Appendix A;

BRIEF FOR APPELLEE

DISTRICT OF COLUMBIA COURT OF APPEALS

No. 18-CO-326

ANTHONY N. BRAWNER, Appellant,

v.

UNITED STATES OF AMERICA, Appellee.

APPEAL FROM THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA CRIMINAL DIVISION

Cr. No. F-963-04

JESSIE K. LIU
United States Attorney

ELIZABETH TROSMAN
CHRISELLEN R. KOLB
SHARON I. MARCUS-KURN
* KATHERINE M. KELLY
D.C. Bar #447112
Assistant United States Attorneys

* Counsel for Oral Argument
555 Fourth Street, NW, Room 8104
Washington, D.C. 20530
Katherine.Kelly@usdoj.gov
(202) 252-6829

TABLE OF CONTENTS

TABLE OF AUTHORITIES*

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* Authorities upon which we chiefly rely are marked with asterisks.

OTHER AUTHORITIES

ISSUE PRESENTED

Whether this Court should address appellant's claim that the Superior Court of the District of Columbia lacked jurisdiction over his armed-carjacking offense because the offense occurred entirely in Maryland, where: (1) appellant does not challenge the trial court's conclusion that appellant's jurisdictional claim was procedurally barred; and (2) the claim lacks substantive merit in any event.

DISTRICT OF COLUMBIA
COURT OF APPEALS

No. 18-CO-326

ANTHONY N. BRAWNER, Appellant,

v.

UNITED STATES OF AMERICA, Appellee.

APPEAL FROM THE SUPERIOR COURT
OF THE DISTRICT OF COLUMBIA
CRIMINAL DIVISION

BRIEF FOR APPELLEE

COUNTERSTATEMENT OF THE CASE

On November 2, 2004, appellant (also known as Anthony Barber) was charged by indictment with 44 criminal offenses arising from separate sexual assaults against four women and one child (R.A at 6; R.B at 1-24, 26).[1] On March 29, 2005, appellant entered a guilty plea, before

[1] "R." refers to the record on appeal. "MSR App. at __" refers by Bates-stamped page number to the relevant motions and orders in this case which the government has appended to its motion to supplement the record on appeal.

the Honorable Robert I. Richter, to seven offenses related to the sexual assaults against the four women: (1) armed kidnapping (D.C. Code §§ 22-2001, -4502); (2) first-degree sexual abuse (D.C. Code §§ 22-3002(a)(1)-(2), -3020(a)(5)); (3) two counts of first-degree sexual abuse while armed (D.C. Code §§ 22-3002(a)(1)-(2), -3020(a)(5)-(6), -4502); (4) third-degree sexual abuse (D.C. Code §§ 22-3004(a)(1)-(2), -3020(a)(5)); (5) armed carjacking (D.C. Code §§ 22-2803(b), -4502)); and (6) possession of a firearm during a crime of violence (D.C. Code § 22-4504(b)) (R.A at 8; R.B at 1-3, 6, 10, 18, 26). On July 21, 2005, Judge Richter sentenced appellant to an aggregate 51-year term of imprisonment (R.B at 27; R.2 at 1).

As discussed *infra,* beginning on September 9, 2009, appellant filed a series of *pro se* motions seeking to withdraw his guilty plea to armed carjacking on grounds that the Superior Court lacked jurisdiction over that offense because it occurred in Maryland (R.B at 28-32). The trial court denied each of appellant's motions without a hearing and without inviting a government response (*id.*). On two occasions, appellant noted *pro se* appeals from the trial court's decisions denying his motions (R.B at 28-30). This Court dismissed those appeals, the first on untimeliness grounds (R.B at 28-29; MSR App. at 30), and the second for appellant's

failure to submit his brief and limited appendix as ordered (R.B at 30; R.6 at 2 n.1).

Most recently, on February 12, 2018, appellant filed a *pro se* motion, entitled a "writ of prohibition," in the trial court (R.B at 31; R.7). On February 15, 2018, the trial court denied appellant's motion (R.B at 32; R.8). Appellant timely filed a *pro se* notice of appeal (R.B at 32; R.9).

