

State of Maryland

v. Shawn Broadnax

VIOLATION OF PROBATION HEARING

October 19, 2012



IRWIN REPORTING

& VIDEO, LLC

410-494-1880

1 STATE OF MARYLAND, * IN THE
2 v. * CIRCUIT COURT
3 SHAWN BROADNAX * FOR
4 * BALTIMORE CITY
5 * CASE NO.: 510075002
6 *

7 TRANSCRIPT OF PROCEEDINGS
8 VIOLATION OF PROBATION HEARING
9 BEFORE THE HONORABLE KAREN STEWART

10
11 BALTIMORE CITY, MARYLAND

12 OCTOBER 19, 2012

13
14 Transcriptionist: Sarah E. Wisthoff, Notary Public
15 Proceedings recorded by digital CD recording.
16 Transcript produced by transcription service.
17
18
19
20
21

A P P E A R A N C E S

On behalf of the State of Maryland:

STEVEN T. MITHCELL, ESQUIRE

Assistant State's Attorney

419 Clarence Mitchell Courthouse

Baltimore, Maryland 21202

On behalf of the Defendant:

ALAN GOODWICH, ESQUIRE

Office of the Public Defender

201 Saint Paul Place

Baltimore, Maryland 21202

P R O C E E D I N G S

(At 10:45:07 a.m., on the record)

STATE: All right, do you we need to
revisit Broadnax?

MR. GOODWICH: Yes.

BAILIFF: Have a seat, ladies.

STATE: Oh yeah, this is Mr. Broadnax.
He and I have spoken -- spoken to him about the
offer. State of Maryland, hold on, Shawn Broadnax,
510075002. Steven Mitchell for the State.

MR. GOODWICH: Alan Goodwich on behalf of
Mr. Broadnax.

THE COURT: How we proceeding?

MR. GOODWICH: Your Honor, I've explained
the Court's options to Mr. Broadnax. He's not
satisfied with any of them. He wanted to speak to
Your Honor. I advised it's probably not in his
best interest but, at this time, he wishes to speak
to Your Honor.

THE COURT: All right.

MR. BROADNAX: Your Honor, I've been

1 incarcerated like most of my life, since I was a
2 child, like seventeen. And I did a whole lot of
3 time in prison and I can't even fathom the thought
4 of doing years more than that and I was doing the
5 right thing. I just messed up, just slightly. I
6 know they said I failed to appear but I was doing
7 the right thing.

8 I just had to get a little bit more money
9 so I can be established enough so I can leave my
10 children without getting evicted or anything like
11 that but, before that, before I caught this charge,
12 I was doing everything right.

13 I had a job. I was doing the right
14 thing. I wasn't messing up. I stayed clear away
15 from violence, anything, stayed away -- stayed away
16 from felony, felons, ex-convicts. Ma'am, I wasn't
17 doing anything. And like, I'm just asking for a
18 little, some mercy. You can -- you can put me,
19 give me some papers to sign probation for the rest
20 of my life.

21 THE COURT: No, I can't. That's illegal.

1 MR. BROADNAX: But, I'm just saying --

2 THE COURT: You weren't going to see your
3 agent either.

4 MR. BROADNAX: No, but I'm talking about
5 before this I was --

6 THE COURT: No. No. No. No. But you
7 weren't going to see your agent. You wouldn't give
8 verification of going to school or going to work.
9 You were arrested, marijuana, I believe.

10 MR. BROADNAX: I know, I messed up.

11 THE COURT: Yeah, you messed up big --

12 MR. BROADNAX: I know.

13 THE COURT: -- and I am giving you a
14 break because actually you're facing ten years and
15 with the possession of marijuana, that's another
16 year.

