecution alive. On the particular facts of this case, where the government commenced an active prosecution and never backed away from its commitment to proceed against John Hill, the warrant continued an active prosecutorial process and created the starting point for the constitutional speedy trial clock.

The length of over thirty years from the issuance of the warrant to Mr. Hill's trial is presumptively prejudicial. *Ross v. United States*, 349 F.2d 210, 211 (D.C. Cir. 1965). The state had no reason not to prosecute John Hill decades ago. The state did not present any new witnesses or evidence at Mr. Hill's trial. In fact, all of the relevant witnesses have been known and available to the State since back in 1982. There was also no new physical evidence in the case, as all such evidence (including photographs, ballistics evidence, and the two rape kits) was either lost or destroyed while in government possession over the last thirty-three years. (T.$_3$ 76; 78-82). Additionally, Mr. Hill has been in the government's custody from shortly after being accused of the crime in January 1982 up to the present day. Consequently, the government could have, with minimal effort, brought Mr. Hill to trial on the rape charges since he was in the state's custody. (T.$_4$ 53). Nonetheless, the record does not show any effort by the government to resolve the charges against Mr. Hill. It was not a new development or the sudden availability of a witness that spurred the government to final bring John Hill's long-pending prosecution to a close. Instead, it was John Hill's own effort to clear the warrant

that prompted the government to finally act. This court should reverse John Hill's conviction, and find that the government's senseless decision to wait more than thirty years to resolve its prosecution of John Hill violated the constitutional guarantee of a right to speedy trial.

II. THE TRIAL COURT ABUSED ITS DISCRETION WHEN IT FOUND NO VIOLATION OF MR. HILL'S DUE PROCESS RIGHTS, EVEN THOUGH THE GOVERNMENT'S INEXPLICABLE THIRTY-THREE-YEAR DELAY IN PROSECUTION RESULTED IN THE LOSS OR DESTRUCTION OF ALL THE PHYSICAL EVIDENCE AND THE INABILITY OF MR. HILL TO EFFECTIVELY CROSS-EXAMINE THE GOVERNMENT'S WITNESSES.

John Hill's original indictment was nolle prossed due to speedy trial concerns back in 1983. (T.$_4$ 4-5). After that a warrant was left open for his arrest for more than thirty years. When John Hill sought to resolve the still-open warrant, the state re-indicted Hill on the original charges. Assuming arguendo, the speedy trial clock did not begin to run until after Mr. Hill's re-indictment, the trial court still erred in finding the government's thirty-three-year delay in bringing the case to trial did not violate Mr. Hill's Due Process rights.

The Due Process Clause of the Fifth Amendment guarantees that "no person" will be "deprived of life, liberty, or property, without due process of law." U.S. CONST. amend. V. In June 1965, the United States Court of Appeals for the District of Columbia became one of the first federal courts to reverse a federal conviction for a prejudicial pre-arrest delay, stating that a pre-arrest delay may violate the due process clause. *Ross v. United States*, 349 F.2d 210, 211 (D.C. Cir. 1965). According to the court in *Ross*, "due process may be denied when a formal charge is delayed for an unreasonably oppressive and unjustifiable time after the offense to the prejudice of the accused." *Id.*

The Due Process Clause measures delay from the commission of the offense to the trial of the accused. *Dorsey v. State*, 34 Md. App. 525, 537 (1977). According to the Maryland Court of Special Appeals in *Dorsey*, "In circumstances where the delay

between the occurrence of the criminal offense and the date of arrest and indictment is unduly long and the actions of the State in delaying were unreasonable, deliberate and oppressive, the due process clause would demand a dismissal of the indictment." *Id.*

The Court of Appeals in *Clark v. State* has established a two-pronged test to determine whether a defendant's due process rights are violated by an extensive delay in prosecution. 364 Md. 611 (2001). According to *Clark*, a defendant seeking dismissal for pre-indictment delay must "show that (1) the pre-indictment delay caused him actual, substantial prejudice and that (2) the delay was a product of a deliberate act by the government designed to gain a tactical advantage." *Id*. at 630.