The Factual Background[2]

On March 29, 2005, appellant entered a guilty plea "to a series of counts stemming from four separate sexual assaults" (MSR App. at 2). Specifically, appellant pled guilty to an armed-carjacking charge (Count 10), arising from an incident in which appellant, "while wearing a ski mask and holding a gun," accosted the complainant (Ms. Lacretia Ward) "outside her apartment in Forestville, Maryland" (*id.*). Appellant robbed the complainant, "threw her to the ground, and then forced her into the trunk of her car," closed the trunk, and drove away in her car (*id.*). Appellant "drove into the District of Columbia, parked in an alley, pulled

[2] We summarize the facts based upon the trial court's September 28, 2009, order denying appellant's first motion to withdraw his guilty plea (MSR App. at 2-3).

the complainant out of her trunk, marched her at gunpoint into a courtyard in the middle of an apartment complex and forced her to perform oral sex on him" (*id.*). Appellant then "marched [the complainant] back to the car and again forced her to perform oral sex on him" (*id.* at 1-2). "Over the next hour, [appellant] raped [the complainant] repeatedly, locked her once more in the trunk, and then raped her again" (*id.* at 2).

The Collateral Attacks on Appellant's Conviction

Appellant's September 9, 2009, § 23-110 Motion

On September 9, 2009, appellant, acting *pro se,* filed his first "letter motion" seeking to withdraw his guilty plea to the armed-carjacking charge (MSR App. at 1). He claimed that the armed carjacking "took place in Forestville, Maryland," and therefore, the Superior Court had "no jurisdiction" regarding that offense (*id.*).

On September 28, 2009, Judge Richter issued an order construing appellant's September 9, 2009, "letter motion" as a motion pursuant to D.C. Code § 23-110 (MSR App. at 2). After recounting the facts underpinning the armed-carjacking offense, the trial court noted that "a crime may be the result of a series of acts, the direct consequences of

which may be made to occur at various times and in different localities," and that "[w]herever any part is done, that becomes the locality of the crime as much as where it may have culminated" (*id.* at 3 (citing *Adair v. United States,* 391 A.2d 288, 290 (D.C. 1978)). The court held that appellant had "manifestly failed" to meet his burden to establish facts demonstrating that the trial court lacked jurisdiction over the offense, (*id.* (citing *Adair,* 391 A.2d at 290)). The court concluded that "[t]he armed carjacking – in which the complainant was abducted from Maryland, brought into the District of Columbia while locked in her own trunk, then repeatedly raped – was one criminal transaction" (*id.*). Thus, the court held, appellant could be "prosecuted for the entire criminal transaction in this jurisdiction, no matter where the crime first originated" (*id.*).[3]

[3] In a letter to Judge Richter filed on July 20, 2010, appellant sought reconsideration of the decision to construe his September 9, 2009, "letter motion" as a § 23-110 motion, and asked Judge Richter to "take back" his denial of that motion (MSR App. at 4; R.B. at 28). On July 26, 2010, Judge Richter denied appellant's reconsideration requests (MSR App. at 6; R.B at 29). Appellant noted an untimely appeal on December 20, 2010, which this Court dismissed on March 3, 2011 (R.B at 29; MSR App. at 30).

Appellant's April 6, 2011, Habeas Corpus Petition

On April 6, 2011, appellant filed a *pro se* petition for a writ of habeas corpus pursuant to D.C. Code § 16-1901 (MSR App. at 7-24). Appellant claimed, *inter alia,* that the trial court lacked jurisdiction over charges, including the armed-kidnapping charge, which were based on "criminal acts that took place outside the District of Columbia" (*id.* at 7-10). Although he acknowledged that "the victim was placed in the trunk of the car, and transported over into the District of Columbia," appellant claimed that the "initial acts" of armed carjacking "were committed and fully completed" in Maryland, and that he had been "duly charged and prosecuted" by the State of Maryland (*id.* at 9).[4] He asserted that once he drove off in the victim's car in Forestville, Maryland, the armed carjacking was complete (*id.* at 10). Thus, he claimed, the District of Columbia lacked jurisdiction over the armed-carjacking offense (*id.*).