17 MR. BROADNAX: I'm just, please, I can't,
18 I'm on psych medications, bipolar and
19 antidepressants and I couldn't do it. I'm telling
20 ya --

21 THE COURT: You couldn't do what?

1 MR. BROADNAX: I can't -- I don't know,
2 I'll lose my mind.

3 THE COURT: Can't do what?

4 MR. BROADNAX: I'll lose my mind, Your
5 Honor. I just need another chance.

6 THE COURT: To do what? What are you
7 talking about?

8 MR. BROADNAX: Just to do the right
9 thing.

10 THE COURT: You're gonna lose your mind
11 to do the right thing. What are you saying?

12 MR. BROADNAX: No, I'm talking about
13 that, if I'm given that time, I know I'm gonna lose
14 my mind.

15 THE COURT: Well --

16 MR. BROADNAX: I haven't even had a
17 chance to even be out really in society but I've,
18 but while I was out there --

19 THE COURT: If you don't commit crimes,
20 you don't go to jail.

21 MR. BROADNAX: I know.

1 THE COURT: So, all this stuff you
2 talking about --

3 MR. BROADNAX: I wasn't trying to commit
4 a crime. I just -- I just was stupid.

5 THE COURT: Oh come on Mr. Broadnax.

6 MR. BROADNAX: It wasn't no distribution.
7 It wasn't anything, Your Honor. I wasn't
8 distribution. It wasn't, but please.

9 THE COURT: A call went out for an armed
10 robbery. Investigation revealed that the victims
11 were walking in the three-hundred block of East
12 Thirty-third street along with three other
13 schoolmates. The defendant came up behind the
14 victims. One of the defendants, you or your
15 cohort, or co-defendant, put a blackish-gray
16 revolver to the side of one of the victims and one
17 of you said, we don't want to have to shoot
18 anybody, come on and walk with us. They went.

19 MR. BROADNAX: Your Honor, that right --

20 THE COURT: Luckily, there was a Hopkins
21 Security Officer nearby. They saw their chance to

1 escape and they began to walk away from you;
2 approached the Security Officer and gave a
3 description of the two suspects who had just tried
4 to rob them. You were located and identified.

5 MR. BROADNAX: Your Honor --

6 THE COURT: What?

7 MR. BROADNAX: I can't deny -- I can't
8 deny what I'm on probation for --

9 THE COURT: I know you can't deny it
10 cause you admitted it.

11 MR. BROADNAX: I know. I'm saying this,
12 Your Honor, that, with that situation right there,
13 it was either --

14 THE COURT: Where's Boone Street?
15 Where's the twenty-seven hundred block of Boone
16 Street?

17 MR. BROADNAX: It's a couple blocks away
18 from my house.

19 THE COURT: That's not too far from
20 Thirty-third, is it?

21 MR. BROADNAX: That's where I live at.

1 THE COURT: Ah, and you're supposed to
2 stay aware from that area too, weren't you?

3 MR. BROADNAX: I can't help, my pro--, my
4 PO would have violated me if I was, if that address
5 was wrong; if I couldn't stay there. That's the
6 only -- that's the only address I have.

7 THE COURT: What are you asking me to do?
8 What's your bottom line, Mr. Broadnax?

9 MR. BROADNAX: I just want a chance.

10 THE COURT: No, you had one.

11 MR. BROADNAX: I'm talking about a
12 chance, Your Honor.

13 THE COURT: You had one. No.

14 MR. BROADNAX: I don't know what else to
15 do. I don't know what else to say. I'm --

16 THE COURT: Either you violated your
17 probation or you didn't. Either you didn't report
18 to your agent or you did.

19 MR. BROADNAX: I'm talking about before
20 this situation, I was doing everything perfect.
21 Everything.

1 THE COURT: Okay. No. No, you weren't.

2 MR. BROADNAX: Everything.

3 THE COURT: You were not.

4 MR. BROADNAX: I'm talking about, I did -
5 - I did your time.

6 THE COURT: That's not my time.

7 MR. BROADNAX: I'm talking about the time
8 that you gave me, I did it --

9 THE COURT: I didn't give you that. It's
10 the time you earned because of your criminal
11 activity. Don't put that on me.

12 MR. BROADNAX: Your Honor, I'm not trying
13 to put it on you.

14 THE COURT: Well, you keep say, I gave
15 you. No.

16 MR. BROADNAX: The time that I got. I
17 successfully completed the time and I was on -- on
18 the road to finishing your probation.

