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A vote on witness bill

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PRINCE GEORGE'S County Del. Joseph F. Vallario Jr. needs to stop thinking like a defense attorney. He's made his point that the Ehrlich administration's bill to address witness intimidation infringes on a defendant's right to cross-examine a witness. But supporters of the measure are willing to compromise on the kinds of statements that can be used at trial without the presence of the witness. Why?

Because lives and the integrity of the criminal justice system are at stake. It's that simple. As chairman of the House Judiciary Committee, Mr. Vallario should use his powerful position to facilitate -- not obstruct -- a solution to a serious problem undermining justice in courthouses across Maryland.

This is the second year that Gov. Robert L. Ehrlich Jr. and Baltimore State's Attorney Patricia C. Jessamy have been frustrated in their effort to adopt an exception to the hearsay rule that would permit statements to be used in a trial when a witness has refused or is unavailable to testify. It is modeled after a similar rule in federal court. Before a witness statement could qualify under the hearsay exception, a judge would have to find several factors, including that the defendant was responsible for the witness' unavailability. That alone makes the use of these statements rare in federal court. Ms. Jessamy has argued that the same would be true in state court. But despite the support of 118 of the 141 House members, Mr. Vallario shows no inclination to act on the bill.

With witnesses being harassed, threatened and killed to keep from telling what they know, it's unconscionable to sit back and do nothing. The legislative session shouldn't end without a vote on this bill.

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