On April 19, 2011, Judge Richter denied appellant's habeas petition (MSR App. at 25-26). Pursuant to D.C. Code § 16-1901, "District of

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[4] Appellant entered a guilty plea in Prince Georges County, Maryland, to kidnapping and gun-related charges arising from the abduction of Ms. Lacretia Ward (see R.2 at 2).

Columbia Courts may grant habeas corpus relief only for prisoners incarcerated within the District or in District of Columbia correctional facilities" (*id.* at 25). The trial court concluded that, because appellant was incarcerated at a federal correctional facility in Colorado, it lacked jurisdiction to entertain his habeas petition (*id.* at 26).

Moreover, even if it construed appellant's petition as a § 23-110 motion, the trial court would not entertain that motion because appellant had previously "unsuccessfully challenged his guilty plea on multiple occasions" (MSR App. at 25-26). In particular, on September 28, 2009, the court had denied appellant's § 23-110 motion "that made essentially the same arguments as the instant petition" (*id.* at 26). Therefore, the court would "not entertain a second § 23-110 motion requesting similar relief" (*id.* (citing D.C. Code § 23-110(e)).[5]

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[5] On April 27, 2011, appellant sought reconsideration of the denial of his habeas petition, claiming that the trial court had misconstrued the meaning of the term "within the District" in D.C. Code § 16-1901 (MSR App. at 27-29). The trial court denied the reconsideration motion in a May 4, 2011, order (MSR App. at 30-31). In that order, the court construed appellant's habeas petition as a § 23-110 motion, because that pleading did not challenge his detention, but instead attacked his conviction and sentence based upon, *inter alia,* the trial court's purported lack of jurisdiction (*id.*). The court reiterated its rejection of appellant's pleading as a second or successive motion for similar relief (*id.* at 31). The court

Appellant's January 25, 2012, § 23-110 Motion

On January 25, 2012, appellant filed a *pro se* § 23-110 motion in which he asked the trial court to "set aside" his case (R.1 at 1). Appellant raised the same claim that the Superior Court lacked jurisdiction over his armed-carjacking offense because it occurred entirely in Maryland (*id.* at 2-3, 9-14).

On February 29, 2012, Judge Richter denied the § 23-110 motion (R.2). The trial court found that appellant's request to "set aside" his case did not constitute a "discernable difference" from the relief sought in his previous motions (*id.* at 2-3). Moreover, the court found that appellant's substantive arguments, including that the Superior Court lacked jurisdiction over his armed-carjacking offense, "were raised and denied in prior motions" (*id.* at 3). Thus, the court concluded that appellant's successive claims were procedurally barred (*id.*).

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further concluded that "[i]n any event, each of [appellant's] legal arguments is meritless" (*id.*). Appellant noted an appeal from the denial of his habeas petition on July 19, 2011 (R.B at 30). This Court dismissed the appeal on December 22, 2011, after appellant failed to file his brief and limited appendix, accompanied by a motion for leave to file out of time, as ordered by this Court (R.B at 30; R.6 at 2 n.1).

The trial court also rejected appellant's arguments on the merits (R.2 at 3). The court found appellant's jurisdictional argument to be "rooted in a misunderstanding of the law" (*id.*). The court stated that "a crime may be a result of a series of acts, which may occur at different times and in different places" (*id.* (citing *Adair,* 391 A.2d at 290)). Furthermore, the court stated, "[w]herever any part of the crime is completed, that jurisdiction 'becomes the locality of the crime as much as where it may have culminated'" (*id.* (quoting *Adair,* 391 A.2d at 290)). The court acknowledged *Adair* as binding authority, despite appellant's "repeated insistence to the contrary" (*id.*). The court found that the carjacking "originated in Maryland," but "the crime continued as [appellant] drove the stolen car and victim into the District of Columbia," and thus the District of Columbia was "a lawful and appropriate jurisdiction in which to prosecute" appellant (*id.* at 3-4).

Appellant's May 27, 2014, Motion to Vacate Adjudication

On May 27, 2014, appellant filed a *pro se* "motion to vacate adjudication or grant a new factfinding hearing on the ground of actual innocence," pursuant to D.C. Code § 16-2335.01 (R.3). He claimed that he was actually innocent of armed carjacking, despite his guilty plea, based

on, *inter alia,* the same absence-of-jurisdiction argument (*id.*). He claimed that he had been improperly charged in the District of Columbia given that the armed carjacking occurred entirely in Prince Georges County, Maryland (*id.* at 1-2, 5-6).

