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December 14, 2021

BY ELECTRONIC FILING

Suzanne C. Johnson
Clerk of the Court
Court of Appeals of Maryland
361 Rowe Boulevard
Annapolis, MD 21401

RE: Lee Boyd Malvo v. State of Maryland, No. 29, Sept. Term 2021
Joint Stipulation of Facts

Dear Ms. Johnson:

We write on behalf of the parties to provide a clarification regarding the information that the parties submitted to the Court in the Joint Stipulation of Facts filed on November 23, 2021.

After filing the joint stipulation, counsel for the State became aware of an additional Maryland inmate who, at the time the information in the joint stipulation was compiled, was serving a sentence of life without parole for a homicide committed before the inmate was 18 years old. Further investigation by counsel revealed that this inmate's date of birth was not correctly reflected in court and DPSCS records, and that the inmate accordingly was classified in the adult life-without-parole category, rather than the juvenile life-without-parole category, in "Table 1" submitted with the joint stipulation. Recently, in proceedings in the Circuit Court for Anne Arundel County under Maryland Rule 4-345(a), after counsel for the inmate provided satisfactory documentation of the inmate's correct date of birth (establishing that he was 17 rather than 18 years old on the date of the offense), the inmate was resentenced on November 9, 2021, to life with all but 40 years suspended. Thus, this inmate is no longer serving a life-without-parole sentence as a juvenile offender.

However, if DPSCS's records had included this inmate's correct date of birth when the database queries were performed to create the tables submitted with the joint

stipulation, the first two rows of Table 1 would have reflected the following (highlighting shows the cells with different data):

Type	Juvenile	Asian	Black	Hispanic or Latino	Native American or Alaskan Native	Native Hawaiian or Pacific Islander	Other Race	Unknown	White	Total
Life Without Parole	Y	0	9	0	0	0	0	0	3	12
Life Without Parole	N	1	240	16	3	2	5	1	85	353

In addition, Paragraph 9 of the Affidavit of Jay E. Miller, which provides further information about the inmates in DOC custody serving life-without-parole sentences for offenses committed as juveniles, would have reflected that there were 12 inmates in the physical custody of DOC serving sentences of life without parole imposed by Maryland state courts for offenses committed as juveniles; that the latest of those inmates' sentences was imposed in 2003; and that the Circuit Court for Anne Arundel County had sentenced one of the inmates.

If you would provide this letter to the members of the Court, we would appreciate it.

Respectfully submitted,

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