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RECENT DEVELOPMENT

IN RE ANTHONY W.: THE ACCOMPLICE CORROBORATION RULE APPLIES TO JUVENILE PROCEEDINGS

By: Taren Stanton

In a case of first impression, the Court of Appeals of Maryland held the accomplice corroboration rule, which states uncorroborated accomplice testimony is insufficiently reliable to be sole basis for a conviction, applies to juvenile proceedings. *In re Anthony W.*, 388 Md. 251, 255, 879 A.2d 717, 719 (2005). Further, the Court held the juvenile court was not clearly erroneous in finding that the State's witnesses were not accomplices whose testimony required corroboration. *Id.*

During the night of May 10, 2002, Jose Gonzales ("Gonzales"), Keith Steers ("Steers"), and Anthony W. ("Anthony") were driving aimlessly around Frederick County. According to Steers, Anthony told Gonzales to stop the car in the parking lot of Kemptown Elementary School and Gonzales complied. Anthony exited and went toward a school bus. Anthony broke glass in the front door, entered the bus, smashed a number of windows and sprayed the interior with a fire extinguisher. Steers and Gonzales testified they entered the bus and attempted to stop Anthony from causing additional damage. Steers and Gonzales testified they did not break any windows, but admitted to stealing a box of flares from the bus. Anthony was charged in juvenile court with malicious destruction of property based in part on the testimony of Steers and Gonzales. Neither Steers nor Gonzales were prosecuted in exchange for their testimony.

At the conclusion of the State's case, Anthony moved for dismissal. He alleged the State's case consisted of uncorroborated testimony from two accomplices, Gonzales and Steers. The motion was denied. On November 14, 2002, the Circuit Court for Frederick County, sitting as a Juvenile Court, found that Anthony was involved in the delinquent act. The Court of Special Appeals reversed the judgment of the trial court concluding the two witnesses were accomplices to the illegal act and therefore their testimony required corroboration.

The Court of Appeals of Maryland granted the State's petition for writ of certiorari to evaluate two issues. First, whether the Court of Special Appeals erred in holding the accomplice corroboration rule applied in juvenile cases. Second, whether the Court of Special Appeals erred in concluding that insufficient evidence was presented to find the two witnesses were accomplices whose testimony required corroboration to sustain the juvenile's adjudication.

The Court of Appeals began its analysis by examining the accomplice corroboration rule as applied to adults. *Id.* at 264-265, 879 A.2d at 724-725. The Court noted that the accomplice corroboration rule was first stated in *Luery v. State*, 116 Md. 284, 81 A. 681 (1911) and the necessity for the rule was later explained in *Watson v. State*, 208 Md. 210, 117 A.2d 549 (1955). *Anthony W.*, 388 Md. at 264, 879 A.2d at 724. The rule was upheld in *Brown v. State*, 281 Md. 241, 378 A.2d 1104 (1977), because of the trend to use accomplices as State's witnesses and the concerns about the reliability of accomplice testimony. *Anthony W.*, 388 Md. at 264-265, 879 A.2d at 724-725.

The Court relied substantially on juvenile case law in determining whether the rule applied to juvenile proceedings. *Id.* at 265-267, 879 A.2d at 725-726. The development of specific protections similar to those provided adults was first discussed in depth by the United States Supreme Court in *In re Gault*, 387 U.S. 1, 87 S.Ct. 1428 (1967). *Anthony W.*, 388 Md. at 266, 879 A.2d at 725. Since *Gault*, this Court recognized that some, but not all, rights granted to a criminal defendant were applicable in juvenile proceedings. *Anthony W.*, 388 Md. at 267, 879 A.2d at 726 (citing *In re Thomas J.*, 372 Md. 50, 58-59, 811 A.2d 310, 315 (2002)).

Although the Court had previously addressed the application of constitutional protections to juveniles, it noted that this specific evidentiary rule had not been analyzed. *Id.* at 267, 879 A.2d at 726. Accordingly, the Court looked to other jurisdictions that had discussed the issue for guidance. *Id.* The Court found support for extending the rule in a Georgia statute that "requires that a Court must find on proof beyond a reasonable doubt that the child committed the acts by reason of which he is alleged to be delinquent." *Id.* at 268, 879 A.2d at 726-727 (citing *T.L.T. v. State*, 212 S.E.2d 650, 653 (1975)). Based on the statute, the court in *T.L.T.* concluded that a juvenile charged with delinquency was entitled to "independent corroborative evidence of an accomplice's testimony." *Anthony W.*, 388 Md. at 268-269, 879 A.2d at 727. The Court also found a Nevada opinion which extended the

corroboration rule to juvenile proceedings. *Id.* (citing *A Minor v. Juvenile Dept. Fourth Jud. Dist.*, 608 P.2d 509 (1980)).

The Court found that Maryland Rule § 11-114(e)(1), requiring allegations that a juvenile committed a delinquent act be proven beyond a reasonable doubt, was most similar to juvenile court statutes in Georgia and Nevada. *Id.* at 271-272, 879 A.2d at 729. The Court also recognized the right of proof beyond a reasonable doubt applied to both adults and juveniles by the U.S. Supreme Court. *Id.* at 272, 879 A.2d at 729. Since the “beyond a reasonable doubt” standard of proof is the same standard applied in adult criminal cases, the Court held the same evidentiary concerns regarding accomplice testimony were also present in juvenile cases. *Id.* The Court found further support from the Court of Special Appeals of Maryland, which pointed out that a juvenile faced with placement in a state facility is no less entitled to benefit of the rule than an adult faced with possible incarceration for committing an offense. *Id.* at 273, 879 A.2d at 729. Although Chapter 900 of the Maryland Rules of Procedure governs juvenile proceedings, the Court concluded the rule should be extended to juvenile proceedings in the interest of fundamental fairness. *Id.*

Furthermore, the Court held the Court of Special Appeals erred in concluding insufficient evidence was proffered to find the two witnesses were accomplices to the delinquent act. *Id.* at 280, 879 A.2d at 734. The Court of Appeals found support for its argument by analogizing the facts to *Coleman v. State*, 209 Md. 379, 386, 121 A.2d 254, 257 (1956) and *Seward v. State*, 208 Md. 341, 346, 118 A.2d 505, 507 (1955). *Anthony W.*, 388 Md. at 274-275, 879 A.2d at 730-731. In *Coleman*, the accomplice corroboration rule did not apply because there was evidence that the alleged accomplice sat outside in the truck while the crime occurred and had no knowledge that a crime was planned. *Anthony W.*, 388 Md. at 275, 879 A.2d at 731. In *Seward*, the defendant admitted that all participants in the act discussed setting off a bomb and knew he was making the bomb, so the accomplice rule applied. *Anthony W.*, 388 Md. at 275, 879 A.2d at 731. Thus, the Court determined that Gonzales and Steers may have committed independent crimes at some point in the continuum but such acts did not make them accomplices to the act at issue. *Id.* at 279, 879 A.2d at 733. There was no evidence that the witnesses knew Anthony intended to commit the delinquent acts and a rational trier of fact could have found that Steers and Gonzales were not accomplices. *Id.*

In *In re Anthony W.*, the Court of Appeals of Maryland established that the accomplice corroboration rule applied to juvenile proceedings.

This decision broadened the constitutional rights accorded to juveniles. More importantly, this case highlights the many parallels between adult and juvenile proceedings and the need for due process rights of all individuals, regardless of age. Furthermore, this decision reflects an increasingly common view of juvenile offenders as young criminals rather than youth in need of rehabilitation. As juvenile courts gain increasingly more constitutional rights, the need for a separate and distinct juvenile system may become less essential in the administration of justice.