

The Sun

**Keeping unserved warrants secret for 90 days advised
Judicial panel doesn't urge ban
appeals court to make final decision**

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A state judicial panel has recommended keeping unserved arrest warrants secret for 90 days.

The Standing Committee on Rules of Practice and Procedure backed off from a subcommittee recommendation to permanently close such warrants, instead voting 14-0 for the 90-day compromise.

Law enforcement agencies and prosecutors pushed to keep the warrants secret after learning that letters from lawyers soliciting business sometimes arrived before police did.

Media groups, including The Sun, fought to keep the warrants open, saying that closing them would hamper news gathering and the ability to oversee law enforcement.

"This protects the safety concerns of law enforcement and the concerns of the press that these unserved warrants enter some black hole and remain there forever," Chief Judge Joseph F. Murphy of the Court of Special Appeals said of the recommendation. Murphy is chairman of the rules committee, which is made up of judges and lawyers.

Under the proposed rule, police and prosecutors would be able to close individual warrants beyond the 90-day limit.

The proposal will go before the Maryland Court of Appeals, which will review it during the next few months before making a decision, Murphy said.

The Sun's attorney, Mary R. Craig, said she was satisfied with yesterday's compromise because it allows oversight and requires the release of statistical information about unserved warrants. In Maryland, there are more than 50,000 unserved criminal warrants, the state police said.

"There shouldn't be a problem if they serve the warrant promptly," Craig said.

Police worry that even a 90-day waiting period might not be long enough because it can often take months to arrest a suspect.

At yesterday's meeting, Lt. Col. David W. Czorapinski of the state police said police would study the issue and offer comments to the Court of Appeals.

"We'll talk with police chiefs to decide if they can work with what's been proposed," said Czorapinski. "The outcome of any rule change has to be based on officer safety."

Yesterday's action came after it was learned that several suspects were notified of their impending arrest by solicitation letters from lawyers generated by an Edgewater service that combs computer records for warrants and mails form letters to suspects.

In several cases, the letters arrived before police did, including one to a Pennsylvania man wanted in the slaying of an Ellicott City woman 13 years ago.

On Nov. 24, police tried to arrest the suspect but found he had been tipped off by a letter from a Columbia attorney and fled, police said. He turned himself in several hours later.

In response to that case and others in Prince George's and Montgomery counties, Chief Judge Martha F. Rasin of the District

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Court of Maryland said she would immediately close computer access to unserved warrants. Yesterday, those records were still available online, and RASin declined to comment about their status.

State legislators also are considering several bills to limit access, saying it would be more than the administrative change the courts are considering.

Several other members of the committee proposed holding meetings to discuss the ethics of lawyers using the warrants to solicit business.

An earlier law banning lawyer solicitation of criminal clients was struck down by a federal court. A similar provision applying to civil cases was upheld

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