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**IN THE COURT OF SPECIAL APPEALS OF MARYLAND**

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**No. 0854**  
**September Term, 2019**

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**KELVIN SEWELL,**

*Appellant,*

v.

**STATE OF MARYLAND,**

*Appellee.*

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On Appeal from the Circuit Court for Worcester County, Maryland  
(Hon. W. Newton Jackson, III, Judge)

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**BRIEF OF AMICI CURIAE UNITED BLACK POLICE OFFICERS' ASSOCIATION,  
HISPANIC NATIONAL LAW ENFORCEMENT ASSOCIATION, and  
AMERICAN CIVIL LIBERTIES UNION OF MARYLAND,  
IN SUPPORT OF APPELLANT KELVIN D. SEWELL**

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## TABLE OF CONTENTS

<b>TABLE OF AUTHORITIES</b>	<b>ii</b>
<b>INTRODUCTION</b>	<b>1</b>
<b>STATEMENTS OF INTEREST</b>	<b>6</b>
<b>ARGUMENT</b>	<b>7</b>
<i>I. CHIEF SEWELL'S REFUSAL TO RETALIATE AGAINST OFFICERS REPORTING RACE DISCRIMINATION CAUSED HIS FIRING AND PROSECUTION.</i>	<i>7</i>
A. Sewell was highly regarded until he stood up to racism	7
<i>II. OSP ABUSED ITS POWER AGAINST SEWELL</i>	<i>8</i>
A. OSP collaborated with officials hostile to Sewell to enable his prosecution	8
B. OSP's pursuit of Sewell contrasts dramatically with past practice	12
<i>III. THIS PROSECUTION UNDERMINES POLICE ACCOUNTABILITY</i>	<i>14</i>
<b>CONCLUSION</b>	<b>15</b>
<b>CERTIFICATE OF WORD COUNT AND COMPLIANCE WITH RULE 8-112</b>	<b>17</b>
<b>CERTIFICATE OF SERVICE</b>	<b>18</b>

## TABLE OF AUTHORITIES

### Cases

<i>HNLEA v. Prince George’s County</i> , Civil No. 18-3821-TDC (Dec. 12, 2018).....	15
<i>Savage v. Pocomoke City</i> , No. 1:16-cv-00201-ELH (D. Md. filed Oct. 19, 2016).....	2, 3
<i>Sewell v. State</i> , 197 A.3d 607 (2018) .....	2, 4, 12

### News Articles

Angela Carella, <i>Mayor: Pick for Top Cop was well-vetted</i> , STAMFORD ADVOCATE, Jun. 15, 2019.....	14
Ann Marimow, <i>Md. Prosecutor renews misconduct case against former Eastern Shore police chief who alleged race discrimination</i> , WASH. POST, May 14, 2019.....	14
Brett Lake, <i>Sherriff’s Officer major charged with misconduct in office, resigns</i> , CARROLL COUNTY TIMES, Jan. 03, 2012.....	13
DeNeen Brown, <i>Justice Department scrutinizes firing of black police chief in Pocomoke, Md.</i> , WASH. POST, Jul. 25, 2015.....	8
E. Bean, <i>End-of-year 2012 report labels Pocomoke ‘successful and exciting’</i> , SALISBURY DAILY TIMES, Feb. 18, 2013.....	7
<i>Gun Trace Task Force</i> , THE MARSHALL PROJECT (2020), <a href="https://www.themarshallproject.org/records/5632-gun-trace-task-force_">https://www.themarshallproject.org/records/5632-gun-trace-task-force_</a> .....	14
<i>In Pocomoke, crime down under new police chief</i> , SALISBURY DAILY TIMES, Dec. 6, 2012 .....	7
Mark Puente, <i>Undue Force</i> , BALT. SUN, Sept. 28, 2014.....	14
Sheryl Gay Stolberg, <i>A Maryland Town Fires Its Black Chief, Exposing a Racial Rift</i> , N.Y. TIMES, Aug. 2, 2015.....	1, 2
Stephen Janis, <i>Conviction That Led to Chief’s Firing Overturned</i> , AFRO (Dec. 6, 2018) .....	10
<i>The Blue Wall of Silence</i> , THE MARSHALL PROJECT (2019), <a href="https://www.themarshallproject.org/records/605-blue-wall-of-silence">https://www.themarshallproject.org/records/605-blue-wall-of-silence</a> .....	5