19 THE COURT: Not my probation.

20 MR. BROADNAX: On the probation that I
21 got.

1 THE COURT: No, your probation. Not that
2 you got. It didn't just fall on your head.

3 MR. BROADNAX: I apologize.

4 THE COURT: You --

5 MR. BROADNAX: I apologize for the way
6 I'm saying things but --

7 THE COURT: No, but that's how you feel.

8 MR. BROADNAX: I'm a little messed up --
9 I'm a little messed up in my --

10 THE COURT: You're saying what you feel.

11 MR. BROADNAX: No, I'm a little messed --

12 THE COURT: No, you're not. No, you're
13 not.

14 MR. BROADNAX: I am, Your Honor. This
15 is, right here, this is, it's gonna -- it's gonna
16 break my spirit.

17 THE COURT: I don't care. Like you broke
18 that other man's spirit when you stuck that gun in
19 his back. What are you talking about?

20 MR. BROADNAX: You can look and see I
21 didn't have any directly. It was either say

1 something about somebody else doing something or
2 just take it. And I couldn't say nothing. So, I
3 took the, I took what I had to take.

4 THE COURT: Well, you can take the nine
5 years or you can ten. That's your choice.

6 MR. BROADNAX: Oh, man.

7 THE COURT: Do I look like a man to you?

8 MR. BROADNAX: I'm talking about -- I'm
9 talking to myself.

10 THE COURT: Okay, well if you're talking
11 to yourself, I don't want to hear it. What are you
12 gonna do? Are you gonna admit to the violation or
13 do you want a hearing? What do you want to do?

14 MR. BROADNAX: I'm gonna kill myself.

15 THE COURT: Okay.

16 MR. BROADNAX: I can't do it.

17 THE COURT: You want to admit to the
18 violation or you want a hearing.

19 MR. BROADNAX: I don't know what that, I
20 don't even know, I don't understand what that is.

21 THE COURT: A hearing means you can call

1 witnesses to the stand. You and your attorney can
2 ask those witnesses questions to determine whether
3 or not you violated your probation. They're
4 alleging that you violated your probation by one,
5 failing to comply with rule one. That means,
6 they're saying you did not report to your agent, or
7 to the kiosk on May the 8th, 2012; that you were
8 arrested on May the 9th, 2012; you bailed out on
9 May the 11th, 2012 but you did not report to your
10 agent or the kiosk on May 14, 15, 17, 21, 22, 24 or
11 29. Or anytime in the month of June.

12 MR. BROADNAX: I called my PO --

13 THE COURT: They also, I didn't say
14 anything about calling, did it? They also said you
15 failed to attend school regularly or verify that
16 you were seeking employment or employed. Also
17 indicated that you failed to obey all laws when you
18 were arrested with marijuana in your possession.
19 And if you did indeed have marijuana in your
20 possession, that would also be a violation of rule
21 number eight.

1 Now, the State has agreed that if you
2 admit to the violation of probation in this matter,
3 and the Court, I don't know why I agreed to that,
4 said if you admitted to the violation of probation,
5 that you would only get nine years. If you don't
6 want to admit to the violation, you can, the whole
7 -- whole marijuana thing doesn't have anything to
8 do with it cause if you're find [sic] guilty of
9 violating rule one, that's still gonna be ten
10 years. But if you go along with the plea
11 agreement, it will be nine years.

12 So, what do you want to do? You want to
13 have a trial or you want to admit to the violation,
14 or do you want to admit to the violation of
15 probation?

16 What do you want to do, sir? What do you
17 want to do? Oh, I know, it's the Corporal Klinger
18 situation. I'll tell you what. Here are your
19 choices. You can go to jail today or you can go to
20 prison today. Which one you want to do? Mr.
21 Goodwrich, you want to try to reach your client?

1 MR. GOODWICH: Yes, Your Honor.

2 THE COURT: All right. Why don't you
3 have a seat, sir? Sit on the back bench, have a
4 seat.

5 10:54:38 a.m. - 10:58:22 a.m.; another case handled
6 on the record).

7 (At 10:58:22 a.m., back on the record regarding
8 this case)

9 THE COURT: Can you step out in the
10 hallway and asked Mr. Goodwich to come in, please?
11 Call the Broadnax case, Mr. Mitchell.

12 STATE: Recalling the State of Maryland
13 versus Shawn Broadnax, 510075002, Steven Mitchell
14 for the State.

15 MR. GOODWICH: Mr. Broadnax --

16 THE COURT: Oh, you all know he's having
17 a problem. You all be a little bit more concerned.
18 You all be a little bit more, you know, careful
19 with him, okay?