On July 22, 2014, Judge Richter denied appellant's motion (R.4). Explaining that § 16-2335.01 only pertained to persons who had been "adjudicated delinquent," the trial court construed appellant's motion as a § 23-110 motion (*id.* at 1). The court found the motion to be successive (*id.*). The court also found that appellant's arguments lacked merit "[g]iven the mobile nature of the charges to which [he] entered a plea" (*id.* at 2).[6]

Appellant's February 12, 2018, § 23-110 Motion

On February 12, 2018, appellant filed a *pro se* "writ of prohibition" seeking to withdraw his guilty plea to the armed-carjacking offense (R.7). Appellant claimed that the Superior Court lacked jurisdiction over the

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[6] On October 15, 2014, appellant filed another § 23-110 motion, alleging, *inter alia,* that his defense counsel had rendered ineffective assistance by "lur[ing] [him] into pleading guilty with erroneous information" regarding the availability of parole (R.5 at 2). Judge Richter denied that motion in an October 23, 2014, order (R.6).

armed carjacking because it occurred in Forestville, Maryland (*id.*). He asserted that "none of the elements of the carjacking took place in the District of Columbia," and therefore, the Superior Court lacked "subject matter jurisdiction" over the offense (*id.* at 4-5).

On February 15, 2018, the Honorable Lynn Leibovitz denied appellant's "writ of prohibition" (R.8).[7] Judge Leibovitz considered the "writ of prohibition" to be "a *pro se* motion to withdraw [appellant's] guilty plea pursuant to D.C. Code § 23-110" (*id.* at 1). The court noted that appellant had filed numerous post-conviction motions. In particular, appellant's September 9, 2009, § 23-110 motion, and his January 25, 2012, § 23-110 motion alleged that the Superior Court "lacked subject matter jurisdiction over the armed carjacking charge because the carjacking took place in Maryland" (*id.* at 1-2). The court noted that in the instant motion, appellant sought to withdraw his guilty plea, and partially vacate his sentence, on the same grounds (*id.* at 2).

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[7] Judge Leibovitz was assigned to address post-conviction motions in Judge Richter's cases after Judge Richter took senior status on December 1, 2014 (R.8 at 1 n.1).

The court held that because appellant had raised the same jurisdictional claim in those two prior § 23-110 motions, his February 12, 2018, motion was procedurally barred (R.8 at 2-3). The court further concluded that appellant's claim warranted no relief on the merits (*id.* at 3). The court held that appellant was incorrect in asserting that the Superior Court "lacked subject matter jurisdiction over the armed carjacking for all the reasons stated in Judge Richter's February 29, 2012 Order" (*id.*).

Appellant noted the instant appeal from Judge Leibovitz's order.

SUMMARY OF ARGUMENT

The trial court properly denied appellant's most recent § 23-110 motion without a hearing. Appellant does not contest the trial court's finding that his latest § 23-110 motion was procedurally barred as successive. Accordingly, this Court should decline to consider the merits of his claim. In any event, the trial court correctly rejected appellant's claim that the Superior Court lacked jurisdiction over his armed-carjacking offense.

ARGUMENT

The Trial Court Did Not Abuse Its Discretion by Denying Appellant's Latest § 23-110 Motion.

Appellant again claims that the Superior Court lacked jurisdiction over his armed-carjacking offense because it occurred entirely in Maryland. The trial court appropriately denied this claim as procedurally barred and without merit.

A. Standard of Review and Applicable Legal Principles

This Court reviews the denial of a § 23-110 motion for abuse of discretion. *Rivera v. United States,* 941 A.2d 434, 441 (D.C. 2008). This Court will uphold the denial of a § 23-110 motion without a hearing if it is satisfied that a defendant could not establish facts warranting relief under any circumstances. *Cade v. United States,* 898 A.2d 349, 354 (D.C. 2006). Where no genuine doubt exists regarding the facts material to the § 23-110 motion, the trial court may conclude that an evidentiary hearing is unnecessary. *Ginyard v. United States,* 816 A.2d 21, 38 (D.C. 2003).