U.S. DEP'T OF JUSTICE CIVIL RIGHTS DIV., *Investigation of the Baltimore City Police*  
*Dep't* (Aug. 2016),  
<https://www.justice.gov/opa/file/883366/download>..... 14

## INTRODUCTION

Supreme Court Justice Robert Jackson famously warned about the injustice inherent when prosecutors use their power to target someone held in disfavor, then go searching for a “crime”:

In such a case, it is not a question of discovering the commission of a crime and then looking for the man who has committed it, it is a question of picking the man and then searching the law books, or putting investigators to work, to pin some offense on him. It is in this realm ... the greatest danger of abuse of prosecuting power lies.

Robert Jackson, *The Federal Prosecutor*, 24 J. AM. JUDICARE SOC'Y 18 (1940).

Amici – police and civil rights organizations dedicated to law-enforcement accountability and improved police-community relations – see Justice Jackson’s warning realized in prosecutors’ relentless pursuit of Kelvin Sewell, the first Black police chief of Pocomoke City and one among few Black chiefs in history on Maryland’s Eastern Shore.<sup>1</sup> To fully understand, one must try walking in the shoes of Officers of Color fighting racism from inside law enforcement, and follow through the snaking labyrinth of discrimination and retaliation too-often encountered there.

\* \* \*

By all accounts, Chief Sewell was enormously successful in Pocomoke. During his tenure, crime dropped dramatically in the small, racially-divided town. Sheryl Gay Stolberg, *A Maryland Town Fires Its Black Police Chief, Exposing a Racial Rift*, N.Y.

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<sup>1</sup> Amici realize the gravity of such charges and do not make them lightly. But Amici have no other explanation for the unjustifiable steps taken here – including threats of criminal prosecution against highly-respected lawyers defending a client.

TIMES, Aug. 2, 2015. Sewell and his officers became friendly, familiar faces on Pocomoke streets, and police-community relations improved significantly. Mr. Sewell was widely respected by Pocomoke residents, and beloved in the Black community.

Then Sewell stood up for a Black officer who faced discrimination, and both became “enemies” of white law enforcement aggrieved by accusations against those within their ranks. Soon, Sewell was abruptly fired without explanation, throwing Pocomoke into turmoil. Hundreds packed public meetings to decry the firing’s unfairness, emphasizing that Chief Sewell had made the police part of their community for the first time. Councilwoman Diane Downing, then-Pocomoke’s lone Black official, repeatedly spoke out, calling Sewell’s firing unjust and discriminatory. *Id.*

Regrettably, white officials rebuffed their constituents’ pleas. Rather than reinstating Sewell, they forced out two other Black officers who complained about discrimination, Franklin Savage and Lynell Green. *Id.*

In 2015, Sewell, Savage, and Green filed suit challenging the mistreatment they endured. *Sewell v. State*, 197 A.3d 607, 611 (2018). The federal EEOC sustained the charges, finding the three had suffered discrimination and retaliation, including that Chief Sewell was illegally fired. Next, the U.S. Department of Justice took the extraordinary step of intervening in the lawsuit, supporting the plaintiffs in challenging the mistreatment. *Savage v. Pocomoke City*, No 1:16-cv-00201-ELH (D. Md. filed Oct. 19, 2016) [hereinafter DOJ Complaint]. Ultimately, after years of litigation crisscrossing this prosecution, judgment was entered in favor of Sewell and the other plaintiffs: Pocomoke City agreed to pay over \$1.6 million in damages and costs, and to be bound by a

comprehensive Consent Decree monitored by DOJ and a federal judge. *Savage v. Pocomoke City*, No. 1:16-cv-00201-ELH (D. Md. Jan. 10, 2020) (entering judgment for plaintiffs).

Amid this controversy – but *after* Sewell’s illegal firing, the community outcry, and legal filing – the Office of the State Prosecutor (OSP) did what Justice Jackson cautioned against: Upon learning that Sewell was “not well-liked” by white law-enforcement colleagues, OSP undertook a sweeping, *post-hoc* investigation into his work as Pocomoke Chief, exploring dozens of absurd, racially-tinged rumors these aggrieved officials generated. Appellant Br. at 14. Each was proven false, and OSP’s involvement should have ended then. But once entangled, OSP grew determined to win at any cost, thrusting Sewell into a false narrative of corruption, and coercing evidentiary support for this invented narrative.