20 Okay so, where's Mr. (inaudible), Mr.
21 Mitchell.

1 MR. MITCHELL: I'm here, Your Honor.

2 THE COURT: He doesn't want your deal,
3 okay? So, this is what we're going to do.
4 Officers, you heard Mr. Broadnax say that if he has
5 to do nine years, then he's going to kill himself.
6 So, here's what we're gonna do. We're gonna bring
7 him back, let's see, on the violation of probation,
8 okay? That's the 51075002 [sic]. We gonna bring
9 him back on October the 15th, 2013. On the
10 812248010, that's the misdemeanor case, we gonna
11 bring him back on, let me see, March 27th.

12 In the meantime, you all need to make
13 sure you keep an eye on him even though he hasn't
14 gotten any time, he hasn't gotten any nine years,
15 you all keep an eye on him and make sure he doesn't
16 do anything, you know, I can't say strange or
17 bizarre because I guess that's an objective or more
18 of a subjective standard.

19 But, he doesn't look, he probably won't
20 be able to eat cause if he's truly in shock or
21 catatonic that he would like, as he appears to be

1 today, he probably won't be able to eat. He
2 probably won't be able to drink anything. He
3 probably won't be able to use the bathroom. He
4 probably won't be able to speak. He probably won't
5 be able to respond to any orders or any terms that
6 are given to him. You may have to lift up his legs
7 in order for him to get into the vehicle.

8 As a matter of fact, he may have to go to
9 the hospital and I know they don't take them to the
10 hospital often for these kinds of things but if you
11 need an order to have him committed to Spring Grove
12 or Sheppard Pratt or you know, one of those places,
13 before sentencing, cause you know, once you go
14 those places, your time stops when you're in a
15 hospital.

16 You know, something like that. They
17 don't have Crownsville Mental Hospital anymore, do
18 they? No, they closed that. Okay, I'm trying to
19 think. Sheppard Pratt, Spring Grove --

20 OTHER PEOPLE IN THE COURTROOM (IN
21 UNISON): Springfield. Perkins.

1 THE COURT: Springfield.

2 OTHER PEOPLE IN THE COURTROOM (IN
3 UNISON): Perkins.

4 THE COURT: Oh no, not Perkins. Yeah,
5 Perkins. Cause Perkins, they do have violent
6 people at Perkins. And I do want you to know in
7 Jessup too for the violent people, I do want you to
8 know that he's been previously convicted of being
9 in possession of a deadly weapon with the intent to
10 injure and he's been previously convicted for
11 assault in the first degree, which started out as a
12 robbery but it was reduced by the State, okay?

13 So, you all make sure you take special
14 care of Mr. Broadnax so he can be, you know, taken
15 care of. Let me see, he appears to be catatonic.
16 You know what catatonic, well, you might not know.
17 But you all know what catatonic means. Appears
18 catatonic; he refuses to talk. Can you talk, Mr.
19 Broadnax? Can you hear me? Okay, refuses to
20 answer. He probably can't blink his eyes. Take
21 them glasses and let me see if he can blink his

1 eyes for me, Officer. Can you blink your eyes, Mr.
2 Broadnax? Oh yeah, he can blink. He does blink.
3 Defendant blinks.

4 Can you hear me Mr. Broadnax? If you
5 hear me, blink your eyes once. If you can't, blink
6 them twice. Okay, he's non-responsive. No, but he
7 can see because he's squinting so he can see, you
8 know, clearly. Let me see what else is going on.
9 He still has control of all of his muscles. I'm
10 making this record so it's clear. What's wrong
11 with you, ma'am and who are you?

12 UNIDENTIFIED FEMALE: Who, me?

13 THE COURT: No, you. Stand up.

14 MR. BROADNAX'S FINANCE: I'm Letia Cole.

15 THE COURT: And what are you to this
16 defendant?

17 MR. BROADNAX'S FIANCÉ: I'm his fiancé.

18 THE COURT: His fiancé? Where's the
19 ring?

20 MR. BROADNAX'S FIANCÉ: We couldn't
21 afford one.

1 THE COURT: All right. Well, sit down
2 and keep your mouth shut. If you can't, leave. Is
3 there something you want to say?