D.C. Code § 23-110(e) provides, "[t]he court shall not be required to entertain a second or successive motion for similar relief on behalf of the same prisoner." *See also Wu v. United States,* 798 A.2d 1083, 1090 (D.C.

Court lacked jurisdiction over his armed-carjacking offense because it occurred in Maryland. In denying three of those motions, and in denying reconsideration of the fourth motion, the trial court addressed, and rejected, that claim on its merits. See *supra* at pp. 4-5, 7-8 n.5, 9-10. Thus, the trial court did not abuse its discretion in concluding that appellant's latest § 23-110 motion was barred as successive. *Bradley,* 881 A.2d at 645-46.

2. In Any Event, Appellant's Jurisdictional Claim Lacks Merit.

Under D.C. Code § 11-923(b)(1), the Superior Court may exercise jurisdiction over criminal violations occurring within the District of Columbia's boundaries. *Mundine v. United States,* 431 A.2d 16, 17 (D.C. 1981). The Superior Court has jurisdiction to prosecute crimes where "but one act of the criminal offense has occurred within the District." *James v. United States,* 478 A.2d 1083, 1085 (D.C. 1984). It is presumed that an offense charged in the Superior Court was committed within that court's jurisdiction, unless evidence affirmatively shows otherwise. *Adair,* 391 A.2d at 290. It is appellant's burden to present facts to establish the absence of Superior Court jurisdiction. *Id.* To meet that

burden, "it is insufficient to show that part of the crime in question took place outside the District's boundaries since 'a crime may be the result of a series of acts . . . [and] [t]he direct consequences may be made to occur at various times and in different localities.'" *Dyson v. United States,* 848 A.2d 603, 609 (D.C. 2004) (quoting *Adair,* 391 A.2d at 290).

To establish an armed carjacking, the government must prove that a defendant: (1) while armed with or having readily available any pistol, other firearm, or other dangerous or deadly weapon; (2) knowingly or recklessly; (3) by force or violence; (4) took from another person's immediate actual possession; (5) a person's motor vehicle; or (6) attempted to do so. D.C. Code §§ 22-2803(a)(1), (b)(1); *see also Downing v. United States,* 929 A.2d 848, 857 (D.C. 2007). Although carjacking does not require asportation, *Pixley v. United States,* 692 A.2d 438, 440 (D.C. 1997), this Court has recognized the continuing nature of a carjacking offense in cases where a defendant does, in fact, "carry away" the vehicle during the offense. *See Winstead v. United States,* 809 A.2d 607, 611 (D.C.2002) ("[i]t was no less a carjacking because Winstead took his victim along with the car"). Indeed, this Court has stated that "armed carjacking is, conceptually, a subset of armed robbery: the armed theft of

a motor vehicle from the 'immediate actual possession' of another person." *Sutton v. United States,* 988 A.2d 478, 484-85 (D.C. 2010). This Court has recognized that robbery "takes on the characteristics of a continuing offense where there is a lapse of time between the taking and the safe escape of the robber with the proceeds." *Jordan v. United States,* 350 A.2d 735, 738 (D.C. 1976). Thus, this Court has held that the Superior Court possessed jurisdiction over an armed robbery in which the defendant and two cohorts "commandeered an automobile [in Virginia], and forced its two occupants to accompany them into the District of Columbia," despite the defendant's contention that money was taken from one of the victims at knifepoint before the car entered the District. *Id.* at 736-38.