After one wrongful conviction was overturned by this Court, community residents pleaded with OSP to abandon its misguided campaign against Sewell, submitting a petition with over 1,100 signatures explaining their community’s opposition. S. Swann, *Stop the Unfair Prosecution of Chief Sewell, Petition, Letter Ask for End of Case*, SALISBURY DAILY TIMES, Jan. 31, 2019. OSP rejected these pleas and barreled ahead. Even after key prosecution witness Tanya Barnes recanted – contending OSP had pressured her into giving false testimony against Sewell – OSP still refused to relent. Appellant Br. at 15-19. Instead, OSP falsely accused Sewell *as well as his lawyers*, of suborning perjury, and sought to suppress testimony from a witness corroborating Barnes’s recantation,

intimidating him into silence by hauling him before a grand jury and threatening a perjury prosecution. *Id.* at 32-36.

Amici believe OSP's pursuit of Sewell has been fueled throughout by white officials upset at Black officers' discrimination claims, seeking to use the criminal process to discredit them. The aberrational approach employed by OSP underscores these concerns. Sympathizing with white officers charged with racism over Black officers alleging it, OSP first targeted Sewell as suspect, *then* searched for wrongdoing, ultimately charging him with misconduct based on a single incident among the myriad rumors it had investigated and discarded. The putative basis for Sewell's "crime" was his exercise of discretion in processing a property-damage-only car accident two years earlier. Never before or since has OSP prosecuted any police officer, *let alone a chief*, for a discretionary charging decision like this. Its theory as to how this every-day police judgment-call amounts to criminal misconduct is that the driver of the car was a member of the same Black Mason's lodge as Sewell. *Sewell*, 197 A.3d at 611. OSP does not claim Sewell received any *quid pro quo*, nor have prosecutors disputed the evidence that Sewell and the driver are merely passing acquaintances. The entire basis of OSP's theory is that Sewell and the driver are both Masons. *Id.* Lacking evidence, OSP used coercion, innuendo, hypotheticals, and invented facts, eliciting improper testimony to smear Sewell.<sup>2</sup>

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<sup>2</sup> For example, in reaction to this Court's ruling that prosecutors unfairly barred Sewell's expert witness during the first trial, OSP employed its own expert witness – yet another white Shore official – to elicit improper testimony, using made-up facts contrary to the evidence to speculate on the ultimate jury issue of Sewell's motive. Appellant's Br. at 30-31. That is, while the undisputed evidence was that Sewell and Matthews, the purported beneficiary of Sewell's exercise of discretion, scarcely knew each other, OSP's expert opined that Sewell had interfered with the investigation to benefit "his buddy." *Id.*



Notably, although Sewell’s prosecution began after his civil rights litigation and spanned two federal administrations, neither DOJ nor Pocomoke City itself endorses OSP’s contention that Sewell engaged in misconduct as Chief. To the contrary, DOJ has successfully fought to *vindicate* Sewell, while Pocomoke has paid him and his co-plaintiffs what is perhaps the largest civil rights judgment in Worcester County history. Moreover, the only Pocomoke official to publicly address Sewell’s conduct is Councilwoman Downing, who testified at sentencing that Sewell was an outstanding police chief who brought only positive change to Pocomoke. Sentencing Tr. 13-18.

OSP’s fixation on punishing Sewell despite all this sends a chilling message to Black law enforcement officers that even a well-respected Chief with overwhelming community support cannot avoid retaliation for challenging racism in law enforcement. The experiences of Officers Savage, Green, and Sewell echo those of other Officers of Color fighting police abuse from within, including officers represented by HNLEA and UBPOA. Rather than furthering police accountability, this prosecution reinforces the notorious “blue wall of silence” that prevents police from reporting discrimination and wrongdoing within their ranks. *See, e.g., The Blue Wall of Silence*, THE MARSHALL PROJECT (2019), <https://www.themarshallproject.org/records/605-blue-wall-of-silence>.

\* \* \*

It is the exceptional Police Chief who possesses the courage and character to promote the public good even when it requires him to hammer against the blue wall. Kelvin Sewell is such a Chief, and has paid far too steep a price for it.

