

Probes of Officers Hurt Pr. George's Cases

[FINAL Edition]

The Washington Post - Washington, D.C.

Author: Ruben Castaneda

Date: Oct 18, 2000

Start Page: B.01

Section: METRO

Text Word Count: 966

Auto theft charges against a Prince George's County tow-truck operator were thrown out of court yesterday after prosecutors failed to call the key police witness in the case--a county officer who has been indicted in federal court on conspiracy and civil rights violations.

It was at least the second time in four weeks that a defendant in Prince George's County Circuit Court won a quick acquittal after prosecutors chose to keep off the stand an officer who is either charged with a crime or under investigation.

And it's a scenario likely to be repeated because of the large number of police officer witnesses who themselves are facing charges or are under investigation.

Unlike officials in Baltimore, Philadelphia and Los Angeles--who have dropped cases involving indicted officers--Prince George's County State's Attorney Jack B. Johnson has declined to drop cases involving possibly tainted officers.

"We have to move forward on these regular cases," Johnson said in a recent interview. He said that if defense attorneys challenge the credibility of officers under indictment or investigation, "a jury should deal with that."

Johnson did not return telephone requests yesterday for comment. It could not be determined yesterday whether Johnson is keeping track of police officers under indictment or under investigation.

Abbe Smith, a criminal law professor at Georgetown Law School, said the allegations against county police officers--three were indicted last month and a fourth is under investigation in a Fairfax County shooting--are "a gift to defense attorneys."

An allegation of police misconduct "puts the credibility of police officers at issue," Smith said. "Good defense attorneys keep files on officers who are accused of misconduct, and they'll try to use that information to question the credibility of the officers in criminal trials."

In both cases thus far--the one yesterday involving Officer Stephanie C. Mohr and one last month involving Carlton B. Jones, the officer who shot and killed an unarmed man in Fairfax County-- prosecutors have identified the officers as witnesses during jury selection and then failed to call them to testify.

In yesterday's case, Assistant State's Attorney Luis F. Gomez Jr. called only one witness--the owner of the van in question--and left Mohr waiting in a courthouse hallway. Circuit Court Judge Michele D. Hotten immediately ruled that the government had not proved its case and dismissed the charge against Neal M. Rainey, 37.

In the earlier case, after defense attorney Terrell N. Roberts III asked another police officer who was testifying what Jones was doing when the defendant was arrested by a team of narcotics officers that included Jones, several jurors made wide-eyed facial expressions.

After deliberating for about an hour, the jury acquitted Lloyd A. Hears, 56, of Hyattsville, of possession with intent to distribute marijuana.

Police alleged that Hears had \$65,000 worth of marijuana in his car and home. Although Jones allegedly saw Hears make a suspicious transaction from his car, Assistant State's Attorney Roland Lee did not call Jones to testify.

Jones has been on administrative leave with pay--with his police powers intact--since his Sept. 1 fatal shooting of Prince C. Jones in Fairfax County. Commonwealth's Attorney Robert F. Horan Jr. has not decided whether to seek charges against Jones.

Mohr, 29, was indicted in U.S. District Court in Greenbelt last month on conspiracy and civil rights violations for allegedly releasing a police dog on an unresisting, unarmed homeless man. She has been suspended without pay, police said.

Mohr, who has pleaded not guilty, transferred from the canine squad to the criminal investigation division in November 1998. She was working in the investigative division when she brought the auto theft charge against Rainey, 14 months after the alleged theft.

Rainey said yesterday that he believes Mohr filed the charges as a way to harass him because he was a key witness in one civil case alleging brutality by a canine unit officer and is a cousin of a plaintiff in another civil case against the canine unit.

In a separate case, Mohr obtained a warrant that allowed police to seize 26 vehicles from Rainey's tow lot that had been reported stolen. Rainey's attorney said his client picked up the cars at the request of D.C. police, who did not clear the stolen cars from a national computer network.

Rainey is challenging the seizure in Maryland appeals courts.

In February, a Circuit Court jury awarded Rainey's cousin, Willie Walker, \$135,000 in his lawsuit against a former canine unit officer, Anthony Mileo, who is now a patrol officer. The county settled another case against Mileo in which Rainey was the key witness.

In that civil case, brought by Julius LaRosa Booker, of Capitol Heights, Rainey was prepared to testify that he saw officers beat an unresisting Booker with flashlights while Mileo set his police dog on Booker.

Rainey said yesterday that he was prepared to testify that he then heard the officers "getting their story straight" about the severe injuries Booker sustained.

In a pretrial ruling, Hotten ruled that Roberts, Rainey's attorney in the auto theft case, could question Mohr about her friendship with Mileo, but could not ask her about the federal indictment.

Rainey was charged with the November 1998 theft of a Ford van from in front of the home of Robert Adams Jr.

Adams, the lone witness, testified that he hired Rainey to tow his van from the District after its transmission failed. He later had a friend pay Rainey, but the friend's check for \$1,689 bounced. Roberts said in his opening statement that Rainey had taken the van, legally, as a repossession because he had not been paid.

Defense attorney Roberts then asked Hotten to acquit Rainey, saying the state had shown no evidence that Rainey took the van. Hotten granted the motion, saying she found "no evidence whatsoever" to link Rainey to any theft.

Reproduced with permission of the copyright owner. Further reproduction or distribution is prohibited without permission.