Federal courts have interpreted the federal carjacking statute, which is similar to the District of Columbia statute, as a continuing offense.[8] While determining the precise temporal limits of carjacking

[8] The elements of the federal carjacking statute are: (1) taking a motor vehicle transported, shipped, or received in interstate or foreign commerce; (2) from the person or presence of another; (3) by force and violence or by intimidation; (4) with intent to cause death or serious bodily harm. 18 U.S.C. § 2119 (2000). This Court has considered federal

"has proved a thorny task," *United States v. Cline,* 362 F.3d 343, 352 (6th Cir. 2004), federal courts have acknowledged the continuing nature of the crime. The First Circuit has held that "the commission of a carjacking continues at least while the carjacker maintains control over the victim and [his or] her car." *United States v. Martinez-Bermudez,* 387 F.3d 98, 101 (1st Cir. 2004); *see also United States v. Hicks,* 103 F.3d 837, 843 (9th Cir. 1996), *overruled on other grounds by United States v. W.R. Grace,* 526 F.2d 499 (9th Cir. 2008); *Cline,* 362 F.3d at 352-53. Although a panel of the First Circuit more recently questioned the soundness of this principle, the panel nonetheless acknowledged the prevailing rule that a carjacking continues while the carjacker maintains control over the victim and the car. *See United States v. Figueroa-Cartagena,* 612 F.3d 69, 75, 77-79, 90 & n.11 (1st Cir. 2010). Indeed, in discussing the "taking" aspect of the federal carjacking statute, that same First Circuit panel relied upon this Court's case precedent for the proposition that "[s]ome modern cases have adopted the view that a 'taking' continues until the defendant has achieved 'complete and exclusive control' over the

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courts' interpretations of the federal carjacking statute in interpreting the District's carjacking statute. *See, e.g., Sutton,* 988 A.2d at 487-88.

property, which may be some time after the initial seizure." *Id.* at 78 (citing *Jacobs v. United States,* 861 A.2d 15, 21 (D.C. 2004), *judgment and opinion vacated and reissued,* 886 A.2d 510 (D.C. 2005)).

Given this case precedent, the Court should reject appellant's claims (at 3, 6) that the trial court misunderstood the term "ongoing offense," that all the elements of armed carjacking were completed in Maryland, and that the Superior Court lacked jurisdiction over the carjacking offense. Appellant forced Ms. Ward to remain in the trunk of her car while he drove her from Maryland into the District of Columbia (MSR App. at 2). The armed carjacking therefore continued in the District of Columbia because appellant maintained control forcibly over the victim and her car in this jurisdiction. *Hicks,* 103 F.3d at 843 & n.5. Thus, the Superior Court properly exercised jurisdiction over appellant's armed-carjacking offense. *Cf. Winstead,* 809 A.2d at 611 (while carjacking victim remained at the wheel of her car and was ordered by armed defendant to drive against her will, it was defendant who directed victim's movements and "usurped actual physical control of the vehicle").

CONCLUSION

WHEREFORE, the government respectfully submits that the decision of the Superior Court should be affirmed.

Respectfully submitted,

JESSIE K. LIU
United States Attorney

ELIZABETH TROSMAN
CHRISELLEN R. KOLB
SHARON I. MARCUS-KURN
Assistant United States Attorneys

_____/s/_____
KATHERINE M. KELLY
D.C. Bar #447112
Assistant United States Attorney
555 Fourth Street, NW, Room 8104
Washington, D.C. 20530
Katherine.Kelly@usdoj.gov
(202) 252-6829

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have caused two copies of the foregoing Brief for Appellee to be served by first-class mail, postage prepaid, upon *pro se* appellant, Anthony Brawner, Reg. #34855-007, USP Coleman II, U.S. Penitentiary, P.O. Box 1034, Coleman, FL 33521, on this 17th day of August, 2018.

/s/
KATHERINE M. KELLY
Assistant United States Attorney

Appendix B

Type 4 USA

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND
COURTHOUSE, UPPER MARLBORO, MARYLAND 20772

ORDERED BY JUDGE MCKEE

CASE NO. CT041038X

BOND SET:NO BOND
FTA
RETURN TO

TRACKING #031081886204
DIST CT # CR3E00217444

WARRANT

TO THE SHERIFF OF PRINCE GEORGE'S COUNTY AND/OR ANY PEACE OFFICER, GREETING:

YOU ARE HEREBY COMMANDED TO TAKE ANTHONY DUNTAY BARBER,

4822 ELY PLACE SE, WASHINGTON, DC 20020

IF HE/SHE SHALL BE FOUND IN YOUR BAILIWICK, AND HIM/HER SAFE KEEP SO THAT YOU HAVE HIS/HER BODY BEFORE THE CIRCUIT COURT FOR SAID, COUNTY, NOW HOLDING AT THE TOWN OF UPPER MARLBORO, MARYLAND IN SAID COUNTY, TO ANSWER UNTO THE STATE OF MARYLAND ON PRESENTMENT AND INDICTMENT FOR ARMED CARJACKING.