## STATEMENTS OF INTEREST

**United Black Police Officers' Association** (UBPOA) is a Maryland-based police organization with the mission of creating meaningful relationships between law enforcement officers and culturally diverse communities they serve. Through efforts like this, UBPOA works in the courts and in the community to help bridge the too-prevalent divide between police and Black communities.

**Hispanic National Law Enforcement Association** (HNLEA) is a Maryland-based, national nonprofit organization of justice system professionals dedicated to advancement of minority interests in law enforcement and in betterment of relationships between police and minority communities.

**American Civil Liberties Union of Maryland** (ACLU) is the state affiliate of the ACLU, a nationwide, nonprofit organization dedicated to the principles of liberty and equality embodied in the Constitution and this nation's civil rights laws. Since its founding in 1931, the ACLU of Maryland has appeared before courts and administrative bodies in numerous civil rights cases. ACLU is counsel in civil rights lawsuits brought both by Sewell and by Amici HNLEA and UBPOA.

## ARGUMENT

### I. CHIEF SEWELL'S REFUSAL TO RETALIATE AGAINST OFFICERS REPORTING DISCRIMINATION CAUSED HIS FIRING AND PROSECUTION.

#### A. Sewell was highly regarded until he stood up to racism

Kelvin Sewell came to Pocomoke after a distinguished career as a Baltimore homicide detective and brought noteworthy progress through his community-oriented approach. “The report card on Kelvin Sewell’s first year as police chief shows a dramatic decrease in overall crime,” wrote one newspaper in 2012. *In Pocomoke, crime down under new police chief*, SALISBURY DAILY TIMES, Dec. 6, 2012. “Sewell’s walk-the-beat techniques significantly lowered crime in Pocomoke, with murders decreasing 200 percent and theft and larcenies down 87 percent.” E. Bean, *End-of-year 2012 report labels Pocomoke ‘successful and exciting’*, SALISBURY DAILY TIMES, Feb. 18, 2013. Sewell’s successes were lauded by his officers, Pocomoke residents and city officials. *Id.*

But notwithstanding this success, as Sewell refused to buckle to pressure from the white establishment to retaliate against Black officers reporting discrimination, officials came to see Sewell as part of the problem. He too became a target.

Sewell’s supervisee, Franklin Savage, was the first and only Black officer assigned to a state-local drug task force operating in Worcester County. Appellant Br. at 11. Detective Savage suffered outrageous racism there, including frequent racial slurs, widespread display of racist stereotypes and imagery. Eventually, Savage filed EEOC complaints and an attorney grievance objecting to prosecutor Beau Oglesby’s repeated use of the slur “n-----”. *Id.* at 11-12.

White officials immediately lashed out in retaliation, using their power to discredit Savage and anyone who stood by him, including Sewell. Retaliation included spreading false, racially-tinged rumors, anonymous threats, refusing to provide emergency backup, and sabotaging employment.<sup>3</sup> After learning of Savage’s grievance, Oglesby campaigned aggressively against him, and Pocomoke officials began pressuring Sewell to fire Savage, saying that would fix everything. *See* DOJ Complaint ¶¶ 54-64; 65-75. As officials realized that Sewell would not go along, he came under fire, leading to his own EEOC complaint in March 2015. In mid-June, Sewell amended his charges, complaining of being called an “ungrateful ass n-----” by one City official, and adding claims against the State. Appellant Br. at 12. Two weeks later, Sewell was fired. *Id.*

Following Sewell’s firing, Pocomoke named as Interim Chief Earl Starner – an “old acquaintance/colleague” of OSP investigators and supervisor of two Savage harassers. *See* Appellant Br. at 13; DeNeen Brown, *Justice Department scrutinizes firing of black police chief in Pocomoke, Md.*, WASH. POST, Jul. 25, 2015.

## **II. OSP ABUSED ITS POWER AGAINST SEWELL**

### **A. OSP collaborated with officials hostile to Sewell to enable his prosecution**

From the outset, OSP’s investigation was driven by allegations of white officials angry with Sewell, Savage, and Green because of their discrimination complaints. First,

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<sup>3</sup> *See, e.g.*, DOJ Complaint ¶¶ 44-45 (false allegations against Savage); ¶¶ 51-52 (WCSO told Sewell it wouldn’t take emergency calls from Savage).

