

YOUNG LEE, AS VICTIM'S  
REPRESENTATIVE,

Appellant,

v.

STATE OF MARYLAND,

Appellee.

IN THE

APPELLATE COURT OF

MARYLAND

September Term 2022

No. 1291

Circuit Court Case No. 199103042

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**APPELLANT'S NOTICE OF SUPPLEMENTAL CITATION AND  
MOTION TO SUBMIT SUPPLEMENTAL BRIEFING**

Appellant Young Lee notifies this Court of new revelations since filing the Reply Brief and requests leave to file additional briefing under Md. Rule 8-502(e).

**New Revelations of the State's Attorney's and Circuit  
Court's Violations of Law**

Mr. Lee filed his Reply Brief on Monday, January 23, 2023. Four days later, January 27, this Court ordered Mr. Lee to file a transcript for a hearing "on October 11, 2022, during which the State entered the charges *nolle prosequi*." Neither Mr. Lee nor his counsel were previously aware of a substantive *noelle prosequi* hearing. A courtesy copy of the transcript is attached as Exhibit A.

It is now clear that the State's Attorney and circuit court violated Mr. Lee's victims' rights at three proceedings. First, the September 16 secret

prehearing, where the prosecutor presented evidence that the court reviewed. Second, the September 19 vacatur hearing, where Mr. Lee received unreasonable eleventh-hour notice, no opportunity to physically attend, and where the court refused counsel the right to speak. *See* Md. Rule 1-326(a); *Powell v. Alabama*, 287 U.S. 45, 68–69 (1932) (“The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel.”). Now third, the October 11 *noelle pros* hearing when the State’s Attorney dropped charges without notifying or hearing from Mr. Lee.

All Mr. Lee previously knew about the *noelle pros* comes from a news conference where the State’s Attorney announced receiving “touch DNA” evidence. Mr. Lee had the right to much more: to know of, appear at, and be heard at the *noelle pros* proceeding.

Because of these newly discovered facts showing that the prosecutor and circuit court collaborated from the start, Mr. Lee moves to file supplemental briefing under Md. Rule 8-502(e)(2).

Dated: January 31, 2023

Respectfully submitted,

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CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH

MD. RULES 8-112

This brief complies with the font, line spacing, and margin requirements of Md. Rules 8-112 and contains 297 words, excluding the parts exempted from the word count by Md. Rules 8-503.

/s/ David W. Sanford  
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*Counsel for Appellant*

CERTIFICATE OF SERVICE

I certify that on this day, January 31, 2023, a copy of the foregoing Motion to Stay the Circuit Court Proceedings Pending Resolution of the Appeal was served upon the following counsel of record via the Court's electronic filing system:

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