

## Statement of Judge Dennis M. Sweeney at the Sentencing of Defendant Sheila Ann Dixon

The court to this point has been silent about the agreement reached to conclude these cases although the court did indicate at the last hearing that it was willing to accept the agreement and took Ms.Dixon's plea on that basis.

As part of this sentencing, the court believes it is now appropriate to indicate how the court views this matter.

I believe the agreement to conclude these cases, reached after intense negotiation by the State and the defense, is a fair and reasonable resolution that recognizes the criminal conduct that occurred, includes penalties for the Defendant of a substantial nature and requires her to engage in community service and to pay funds to a charity designated by the State as part of her period of probation.

I particularly note that Ms. Dixon, who had worked for over two decades in public life to become Mayor, the pinnacle of elected offices in this city, was required by the agreement to resign the office and not seek another office during the period of probation. Simply put, Ms. Dixon leaves the office in

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total disgrace after a career that saw her become the first woman elected to that office. That result in this court's view is a heavy penalty, well justified by the evidence before this court, but still a heavy penalty--a badge of dishonor that she will live with for the rest of her life.

The agreement allows the City of Baltimore to move forward from this painful and dispiriting episode and avoids what would have certainly been months if not years of continuing litigation and appeals that would have prolonged the agony for all involved and prevented the important business of the City and its people from being dealt with in the best fashion.

It seems from reports in the media that that Ms. Dixon's successor and the City Council now understand that the ethical milieu of the past particularly as it relates to relationships with developers can not continue and that there must be a rededication to the principles of high ethical standards and performance by public officials.

During the pretrial motions in this case, I heard arguments from the defense that a developer like Mr. Lipscomb who was involved in numerous

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large and prominent developments in Baltimore could not be considered under city ethics laws to be either “doing business” with the City or “being regulated” by the City and thus Ms. Dixon was free to accept any gift from him regardless of the amount.

The argument could be expected from Ms. Dixon’s criminal defense lawyers who are duty bound to raise all conceivable arguments on her behalf, but it was quite another thing for this argument to be supported by an affidavit from the City Solicitor of Baltimore who basically asserted that developers such as Mr. Lipscomb were not “doing business with the City” or “regulated” by it. This official position of the City was not met to my knowledge by any dissent or outrage by other elected City officials at the time it became public.

I hope that the new and welcomed dedication to higher ethical standards is genuine and will have a shelf life that lasts beyond the next election. If not, then the City will be doomed to repeat the cycle of petty and tawdry corruption and special entitlement that ends badly not only for the people

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directly involved but more importantly for the citizens of Baltimore that depend on fair and honest governance by its officials.

I want to make two other points that I hope reach those who are concerned with the system of justice in Baltimore and Maryland.

Throughout these cases, Ms. Dixon has claimed that the prosecution here was not well grounded in law and evidence and that her problems were the fault of the media, or a politically motivated or incompetent prosecutor, or after conviction in the gift card case, a confused and misbehaving jury. These stratagems are ones frequently employed in high profile cases by experienced defense counsel particularly when the facts they face are difficult to overcome.

For what it is worth, I sat through the trial in the gift card case and heard the pre-trial matters in the perjury cases where the evidence to be presented at trial was thoroughly discussed and vetted. To the extent humanly possible, I looked at the cases without preconceived notions.

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From what I saw at trial and in the motions before the court, the cases against Ms. Dixon were strong if not indeed overwhelming. If anything, in my view, the jury was generous to Ms. Dixon in convicting her of only a single count. The count they did convict her of, the one relating to the Turner gift cards was solidly supported by highly credible witnesses and evidence and the defenses presented to that count were unconvincing. Similarly, while there was no trial in the perjury case, it is likewise my view that had that case gone to trial conviction on one or more counts would have been a virtual certainty.

It may be that Ms. Dixon in her own mind and for her own purposes persists in her belief that she was unfairly prosecuted on flimsy evidence. However, that view simply does not stack up with the facts.

Finally, the court believes it imperative to comment about the jury in the gift card case. After the verdict in that case, members of the jury became the subject of intense scrutiny and questioning based on media investigations which defense counsel latched on to and became the focus of a motion for

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new trial. The proceedings to review the jury issues were terminated by the agreement and plea without any resolution or findings by the court.

It would be unfair and wrong to close these proceedings leaving any impression that the jury in this case did anything other than perform extraordinary services under very stressful circumstances.

The 12 jurors in this case were a true cross section of the City. Their ages ranged from 23 to 64. Seven are African American, three white, one is Asian-American, and one listed her background as Hispanic/Native American. Among their occupations are nurse, teacher, medical records clerk, warehouse worker and correctional officer.

Before this trial began many said that a Baltimore City jury like the one picked in this case would never be able to deal with it. Many commentators glibly predicted even before jury selection began that a hung jury split along lines of race, sex or income would be the result. In contrast, from what I saw in this case all of the jurors took the case very seriously put aside their

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personal biases and worked very hard together as a team to resolve the case based on the evidence in the case and the law.

I hope that the jurors understand that they performed a very valuable public service under difficult circumstances. This jury like other parts of our justice system is not perfect, but the public can be assured that the jury system in Baltimore City works and is able to deal even with a case as highly charged as this one was.

When the allegations of so-called juror misconduct were first raised, I received a letter from the forelady of the jury. Let me conclude by reading part of her letter:

*"Dear Judge Sweeney,*

*I ,The Jury Foreperson (Juror #4) of Case No. 109210015 State of Maryland v. Shelia Ann Dixon ,present this letter with a sense of accomplishment and pride. The members of this jury, including the alternate jurors, have committed many hours of hard work and dedication.*

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*The 12 citizens of the jury represent the diversity of our city, from the work force to the retired, and people from various backgrounds who make up the City of Baltimore. This diverse group came together to fulfill a civic duty, and to deliver a unanimous verdict on all counts to the court and to the citizens of Baltimore City.*

*Although we were unable to reach a unanimous verdict on one of the counts, I believe that we have done our best to accomplish our required task in this case. I also believe that we have decided the facts and adhered to the instructions that you have given about the law, and we have applied to those facts, the law as you have explained it to us, thus arriving at our verdicts.*

*I would encourage fellow citizens to volunteer for Jury Services and to support its operations.....It has been an education, a privilege, and an honor to serve our judicial system.”*

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*Signed,*

*Janice Shipley*

*Foreperson*

These encouraging words of civic commitment and public service are the best final note to conclude this proceeding.