OSP willfully blinded itself to this reality, then became complicit, investing enormous resources in trying to discredit Sewell.

Ironically, OSP's inquiry began because Chief Sewell sought OSP's help. On June 26, 2015, Lt. Green contacted Sewell about an anonymous note he received saying drugs had been planted by white Worcester officials to incriminate them both. Appellant Br. at 13. Sewell called outside police agencies to request an independent search. MSP's Starner, Sewell's first choice, refused, citing a sustained discrimination complaint against Starner's supervisee for calling Savage "n----." Starner suggested Sewell contact MSP's Superintendent, who confirmed MSP's refusal to assist, saying Savage's complaint had caused "ill-will" with the State, and steering Sewell to OSP.

OSP Investigator Timothy Frye, a 25-year MSP veteran, also refused to assist Sewell. But after Sewell's call, Frye contacted Starner to discuss the inquiry. Appellant Br. at 13. OSP records show Starner and his deputy, David Sharp, discredited Sewell and engaged OSP collaboration against him. *Id.* Sharp vaguely claimed Sewell was "not well-liked" by Worcester's white establishment, saying MSP had heard "persistent", though unsubstantiated, rumors. *Id.* at 13-14. And immediately upon becoming interim Pocomoke Chief, Starner urged OSP to investigate Sewell. *Id.* OSP obliged, launching a wide-ranging investigation unlike anything OSP has ever done, before or since, with respect to any police officer.

Starting from the premise that Sewell must be corrupt because he stood by an employee who accused white officials of racism, OSP's Sewell investigation was the quintessential fishing expedition in search of a crime. OSP pursued everything from wild

allegations that Sewell schemed to obtain free alcohol from “Duck Inn Liquor” to bizarre claims that he seduced the 75-year-old mother of a Pocomoke drug suspect. *See Id.* at 14. OSP also investigated an “urban myth”, alleging an incarcerated woman was “pregnant by [C]hief Sewell.” Stephen Janis, *Conviction That Led to Chief’s Firing Overturned*, AFRO (Dec. 6, 2018). These allegations were readily disproven, but OSP continued fishing, seeking *anything* to corroborate its false premise. In the process, OSP used its investigation to slander Sewell’s reputation, even reaching out to agencies where Sewell had sought employment, warning them against him.<sup>4</sup>

Despite obvious conflicts stemming from prosecutor Oglesby’s involvement as a defendant in Sewell’s discrimination lawsuit and Starner’s role as Pocomoke Chief, OSP reached out to both repeatedly, soliciting allegations about Sewell. OSP Memorandum, Vol.1, R. 198-201. OSP investigators invited Oglesby to undertake his own investigation to identify any conceivable wrongdoing by Sewell. This is what Oglesby did, compiling and sharing a list of four incidents, including the Matthews accident ultimately used by OSP to charge Sewell. Appellant Br. at 14.

But in pursuing these allegations, OSP had a problem: No proof Sewell did anything wrong. Starner – then Pocomoke’s Chief – recommended OSP target his young Black subordinate, Tanya Barnes, as a witness against Sewell, suggesting she might be manipulated because she was ethically compromised. According to OSP notes, Starner said

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<sup>4</sup> This included Sewell’s current employer, the Baltimore State’s Attorney, who hired him as Chief of Investigations notwithstanding OSP’s slander, and has employed him throughout this ordeal.

Barnes “might be involved in the unaccounted-for funds” missing from PCPD and said “others who have interviewed her” complain she is “unreliable,” calling her conduct “unusual/suspicious.” OSP Memorandum, Vol. 8, R. 167 (Oct. 13, 2015).

Barnes knew of these allegations, and shared them with Sewell and his counsel at the time as evidence of ongoing racism at PCPD. In a February 2016 email entitled “Pocomoke Timeline from Tanya Barnes” Barnes said Starner was trying to “frame her” for stealing \$500, to coerce her into cooperating with OSP. Appellant’s Br. at 30. Barnes asserted: “Chief Sewell’s firing was illegal and I think they were trying to build a case based on corruption and use me as an EscapE goat [sic].” Subsequently, Barnes told Sewell OSP went to extreme measures, staking out her home for surveillance and threatening to charge her with theft unless she testified falsely against him. Appellant’s Br. at 29-30.