4 MR. BROADNAX'S FIANCE: Yeah, could I,
5 please?

6 THE COURT: Yeah, stand up and tell me
7 what you want to say and just understand, ma'am,
8 that the liberty you save might be your own. Sit
9 down, Mr. Mitchell. I don't want her coming up
10 here. What do you want to say? State your name
11 for the record.

12 MR. BROADNAX'S FIANCE: My name is Letia
13 Cole.

14 THE COURT: Spell it.

15 MR. BROADNAX'S FIANCE: L-E-T-I-A. C-O-
16 L-E.

17 THE COURT: L-E-T, L-E, C-O-L-E. And
18 what's your date of birth, ma'am?

19 MR. BROADNAX'S FIANCE: Twelve, four,
20 seventy-eight.

21 THE COURT: And what is it you want to
22 say?

1 MR. BROADNAX'S FIANCE: That since I've
2 known Mr. Broadnax, there has been a change in him.
3 Also, that he was going through some, he is going
4 through some things at the Institution where he's
5 at so, maybe that's why that contributes to his
6 (inaudible).

7 THE COURT: Going through what things?

8 MR. BROADNAX'S FIANCE: I don't know
9 because it's always noisy. I really can't
10 understand on the phone but I can tell that he's --

11 THE COURT: Does he get like this often
12 where he just shuts down?

13 MR. BROADNAX'S FIANCE: It has happened
14 before.

15 THE COURT: Okay, was it during an
16 argument you two might have been having?

17 MR. BROADNAX'S FIANCE: We never had an
18 argument, ever.

19 THE COURT: Well, how long you all been
20 fiancés?

21 MR. BROADNAX'S FIANCE: For a while.

1 THE COURT: What's a while?

2 MR. BROADNAX'S FIANCE: For over a year.

3 THE COURT: Oh, that's not long. So,
4 when did he shut down before like this? For what?

5 MR. BROADNAX'S FIANCE: Since
6 incarceration.

7 THE COURT: Oh when he goes -- oh, I see.
8 So, when are you there when he shuts down like
9 this?

10 MR. BROADNAX'S FIANCE: On the phone.

11 THE COURT: Oh, just on the phone he'll
12 stop talking? Yes?

13 MR. BROADNAX'S FIANCE: Yes, ma'am.

14 THE COURT: Oh, so you've never seen him
15 do this in person? No? Okay, so this is the first
16 time you've ever seen this total, not do anything?

17 MR. BROADNAX'S FIANCE: Physically, yes.

18 THE COURT: Okay, so on the phone, he
19 might have just didn't like what you were saying
20 and just didn't talk?

21 MR. BROADNAX'S FIANCE: No. It's not

1 what, it's never what I was saying.

2 THE COURT: Well, how do you know he just
3 shut down? How do you know he didn't just hang up?

4 MR. BROADNAX'S FIANCE: I could hear cause
5 I'm still on the phone.

6 THE COURT: Well, how do you he just
7 said, didn't take the phone and look at it and say,
8 you know --

9 MR. BROADNAX'S FIANCE: Cause I could
10 hear breathing. I could tell he there since I know
11 him.

12 THE COURT: Is he breathing now?

13 MR. BROADNAX'S FIANCE: Maybe
14 involuntarily.

15 THE COURT: Oh, okay. All right. So,
16 tell me about his psychiatric situation. Do you
17 know anything about his psychiatric? Has he been -
18 - has he been diagnosed with anything?

19 MR. BROADNAX'S FIANCE: Yes.

20 THE COURT: What?

21 MR. BROADNAX'S FIANCE: Bipolar,

1 depression and post traumatic stress --

2 THE COURT: Who -- who diagnosed him?

3 MR. BROADNAX'S FIANCE: Some, a clinic.

4 THE COURT: Where?

5 MR. BROADNAX'S FIANCE: I want to say

6 Total Healthcare. I'm not sure.

7 THE COURT: Okay, bipolar, depression and

8 what?

9 MR. BROADNAX'S FIANCE: And post
10 traumatic stress.

11 THE COURT: And what's the post traumatic
12 stress come from? What -- what traumatic
13 experience did he have.

14 MR. BROADNAX'S FIANCE: I couldn't tell
15 you (inaudible).

16 THE COURT: But you're his fiancé.
17 You're gonna marry this man and you don't know what
18 traumatic happened to him?

