

JAMES BROCHIN
42nd Legislative District
Baltimore County

Judicial Proceedings Committee

Joint Committee on Administrative,
Executive, and Legislative Review (AELR)



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 221
Annapolis, Maryland 21401
410-841-3648
800-492-7122 Ext. 3648

District Office
705 York Road
Towson, Maryland 21204
410-823-7087

October 26, 2011

Governor Martin O'Malley
100 State Circle
Annapolis, MD 21401

Dear Governor O'Malley,

I am writing to ask you to commute the life sentence of Mark Farley Grant.

As you know, last year the Maryland Parole Commission made a recommendation to you that Mr. Grant be granted parole. I know that they did not reach this decision without considerable deliberation. Most importantly, this decision was made not based on whether Mr. Grant may, in fact, be innocent (which is debatable), but rather whether he has paid his debt to society and has been rehabilitated. I write you because I am absolutely convinced of both.

Mark Farley Grant went to prison at age 14. I didn't know him then, but I can assure you that the Mark Farley Grant that I visited this past summer at Hagerstown (MCI) is a much different individual than when he came into the system. He is located in a prison unit that is reserved for the most well behaved inmates. (In 28 years, he has had three minor infractions.) He has made use of every educational opportunity at MCI (earned his G.E.D. in 1991) and has excelled in learning the trade of meat cutting. His recommendations are so good that it is highly probable he will have no problem finding a job in that trade.

Much has been made about whether or not Mr. Grant even committed the murder of which he was convicted. Witnesses have recanted their stories and now claim they were intimidated into fingering Mr. Grant. Evidence was withheld from his defense team, and the prosecutor in the case (whose own letter is attached) has told me that with the new evidence he now has before him, this case would not have been tried as a felony murder case, but rather as a 2nd degree murder case. In addition, the victim's own brother in a sworn affidavit has said that he believes Mr. Grant did not kill his brother.

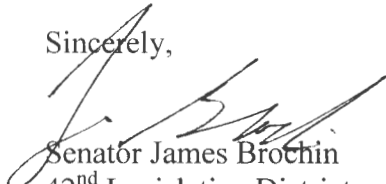
Putting that aside, the question turns on whether a juvenile who went to adult prison at age 14, has now served 28 years, and has lived an exemplary life behind bars deserves a second chance.

Governor, if you met Mr. Grant, like I have, spoke with the prosecutor in the case, and listened to what people who know him say about him, I am convinced you would be moved to commute his sentence. No one in this state wants another Willie Horton scenario, but the reality is that every day we release

people who have not gotten life sentences, who prove a much greater risk than Mr. Grant. There is no doubt in my mind that the Parole Commission did the right thing by recommending him for early release. I hope that you will take the time to review their recommendation, read the file and meet with Mr. Grant.

Thank you for your consideration of this matter.

Sincerely,



Senator James Brochin
42nd Legislative District

BEVERLY A. WALLACE
PHILLIP G. DANTES

WALLACE & DANTES, L.L.C.
29 W. Susquehanna Avenue
Suite 505
Towson, Maryland 21204

October 19, 2011

The Honorable Martin O'Malley, Governor
Office of the Governor
State House
Annapolis, MD 21401

Re: Mark Farley Grant

Dear Governor O'Malley:

I write in support of the effort to obtain some form of executive clemency relief for Mr. Grant. I have previously submitted an affidavit to his post-conviction attorney in respect to my involvement in the Grant case and enclose a copy of that with this letter.

Not only was I the prosecuting attorney in the case of *State v. Mark Grant*, which led to the receipt of his life sentence but also, as a former Chairman of the Maryland Parole Commission, I am familiar with the scope of authority provided by the executive clemency provisions of the Correctional Services Article of the Maryland Code and the applicable considerations involved in the exercise of that authority.

Based upon the review of this case as outlined in my affidavit, I support a petition to have his life sentence commuted to a term of years. Mr. Grant has now served nearly 30 years. The new information that I have received through post-conviction counsel and which I did not have available to me as the prosecutor at the time of trial, creates serious doubt in my mind as to the culpability of Mr. Grant, doubt which well exceeds the reasonable doubt standard.

While the doubt created by this newly acquired information may not meet the criteria of the "actual innocence" provisions of Maryland law, it certainly appears to create enough mitigation to justify commutation relief.

