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**Sitting judges' commercial attacks Gelfman as lenient
Challengers dismiss cable TV ad as misleading
CAMPAIGN 1996**

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A new cable TV commercial launched by the sitting judges' campaign depicts the likely front-runner in the Howard County Circuit Court race, District Judge Lenore R. Gelfman, as a lenient judge and a hypocrite, and the challengers promptly labeled the ad misleading.

The 30-second spot -- which will run 122 times from late last week through Sunday on Comcast cable stations CNN, TNT, Discovery and A&E -- tries to poke holes in the challengers' tough-on-crime campaign theme by charging that:

Gelfman is one of District Court's strongest proponents of criminal rehabilitation.

Fewer than 5 percent of those convicted in her court go to jail.

Gelfman didn't give a single day of jail time to a school bus driver convicted of drunken driving while off duty.

The challengers in the race -- Gelfman and attorney Jonathan Scott Smith -- "brought up this tough-on-crime issue," said Lin Eagan, campaign chairwoman for Circuit Judges Donna Hill Staton and Diane O. Leasure. "We're just pointing out how hypocritical they are.

"They are suppose to be super crime-fighters, but Gelfman doesn't give the tough sentences when she has the opportunity," Eagan said.

Gelfman did not return repeated phone calls yesterday.

Del. Robert L. Flanagan, a key adviser to the Gelfman-Smith ticket, and Deborah Derwart, former president of the county chapter of Mothers Against Drunk Driving, defended Gelfman's record.

"Our office has never received a call complaining about one of her sentences," said Derwart, a supporter of the challengers. "She's been strong and objective in her opinions. She's good with giving programming along with sentencing, which is critical."

Flanagan said, "It's an attempt to fool the public that Gelfman is excessively lenient," he said. "The advertisement is grossly misleading. It's part of the Glendening judges' vicious nature when it comes to TV ads."

The new TV ad refers to a case involving a Hanover woman who was a bus driver for the county schools and was convicted of driving a private car under the influence while she was off duty. According to court records, Gelfman gave the woman a 60-day suspended sentence and suspended half of her \$500 fine.

Gelfman also ordered the woman to undergo counseling and urinalysis during probation. As part of her sentence, the defendant was prohibited from driving school buses.

The maximum penalty for driving under the influence is two months in jail and a \$500 fine for a first offender and a one-year jail term and a \$500 fine for a two-time offender. On her appeal to Circuit Court, the woman was prohibited from operating a loaded school bus.

Flanagan said the charge that 5 percent of those convicted in Gelfman's courtroom don't serve jail time is disingenuous. A large portion of her cases are traffic offenses that don't warrant jail time, he said.

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Carol Arscott, the sitting judges' political consultant, said the campaign consulted a number of lawyers who practice in District Court to figure out what percentage of a district judge's cases are punishable with jail time.

"Five percent is a generously high figure," she said. "She has an ad on TV that she gives long, lengthy sentences, but it's not true. That's not the type of work she mostly handles."

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