19 MR. BROADNAX'S FIANCE: We talk but as
20 far as that --

21 THE COURT: Um hm.

1 MR. BROADNAX'S FIANCE: -- situation is
2 concerned, I'm not gonna be putting his --

3 THE COURT: So, you don't know who
4 diagnosed him?

5 MR. BROADNAX'S FIANCE: -- (inaudible)
6 personal business out there.

7 THE COURT: Personal business? He
8 standing here like he can't --

9 MR. BROADNAX'S FIANCE: I mean, that's
10 between, you know, him and his doctor and --

11 THE COURT: Oh, so you don't know what
12 his traumatic experience was?

13 MR. BROADNAX'S FIANCE: I know bits and
14 pieces.

15 THE COURT: Okay.

16 MR. BROADNAX'S FIANCE: He's still
17 working on that.

18 THE COURT: Okay, so who, you said Total
19 Healthcare?

20 MR. BROADNAX'S FIANCE: Yes, ma'am.

21 THE COURT: Was it Total Healthcare Mr.

1 Broadnax? We'll never know how to help him cause
2 he can't sign anything. He can't sign anything.
3 Alrighty then. Per fiancé, Letia Cole, well ma'am,
4 I don't know what to tell you but I'm sure that you
5 probably won't be hearing from him for a while
6 because, you know, all these things they're gonna
7 have to do to take care of him.

8 He's not going to be able to make any
9 phone calls. He probably won't be able to do any
10 of that, will he? If he's, you know, catatonic and
11 all messed up. So, I don't know what to tell you.
12 I'm sure he won't be able to have visitors, will
13 he?

14 OFFICER: No, ma'am.

15 THE COURT: Okay, so there'll be no
16 visitors. Because if he can't hear the Court he
17 couldn't very well hear visitors. You know what I
18 mean? And you're aware of all this, right? You
19 make sure all this information gets to the
20 institution, will you (inaudible).

21 FEMALE SPEAKER: Yes, Your Honor.

1 THE COURT: Okay, so I'm sure he won't be
2 able to have any visitors or use the phone or have
3 any recreation until they figure out what's wrong
4 with him. And if you want to, I'll let you write
5 it all down a little bit later. You can come back
6 with his name. He appears catatonic. He refuses
7 to answer.

8 He blinks but he's non-responsive. He's
9 been previously, per the fiancé, but they've only
10 know each other for about a year, there's no ring
11 cause they couldn't afford it, he is bipolar,
12 depression, post traumatic stress disorder, but
13 she's not sure why. She's not sure who diagnosed
14 him but that's allegedly what happened.

15 Now, when he was here before in February
16 9, 2011, he said nothing about any of that. Any of
17 that in record from the probation agent?

18 AGENT: Your Honor, I was reviewing his
19 field notes, I have no record of any of those
20 things mentioned to any of the agents that have
21 supervised previously.

1 THE COURT: Okay, so, you know, I don't
2 know what to tell you. He probably gonna have to
3 be in isolation for twenty-four hours a day because
4 there's no need for him to be outside if he can't
5 walk or do anything. I don't know. Whatcha all do
6 with these types of situations? Perkins or
7 somewhere, I don't know. But if he needs to be
8 evaluated, we'll see what we can do to help him.

9 But I will tell you, all of this came
10 about when the Court said he either gets nine years
11 or ten. Then all of a -- (Pause)

12 Did you all think I was crazy? So, do
13 what needs to be done. We've reset this matter
14 for, he has the misdemeanor for Feb -- March the
15 27th and he has the VOP for October 15th. No
16 visitors. No phone calls. Have a seat, ma'am.
17 Oh, you can, but he can -- oh, he can walk.

18 Let me know if he starts talking. We can
19 bring him back up. Let me hold his file. If he
20 has a, all of a sudden, he becomes, you know --

21 Turn around.

(At 11:11:45 a.m., off the record.)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

CERTIFICATE OF TRANSCRIPTION

State of Maryland;

City of Baltimore, to wit:

I, Sarah E. Wisthoff, a Notary Public in
and for the State of Maryland, City of Baltimore,
do hereby certify that the within proceedings were
transcribed by me accurately to the best of my
ability, knowledge, and belief.

As witness my Hand and Notarial Seal,
this 4th day of November, 2013.

SARAH ELEANOR WISTHOFF

My Commission Expires:

December 8, 2013