Looking back regretfully in 2019, Barnes confessed she succumbed to OSP threats and falsified testimony against Sewell during his first trial. *Id.* In a chance meeting on January 11, 2019, Barnes congratulated Sewell on this Court’s ruling in his favor, and stated: “I am so sorry for lying on you, Chief. Those two investigators told me if I didn’t lie, they were going to charge me with stealing five hundred dollars.”<sup>5</sup> Appellant’s Br. at 16. Then, in a February 1, 2019, encounter recorded on soundless security video, Barnes again waylaid Sewell, repeating her confession – this time in front of witness Kedrick Scribner, another State’s Attorney’s Office employee. *Id.* Barnes again referenced OSP and the theft allegation, pledging: “I am not going to let them make me lie again. You’re a good

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<sup>5</sup> This is the same allegation described in Barnes’ 2016 timeline.

Chief and you treated me good.” *Id.* As revealed on video, Barnes held up her phone to show Sewell OSP’s letter seeking testimony for his retrial.

Sewell’s counsel provided OSP with sworn statements detailing Barnes’ recantations, and asked prosecutors to voluntarily dismiss the charges. *Id.* But instead, OSP aggressively sought to silence Scribner, improperly convening a new grand jury and summoning Scribner to testify. When he did, OSP falsely accused Scribner of lying, and threatened a perjury prosecution. At that point, plainly intimidated, Scribner invoked his Fifth Amendment privilege, and became unavailable to Sewell as a corroborating witness. *Id.* at 17.

Although Sewell sought an evidentiary hearing to explore these disturbing developments, OSP opposed and the Circuit Court refused to hear the matter. Later, when Judge Jackson rebuffed OSP’s proposed introduction at sentencing of unsupported “witness tampering” allegations related to Barnes’s confessions to Sewell, prosecutors became furious, threatening in chambers to launch a new investigation into these charges – this time against both Sewell and his lawyers. Appellant’s Br. at 32.

#### **B. OSP’s pursuit of Sewell contrasts dramatically with past practice**

Analysis of OSP’s prior investigations against police makes clear that both its *post-hoc* approach and the nature of charges pursued against Chief Sewell stand out as highly aberrational. To understand how OSP operates, ACLU analyzed agency records for misconduct charges for any police official from 1986 through 2016. Opening Brief for Appellant at 12-13, *Sewell v. State*, 197 A.3d 607 (2018). This analysis reveals that OSP has only rarely pursued misconduct charges against police officers, and that those charges



pursued stemmed from written complaints to OSP alleging concrete misconduct, not charges developed by OSP through result-oriented fishing. Moreover, OSP has *never* before (or since) pursued charges against a police officer for a discretionary decision about whether or how to charge an incident. From 1986 through 2016, approximately 52 police complaints were filed with OSP. Most (65%) were closed without investigation. Four officers were charged with financial crimes. Until its prosecution of Mr. Sewell, OSP had prosecuted *only one police officer in 25 years* for a non-financial crime, Nicholas Plazio in 2012. Plazio violated the constitutional rights of two murder suspects, lied about it to law enforcement, then perjured himself, compelling dismissal of all charges. *See Brett Lake, Sherriff's Officer major charged with misconduct in office, resigns, CARROLL COUNTY TIMES, Jan. 03, 2012.* OSP agreed not to bring perjury charges against Plazio if he pled guilty to misconduct and resigned.

In contrast, Sewell was charged with “misconduct” for, according to OSP, declining to charge a driver with engaging in a “hit-and-run” after an accident in which the driver hit two parked cars, injuring no one, and continued three blocks to his home before calling police. All costs were covered by insurance. Launching an investigation months after Sewell’s illegal termination,<sup>6</sup> disregarding normal resource limitations, and employing high-pressure tactics to coerce testimony to support criminal charges, OSP pursued Sewell. Even years later, following one reversal by this Court and entry of a federal judgment for Sewell, OSP continues its pursuit – notwithstanding widespread community opposition,

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<sup>6</sup> Notably, until Sewell’s prosecution, OSP had never in its 30-year history initiated an investigation of a police officer *after* the officer was terminated or resigned, but instead ended even ongoing investigations upon officer resignation.

denials of wrongdoing by DOJ and Pocomoke itself, steadfast support for Sewell from the Baltimore State's Attorney, and even corroborated recantations by OSP's lead witness.