Thank you for your attention to this matter.

Best Regards,


Phillip G. Dantes

AFFIDAVIT OF PHILLIP G. DANTES

I, Phillip G. Dantes, of the State of Maryland, state as follows:

1. My name is Phillip G. Dantes, and I am an attorney licensed to practice law in the State of Maryland. I am currently in private practice with the law firm of Wallace & Dantes, LLC, 29 West Susquehanna Avenue, Suite 200, Towson, MD 21204. I also teach as an adjunct faculty member at the University of Maryland School of Law.

2. In the early and mid-1980s, I worked as an Assistant State's Attorney in the Office of the State's Attorney, Baltimore City, Maryland.

3. In my capacity as an Assistant State's Attorney, I was assigned to prosecute the State's case against Mark F. Grant for the murder of Michael Gough, Indictment Nos. 18301906 and 18301907.

4. There were two necessary witnesses in the State's case against Mark Grant. These two witnesses were Mardell Brawner and Mark "Shane" White.

5. Mardell Brawner was a friend of the victim's, who was present at the time of the shooting. Mardell Brawner's testimony was indispensable to the State's case because Brawner testified that he actually saw Mark Grant shoot Michael Gough.

6. The other key witness, Mark "Shane" White, was originally charged with Gough's murder. However, Mark "Shane" White reached a plea agreement with the State prior to trial. In connection with this agreement, Mark "Shane" White pled guilty to one count of attempted robbery and was sentenced to ten years. The murder charge that had originally been filed against him was dropped.

7. Before Mark "Shane" White testified at trial, he was administered a polygraph examination. I think the examination was done by the Maryland State Police, although I cannot be sure.

8. I was not present when the polygraph exam was administered. However, I was provided with the results of the exam. I was informed that Mark "Shane" White failed the examination because he told the examiner, "we were not there," referring to himself and Mark Grant.

9. After failing the exam, Mark "Shane" White testified at Mark Grant's trial as a State's witness. His failure of the polygraph exam and his statement – "we were not there" – were not provided to the jury, the judge or the defense.

10. Mark "Shane" White's trial testimony, which implicated Mark Grant in the shooting of Michael Gough, was essential to the State's case.

11. Following Mark Grant's conviction in 1984, I did no further work on the *State v. Mark Grant* case.

12. During the 2006-2007 school year, I was approached by post-conviction counsel for Mark Grant. We had several general discussions about my recollections of the *Grant* case. Following our second discussion, counsel provided me with copies of the trial transcript for my review. After reviewing these materials, I can confirm the above recollections.

13. During my conversations with post-conviction counsel, they advised me that Mardell Brawner has since recanted his trial testimony. According to counsel, Mardell Brawner revealed to them that he testified for the State only because he was threatened by Mark "Shane" White's family. It is my understanding that Mardell Brawner has now

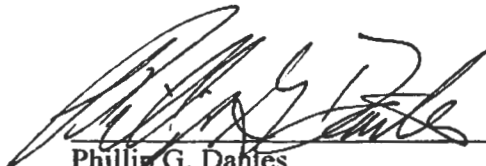
signed an affidavit that unequivocally identifies Mark "Shane" White – not Mark Grant – as the person who shot Michael Gough.

14. It was Mardell Brawner's seemingly independent corroboration of Mark "Shane" White's testimony that convinced me to bring the case against Mark Grant. If I had known that Mardell Brawner agreed to testify as he did only because he was threatened I would not have prosecuted Mark Grant for Michael Gough's murder.

15. Without Mardell Brawner's testimony, the State would likely have had no case. Specifically, I would have had no one to corroborate Mark "Shane" White's claim that Mark Grant was Michael Gough's killer. Without such corroboration, I would not have prosecuted Mark Grant for murder.

16. Additionally, if I had known at the time of trial that Mark "Shane" White was the real shooter, I would have prosecuted him – not Mark Grant – for Michael Gough's murder.

I solemnly affirm under the penalties of perjury that the contents of the foregoing paper are true to the best of my knowledge, information, and belief.


Phillip G. Dantes

On this 27th day of December 2007 before me personally appeared Phillip G. Dantes known to me to be the person whose signature is affixed hereto and

In witness whereof, I hereunto set my hand and official seal.



my commission expires: 5/1/10