(ONE OF 9 RELATED CHARGES)

HEREOF FAIL NOT AT YOUR PERIL, AND HAVE YOU THEN AND THERE THIS WRIT.

ORDERED ON 06/17/04.
ISSUED JUNE 22, 2004.

WITNESS THE ADMINISTRATIVE JUDGE/DESIGNEE OF THE SEVENTH JUDICIAL CIRCUIT OF MARYLAND.

Rosalyn E. Pugh
ROSALYN E. PUGH
CLERK OF THE CIRCUIT COURT

CEPI AND COPY OF BENCH WARRANT SERVED (SEAL)

ON ANTHONY DUNTAY BARBER

BY: _____
DEPUTY SHERIFF DATE

TRUE COPY TEST

DEFENDANT DESCRIPTOR: X0426358

HOME PHONE:	RACE: B	SEX: M
HEIGHT: 510	WEIGHT: 160	HAIR: BLK
EYES: BRN	SCARS, MARKS:	BIRTH DATE: 05/12/83
SOC SEC #	DRIV LIC STATE:	LIC #:
ALIAS NAMES:		

(1)

Issued 6-23-04

6/25/04

endix C

EA

BP-S394.058 DETAINER ACTION LETTER CDFRM
SEP 03
U.S. DEPARTMENT OF JUSTICE FEDERAL BUREAU OF PRISONS

To PRINCE GEORGE'S COUNTY SHERIFF'S OFFICE ATTN: WARRANT/FUGITIVE DIVISION P.O. BOX 548 UPPER MARLBORO, MD 20773 (301)883-7000		Institution USP FLORENCE P.O. BOX 7500 FLORENCE, CO 81226	
		Date DECEMBER 3, 2007	
Case/Dkt: CT041038X	Inmate's Name: BARBER, ANTHONY	Fed Reg No. 34855-007	DOB/SEX/RACE 05-12-1983/M/B
Aliases		Other No.	

The below checked paragraph relates to the above named inmate:

☐ This office is in receipt of the following report:_____ _____. Will you please investigate this report and advise what disposition, if any, has been made of the case. If subject is wanted by your department and you wish a detainer placed, it will be necessary for you to forward a certified copy of your warrant to us along with a cover letter stating your desire to have it lodged as a detainer. If you have no further interest in the subject, please forward a letter indicating so.

XXX A detainer has been filed against this subject in your favor charging CARJACKING (SENTENCE EXPIRES 06-22-2024). Release tentatively scheduled for 08-28-2052 VIA GCT REL; however, we will notify you no later than 60 days prior to actual release. To check on an inmate's location, you may call our National Locator Center at: 202-307-3126 or check our BOP Inmate Locator Website at www.bop.gov.

☐ Enclosed is your detainer warrant. Your detainer against the above named has been removed in compliance with your request.

☐ Your detainer warrant has been removed on the basis of the attached _____. Notify this office immediately if you do not concur with this action.

☐ Your letter dated _____ requests notification prior to the release of the above named prisoner. Our records have been noted. Tentative release date at this time is _____ _____.

☐ I am returning your_____on the above named inmate who was committed to this institution on _____ to serve _____ for the offense of _____ _____. If you wish your _____ filed as a detainer, please return it to us with a cover letter stating your desire to have it placed as a hold or indicate you have no further interest in the subject.

☐ Other:

Sincerely,

K. Worsham, LIC
FOR

W. HEIM, SISS
(719)784-9454 EXT 5247

o

riginal - Addressee, Copy - Judgment & Commitment File; Copy - Inmate; Copy - Central File (Section 1); Copy - Correctional Services Department

(This form may be replicated via WP) (Replaces BP-394(58) dtd MAR 2003

Appendix D

RECEIVED
U.S. MARSHAL SERVICE
D C SUPERIOR COURT
2005 AUG -4 P 3:19

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

United States of America
V.

