

SPECIAL APPEALS COURT UPHOLDS SEXUAL ABUSE CONVICTION FOR COLUMBIA TEACHER



In September 2010, Marshall Walker Jr. was convicted of sexual abuse, when Howard County Circuit Court Judge Diane Leasure had that he had sexually exploited an 8-year-old girl by writing her letters, that spoke of his love for her, his desire to kiss her and his request that she does not reveal the communications to anyone. He was sentenced to seven years in prison, to be followed by five years of monitored probation. Walker appealed the decision; saying that the letters, even though they were improper, were not sexual in nature and that should not be quantified as enough evidence to merit such a harsh sentence. Moreover, he said that he felt that the Circuit Court had made a mistake in not accepting his motion to hold back evidence that was forcibly taken from his desk at Bryant Woods. The judge refuted his claims that the letters were not sexually suggestive and cited notes that read, "When you hug me tight, it's the best part of my day"; "I don't think perverted thoughts about you, I just care about you"; "tear this up after you read it, tear the other notes too"; "I am sad because I really love you and I am not supposed to"; "I do think about kissing you sometimes." Leasure said that the accused began writing the notes in 2009 and became more and more emboldened; his notes become more passionate with the passage of time. She said that the notes, became more "passionate" as time progressed. She said that the notes "did border on being obsessive" and that they were "sexual in nature." "Sexual acts are not only limited to physical acts," Leasure said at the time. "The totality of these letters, the hugging and the hand holding were exploitative." On Thursday the state's Court of Special Appeals Thursday upheld the September 2010 conviction, setting a new precedent in Maryland for a sex crime conviction, even though there is no confirmation of improper physical intimacy. The Court of Special Appeals agreed with Leasure's ruling and the Circuit Court's decision denying Walker's motion to suppress the evidence. In the Court of Special Appeals decision issued June 28 Judge Michele Hotten wrote, "We hold that (Walker's) actions and letters, in conjunction with the impact on (the victim), supplied a sufficient basis for the circuit court to convict him of sexual abuse of a minor." The decision came in for a lot of praise from the Howard County State's Attorney Dario Broccolino, who said, "This was a groundbreaking case, both in law and for the children of Maryland who now have enhanced protection from patently inappropriate conduct by adults who would exploit minors both physically and emotionally. Judge Leasure gave the appeals court a thoughtful, deliberative record in her rationale for convicting the defendant, based on the intent of the legislature in enacting the statute." Lisae Jordan, general counsel at the Maryland Coalition Against Sexual Assault, had said at the time of the conviction that people who sexually abuse children, start with first assessing if the child was capable of keeping a secret and thereby assure him of getting away with his heinous act and then when they are assured of secrecy, they move closer to the sexual acts they want to perform. Jordan said. "This is a teacher's aide that seems to be well down that path, (and) I really appreciate that the prosecutor recognized that."