In *Clark*, the court found that the defendant's due process rights were violated by a fifteen-year delay in the prosecution that prevented defense counsel from cross-examining a witness who suffered memory loss after an intervening injury. *Id* at 614. In *State v. Hamilton*, the Maryland Court of Appeals recognized that because statute of limitations controls do not apply to felonies, the lack of legislative safeguards obliges a court to make further examinations of extended delay. 14 Md. App. 582 (1972). The court in *Hamilton* stated that "under particular circumstances, [the delay] is so overly stale by due process considerations as to give rise to an irrebuttable assumption that a defendant's right to a fair trial would be prejudiced." *Id.*

The cold case detective in this case attributes Mark Johnson's availability, who's testimony was the only evidence that allegedly tied Mr. Hill to the crime, as reason for not moving forward with the investigation sooner. (T.$_3$ 78). Just four witnesses testified against John Hill. Three of these witnesses were the witnesses from the original case—

the two rape victims and government informant Mark Johnson, who claimed that John Hill had confessed to him. The fourth witness was the cold case detective who provided nothing beyond background testimony about his attempts to re-gather the original evidence. There was no suggestion that any of these witness were unavailable to the government at any point during the thirty-plus years it took the government to bring the case to trial. Indeed, the record reflects that Mr. Johnson has been in and out of the state's custody for the past three decades and could have been produced at an earlier time. *Id.* As Mark Johnson explained at trial, in the decades since 1982, he served sentences at both Jessup and Hagerstown, (T.$_3$ 59), as well as doing time at the "super max" and at the detention center, *id*. at 58. Likewise, Mr. Hill has been in the state's custody for the past thirty years and could have been produced for trial as early as 1983.

Additionally, there is substantial evidence of actual prejudice as a result of the government's delay. Mark Johnson was the only witness to suggest that John Hill was responsible for the two rapes. However, by the time of trial, the defense had no ability to meaningfully test the reliability of Mark Johnson's claims. Mark Johnson was repeatedly able to deflect defense challenges to his credibility based on the lack of detail about the supposed confession – when it occurred, where it occurred, what actually was said – by pointing out that a great deal of time had passed: "I mean, ma'am, like I said, you are talking over 30 some years ago." *See*, *e.g.*, (T.$_3$ 68). Because the police lost or destroyed the original file, defense counsel was also unable to challenge Mark Johnson's credibility by highlighting any differences between his trial testimony and the original statement he gave to police.

John Hill was also prejudiced by the government's failure to maintain the evidence in the case. All of the physical evidence, including the evidence from the rape examinations (include hair evidence and vaginal swabs), crime scene photographs, a pair of gloves found at the scene, the bottle that the teens' attacker was hit with, and bullet fragments from his gun had been lost or destroyed by the government prior to John Hill's trial. (T.$_3$ 69). The officers who originally investigated the case were also unavailable by the time of John Hill's trial. These officers interviewed the victims, collected the evidence, interviewed Mark Johnson, and made the initial decision to arrest someone other than John Hill. . (T.$_3$ 79-82). Yet, defense counsel had no ability to inquire into any information they may have had about the quality or thoroughness of the investigation because they were not produced and could not be cross-examined. On this record, this court should reverse Mark Johnson's conviction as the government's decision to wait thirty-three years to bring him to trial violated his constitutional right to due process.

CONCLUSION

For the foregoing reasons, Mr. Hill respectfully requests that his conviction be vacated.

Respectfully submitted,

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STATEMENT PURSUANT TO RULE 8-112

1. This brief contains 5711 words, excluding the parts of the brief exempted from the word count by Rule 8-112.

2. This brief complies with the font, spacing, and type size requirements stated in Rule 8-112.

TEXT OF CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES

U.S. CONSTITUTION

U.S. Const. amend. VI.
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

U.S. Const. amend. XIV.
§1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.
§2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.
§3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.
§4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

§5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

JOHN HILL,	*	IN THE
Appellant,	*	COURT OF SPECIAL APPEALS
v.	*	OF MARYLAND
STATE OF MARYLAND,	*	September Term, 2015
Appellee.	*	No. 2740

* * * * * * * * * * * * * *

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this _____ day of November, 2016, three copies of the Brief of Appellant were mailed, first-class, postage pre-paid, to the Office of the Attorney General, Criminal Appeals Division, 17th Floor, 200 St. Paul Place, Baltimore Maryland, 21202.

_____
SILVA GEORGIAN*
Counsel for Appellant

*Practicing pursuant to Rule 19, Rules Governing Admission to the Maryland Bar.