ANTHONY BARBER AKA ANTHONY BRAWNER

JUDGMENT IN A CRIMINAL CASE

Case Number: F 963-04
PDID No. 520 615

THE DEFENDANT:

☒ ENTERED A PLEA OF GUILTY TO COUNT (S) B,E,J,K,R,AG,AL

☐ WAS FOUND GUILTY ON COUNT (S) _____
AFTER A PLEA OF NOT GUILTY.

Count	Nature of Charges	Title & Section	Date of Offense
Count B	Kidnapping w/Armed	22-2101, 3202	12/19/2003
Count E	1st Degree Sex Abuse	22-4102	12/19/2003
Count J	3rd Degree Sex Abuse	22-4104	12/23/2003
Count K	Carjacking W/ARMED	22-2903(a)	1/19-1/20/2004
Count R	1st Degree Sex Abuse w/Armed	22-4102, 3202	1/19-1/20/2004
Count AG	Poss.of Firearm During Comm.of Crime of Violence	22-3204(b)	1/19-1/20/2004
Count AL	1st Degree Sex Abuse w/Armed	22-4102, 3202	1/24/2004

SENTENCE OF THE COURT

AS TO COUNT B- (12) TWELVE YEARS, COUNT E- (15) FIFTEEN YEARS CONCURRENT TO COUNT B AND CONSECUTIVE TO OTHER COUNTS; COUNT J- (3) THREE YEARS CONSECUTIVE; COUNT K- (15) FIFTEEN YEARS, COUNT R- (17) SEVENTEEN YEARS, COUNT AG- (5) FIVE YEARS. COUNTS K,R,AG TO RUN CONCURRENT TO EACH OTHER AND CONSECUTIVE TO OTHER COUNTS; COUNT AL- (16) SIXTEEN YEARS CONSECUTIVE. A (5) FIVE YEAR PERIOD OF SUPERVISED RELEASE TO FOLLOW.

☒ The defendant is hereby committed to the custody of the Attorney General to be imprisoned for a total term of,
(51) FIFTY ONE YEARS ☒ MANDATORY MINIMUM term of (15) FIFTEEN YEARS applies.

☒ Upon release from imprisonment, the defendant shall be on supervised release for a term of (5) FIVE YEARS

☐ The Court makes the following recommendations to the Bureau of Prisons:

Costs in the aggregate amount of $ 700.00 have been assessed under the Victims of Violent Crime Compensation Act of 1996, and ☐ have ☒ have not been paid.

7/21/05
Date

Judge
"ROBERT I. RICHTER, Associate Judge"
Name and Title of Judicial Officer

A TRUE COPY
TEST: 8-2-05
Clerk, Superior Court of the District of Columbia
Deputy Clerk

Certification by Clerk pursuant to Criminal Rule 32(d).

7/21/05
Date

DONALD BAUMGARTNER
Deputy Clerk

Appendix E

CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY, MARYLAND
COURTHOUSE, UPPER MARLBORO, MARYLAND 20772

ST OF MARYLAND

VS

ANTHONY DUNTAY BARBER

CASE NO. CT041038X

06/22/04
TRACKING #031001886
DIST CT #CR3E002174

CHARGE SUMMARY

THERE ARE A TOTAL OF 9 CHARGES.

ARMED CARJACKING
ART/SEC: CR3 405 / DISPOSITION:

ROBBERY W/DW
ART/SEC: CR3 403 / DISPOSITION:

ROBBERY
ART/SEC: CR3 402 / DISPOSITION:

KIDNAP/ADULT/CONCEAL: INTERSTATE
ART/SEC: CR3 502 / DISPOSITION:

ASSAULT-1ST DEGREE
ART/SEC: CR3 202 / DISPOSITION:

ASSAULT-2ND DEGREE
ART/SEC: CR3 203 / DISPOSITION:

USE A HANDGUN
ART/SEC: CR4 284 / DISPOSITION:

CARRY A HANDGUN
ART/SEC: CR4 203A1 / DISPOSITION:

TRANSPORT A HANDGUN
ART/SEC: CR4 203A1 / DISPOSITION: