

July 10, 2009

Dear Client:

As we pass the midpoint of 2009, we want to bring you up to date on recent developments in the law and at the firm. We are pleased to announce that in March of this year Mr. Bair was selected for inclusion on the 2009 Washington D.C. Metro area Super Lawyers list. Only five percent of lawyers in the area are chosen each year for this honor, and this is the third consecutive year that Mr. Bair has achieved this status, both in the D.C. area and in Maryland.

Over the past six months, we obtained significant sentence reductions for several clients. In a particularly striking case last month, Ms. Kamins convinced Prince George's County Judge Mittelstaedt to reduce the sentence of Ernest Akers from 105 years to 35 years. That same day, Ms. Kamins obtained relief for Kevin Baker by getting his sentence of life with all but 25 years suspended reduced to a straight term of 25 years. In March of this year, Mr. Bair won a sentence reduction from Judge McKee in another Prince George's County case, when Terron Williams's sentence was reduced from 15 years to 11 years. Earlier this year, Mr. Bair obtained a Health-General drug treatment commitment for Wayne Streat from Judge Dana Levitz in Baltimore County, which resulted in the suspension of the balance of a 10-year without parole sentence.

In Montgomery County, Judge Pincus granted a motion to reopen post conviction argued by Mr. Bair on behalf of Severino Alcantara, and a full hearing on the Joseph Kopera perjury issue will take place this fall. Mr. Ginsburg argued on behalf of Brian Doukas before the Maryland Parole Commission and was successful in getting parole granted for him. Ms. Kamins prevailed on a motion to correct illegal sentence in Gilbert Fenwick's case, which enabled him to file a belated motion for reconsideration of sentence and a belated application for sentence review.

The firm had successes at coram nobis proceedings and trials as well during the last six months. Mr. Bair won a coram nobis case in Worcester County that resulted in a 1995 marijuana conviction being vacated and nol prossed. Likewise, Ms. Kamins obtained coram nobis relief for Jose Medrano in a Prince George's County case where the court vacated a 1994 conviction. In a Baltimore City case, Mr. Ginsburg obtained a major sentence reduction pursuant to a guilty plea in the case of Bryan Fultz. After the firm obtained a reversal of Mr. Fultz's conviction on direct appeal to the Court of Special Appeals, Mr. Ginsburg persuaded the prosecutor and judge to accept a binding plea whereby the sentence for attempted first degree murder and use of a handgun was reduced from 25 years to 5 years. Ms. Suter handled cases for clients in the District Court of Maryland in Montgomery and Prince George's County, obtaining a stet in one and a finding of no contempt in the other.

The firm was also busy with appeals in the Court of Special Appeals and Court of Appeals. Mr. Bair won reversals of the convictions of Bryan Fultz, referred to above, as well as in the case of Darryl King. The firm will be representing Mr. King at his retrial in Prince George's County Circuit Court. Mr. Bair argued the case of Gary Smith a few months ago and is awaiting the Court of Special Appeals' decision. Mr. Bair and Mr. Ginsburg also persuaded the Court of Appeals to grant certiorari in the case of Tony Williams, whose case will be argued this Fall.

On the legal developments front, the Court of Appeals recently confirmed that the ten-year statute of limitations on the filing of post conviction petitions enacted effective October 1, 1995, is prospective only and does not apply to persons sentenced before that date. *State v. Williamson*, 408 Md. 269 (2009). In the last paragraph of its opinion, the Court suggested that the one petition limit enacted on the same date might also apply prospectively only. Thus, even if you filed a post conviction petition prior to September 30, 1995, you may still be entitled to file another post conviction petition (rather than a motion to reopen post conviction) after that date. In terms of new statutes, be aware of the passage and signing into law of Senate Bill 486, Chapter 744 of the Laws of 2009. Effective October 1, 2009, Section 8-301 of the Criminal Procedure Article will provide for the filing of a "Petition for Writ of Actual Innocence" based on newly discovered evidence. This provides another mechanism outside of post conviction for raising such claims.

We also want to remind you of a few timing matters that may affect your case: (1) if you were sentenced after October 1, 1995, a post conviction petition must be filed within 10 years of sentencing, and thereafter only if "extraordinary cause" is shown (if you were sentenced before that date, there is no time limit); (2) although the one-petition limit applies to everyone, there is no time or number limit on motions to reopen post conviction; and (3) for sentences imposed on or after July 1, 2004, the court's revisory power to reduce the sentence expires five years after the date of sentencing (if you were sentenced before that date, the revisory period has no time limit).

In closing, attorneys from the firm participated in Legal Awareness Seminars during the past six months at J.C.I., M.C.I.-H. and R.C.I., and appreciated the opportunity to speak to multitudes of incarcerated citizens. The firm represents clients in the state and federal courts in trials, direct appeals, motions for reconsideration of sentence, post conviction petitions, motions to reopen post conviction, Health-General motions for drug treatment, Section 2254 habeas corpus petitions, Section 2255 motions, petitions for coram nobis relief, and parole and commutation matters throughout Maryland. If you or someone you know has any questions about these matters or anything else, please feel free to contact us, in writing or by calling collect at 301-220-1570.

Sincerely,

THE LAW FIRM OF BENNETT & BAIR, LLC