It is inexplicable, except as a selective prosecution.

### III. THIS PROSECUTION UNDERMINES POLICE ACCOUNTABILITY

In defense of its unrelenting pursuit of Chief Sewell, OSP proclaims this prosecution necessary to promote police accountability. *E.g.*, Ann Marimow, *Md. Prosecutor renews misconduct case against former Eastern Shore police chief who alleged race discrimination*, WASH. POST, May 14, 2019. In fact, the opposite is true.

While aligning itself with aggrieved white officials seeking to discredit Pocomoke's beloved first-Black police chief, OSP looked away as police violence and abuse against Black and Brown Marylanders ran rampant.<sup>7</sup> Too busy in Pocomoke, OSP left the job of holding police accountable for exploding corruption and racism to the Justice Department,<sup>8</sup> journalists,<sup>9</sup> and civil rights litigants like Amici and Chief Sewell. In these circumstances,

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<sup>7</sup> Even when HNLEA implored OSP in 2017 to investigate corruption by top Prince George's commanders that would later become subject of ongoing DOJ investigation and civil rights litigation, OSP rebuffed the request, closing the complaint and clearing the white officials named without even talking to HNLEA. *See* Angela Carella, *Mayor: Pick for Top Cop was well-vetted*, STAMFORD ADVOCATE, Jun. 15, 2019 (citing OSP letter clearing white commander.)

<sup>8</sup> *See* U.S. DEP'T OF JUSTICE CIVIL RIGHTS DIV., *Investigation of the Baltimore City Police Dep't* (Aug. 2016), <https://www.justice.gov/opa/file/883366/download>.

<sup>9</sup> *See, e.g.*, *Gun Trace Task Force*, THE MARSHALL PROJECT (2020), <https://www.themarshallproject.org/records/5632-gun-trace-task-force> (Curated collection of articles concerning rampant corruption in "elite" Baltimore police unit, leading to federal prosecution of numerous officers and voiding of criminal convictions in hundreds of cases); Mark Puente, *Undue Force*, BALT. SUN, Sept. 28, 2014 (Award-winning

Amici find farcical OSP's contention that police accountability requires *this* prosecution, among all others that might have been.

Like Kelvin Sewell, Amici care deeply about improving police-community relations and promoting true accountability in law enforcement. Thus, despite knowledge of Chief Sewell's ordeal and the prevalence of retaliation against Officers of Color who stand up to police racism, Amici UBPOA and HNLEA in 2018 proudly followed Sewell over the blue wall, becoming co-plaintiffs in their own federal lawsuit challenging racism inside and outside the Prince George's County police department. *HNLEA v. Prince George's County*, Civil No. 18-3821-TDC (Dec. 12, 2018) (complaining of wrongful firings, transfers, and discipline against Officers of Color for reporting racist behavior by PGPD). Amici's struggle for responsiveness and accountability in law enforcement – which they view as intertwined with that of Chief Sewell – continues.

## CONCLUSION

“Who will watch the watchmen?” the Roman poet Juvenal asked.<sup>10</sup> Here, by wielding its prosecutorial power to attack a pioneering Black police chief because he dared to call out racism within police ranks, while allowing actual police abuse to go unchecked, OSP abandoned its post as watchman for the public good. Amici urge the Court to step into

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investigative series detailing dozens of police abuse incidents against Marylanders leading to payment of millions of dollars in civil judgments subject to City non-disclosure agreements).

<sup>10</sup> "Quis custodiet ipsos custodes?" JUVENAL, SATIRES, Satire VI.

this breach by reversing the wrongful conviction of Kelvin Sewell and dismissing the charge against him once and for all.

Respectfully submitted,

/s/

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**CERTIFICATE OF WORD COUNT AND COMPLIANCE WITH RULE 8-112**

1. This brief contains 3870/3900 words, excluding the parts of the brief exempted from the word count by Rule 8-503.

2. This brief was prepared with proportionally spaced, Times New Roman font, size 13, in compliance with the requirements specified in Rule 8-112.

/s/

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of March 2020, copies of the foregoing brief of *amici curiae* were filed electronically, with hard copies sent thereafter via first-class mail, postage prepaid to:

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