

News Release

Comptroller Lierman Issues Statement Following Wednesday's Board of Public Works Meeting

ANNAPOLIS, Md. (September 20, 2023) - Today, the Maryland Board of Public Works (BPW) considered 95 items as part of its routine agenda, authorizing more than \$351 million in state expenditures.

During the meeting, Comptroller Brooke Lierman spoke about her agency's release of the Fiscal Year 2023 Closeout Report. She also voted with the other two members of the board, Governor Wes Moore and Treasurer Dereck Davis, to approve an award to Demetrius Smith, who had been wrongfully convicted in the 2008 Baltimore murder of Robert Long.

Fiscal Year 2023 Closeout Report - "I'm pleased to report that my agency has completed the closeout for the General Fund of the State for Fiscal Year 2023. This, of course, is one of our most important duties in the Comptroller's Office. I'm really grateful to the awesome team that we have, including Sandy Zinck, Robert Rehrmann, and everyone in the General Accounting Division and the Bureau of Revenue Estimates, for their work and diligence in completing this annual process.

"Our Closeout Report closely follows revenue forecasts made in March by the Board of Revenue Estimates, signaling that Maryland's economy remains stable but is experiencing some challenges, including the effects of national inflation, with a disproportionate impact being felt by our families making low- to moderate- incomes. Despite those challenges, I'm excited to report that the State closed its books with a preliminary unassigned balance of \$555 million.

"Maryland has a strong record of prudent fiscal management, as evidenced by our long-standing AAA bond rating. But we cannot ignore that this Closeout Report reflects the challenges families and small business owners have faced.

"Although there are signs that inflation is slowing, many families and small businesses are still adjusting to the economic impact of COVID and rising costs – from rent, mortgages, to financing the purchase of a new vehicle, etc. These factors highlight the

need for more research into the ‘new normal’ that we find ourselves in.

“This is why, earlier this year, my agency embarked on an effort to better fully understand the structural changes in our economy and revenue base and the associated risks, challenges, and opportunities.

“We hosted a series of roundtables and interviews over the summer with businesses, industries, and economic development leaders throughout the state to learn what they, their members, and their communities are experiencing on the front line of the state’s economy and what they need to grow, prosper, and succeed.

“So, in the next month, more fiscal news to come. At the end of the month, we have our Board of Revenue Estimates meeting. I will be there with the Treasurer and the Secretary of the Department of Budget and Management, and others. We also will be releasing a report on the state of Maryland’s economy to help policymakers, leaders, and our partners in government better understand the structural changes that we have and the changes we have seen over the past few years so that we can be better prepared moving forward. I’m excited to be partnering with our Governor, our Lieutenant Governor and all the secretaries, agencies and the Treasurer on the work we have to do.”

The BPW made a \$340,802 award to Demetrius Smith, who had been convicted of the 2008 Baltimore murder of Robert Long in a settlement of all claims in the Appellate Court of Maryland. The following is a brief summary of events with the explanation of today’s action:

On March 11, 2008, Mr. Robert Long agreed to testify against Jose Morales in a criminal case. Thirteen days later, Mr. Long was murdered in Baltimore City at the direction of Mr. Morales. Long’s mother immediately told homicide detectives that she suspected Mr. Morales arranged the murder.

Mr. Morales was not pursued by detectives, who instead, focused attention on Mr. Demetrius Smith. Upon being interviewed by detectives, two witnesses purportedly identified Mr. Smith as the murderer.

On July 11, 2008, Mr. Smith was arrested and charged with Mr. Long’s murder in Baltimore City Circuit Court. The following day, Mr. Smith was released on bail by the district court judge. Mr. Smith was tried for the murder in January 2010, and convicted on January 19th. On March 22, 2010, Mr. Smith received a life sentence plus 18 years.

In 2011, the United States Attorney’s Office for the District of Maryland informed the State’s Attorney that federal investigators had uncovered evidence that Mr. Morales, not Mr. Smith, was responsible for Mr. Long’s murder. State and federal officials then began reexamining the evidence against Mr. Smith.

Consistent with the Walter Lomax Act’s remedial purpose, the statute was reasonably construed in a manner that would permit the State to offer Mr. Smith compensation as part of a settlement. As a result of the murder conviction that was ultimately

overtaken, he received a longer sentence for assault than he would have received had he only been convicted of assault, as well as an award of statutory benefits.

Mr. Smith was erroneously confined for 926 days related to the murder, while serving a lawful sentence of 1,714 days for an assault. The recommended compensation for Mr. Smith's erroneous confinement was based on the difference between the sentence he received for the assault – which accounted for the erroneous murder conviction – and the sentence he would have received if he had not been erroneously convicted of murder at the time, he was sentenced for the assault conviction.

Using the 2011 Maryland Sentencing Guidelines in considering the sentence, Mr. Smith would have received for the assault conviction alone, Mr. Smith would have received the lowest offender score which – when applied – yields a recommended sentencing range of 4 years to 9 years.

Accounting for only the assault conviction and assuming that he would have received the lowest sentence for that conviction pursuant to the Guidelines, it was determined that Mr. Smith would have been released on mandatory supervision on November 11, 2010, instead of May 3, 2013, a difference of 905 days.

Compensation in the amount of \$226,702.50 and attorneys' fees in the amount of \$25,000 will be paid no later than 30 days after approval and would satisfy all claims against the State. The remaining amount includes various benefits awarded, such as a state identification card, housing accommodations, education and training relevant to life skills, job and vocational training, or financial literacy, health care (including mental health counseling) and dental care, access to enrollment and payment of tuition and fees for attending a public senior higher education institution, a regional higher education center, or the Baltimore City Community College.

More information can be found at <https://bpw.maryland.gov/>.

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