

IN THE CIRCUIT COURT OF THE STATE OF MARYLAND  
IN AND FOR ANNE ARUNDEL COUNTY

State of Maryland, )  
)  
                  Prosecution, )  
)  
                  v. )  
)  
Jessie Malloy, )  
)  
                  Defendant. )

**STATEMENT OF STIPULATED FACTS**

Jessie Malloy is an A student at the University of Maryland in College Park, majoring in criminal justice. In the spring of 2007, Jessie completed junior year. After attending a criminal justice conference at the college on the weekend of June 23<sup>rd</sup> Jessie was going home to Gaithersburg.

On Sunday afternoon, June 24, Jessie was heading home going west on Route 50/301 driving a 2000 lime green two door Honda Civic with license plate PMPMYRD. The traffic was heavy with people returning from Ocean City. As Jessie passed exit 37, on Route 50/301, where the traffic was entering from Route 18 west onto Route 50/301, a black pickup truck raced in front of Jessie’s car coming close to sideswiping the Honda. Jessie swerved out of the way and beeped the horn several times. As the pickup pulled out in front of Jessie, the back window slid open and something resembling a gun barrel protruded from the window. It disappeared and then reappeared. The next thing Jessie knew was that a hole appeared in the windshield of the Honda as the pickup sped away. Jessie swerved to the side of the road and came to a stop on the shoulder.

After realizing that the car had been shot at, Jessie was determined to get the license and make of the pickup so the police could be informed. Jessie drove along the shoulder until s/he was able to merge. Jessie then began to weave through the cars, changing lanes frequently. On several occasions, Jessie found it faster to drive on the shoulder to make progress through the heavy traffic. As Jessie started to cross the Chesapeake Bay Bridge, a black pickup could be seen on the bridge ahead. Jessie slowly continued to close the gap between the two vehicles, beeping the horn and cutting in and out of lanes. At the end of the bridge, the traffic had slowed, so Jessie swerved onto the shoulder to the left of the passing lane to get closer to the black pickup—which was moving very slowly in the middle lane, caught in traffic.

Jessie saw that the traffic was beginning to thin out as it got closer to the toll booths, located on the eastbound side, and was able to cut back into the passing and then the middle lanes with no real trouble. The black pickup then moved into the right hand lane and picked up speed, so Jessie beeped the horn, and made several attempts to get over to the right lane. An opening appeared and Jessie cut over directly behind the pickup. All of a sudden, the pickup spiked the brakes and stopped short just as Jessie entered the lane behind it, forcing Jessie to do the same, just missing the pickup.

A 2007 Volvo V70 station wagon, now directly behind Jessie, swerved to miss Jessie’s Honda and ran into the guardrail. A family of four, including a mother, father, and young son and daughter, were in the Volvo. They all sustained minor injuries as the front and right side airbags deployed.

Jessie continued chasing the black pickup, which was still in sight. A truck driver, seeing the accident unfold, immediately called 911 to report the accident. While doing so, the truck driver witnessed the driver of the lime green Honda Civic with the license plate PMPMYRD, leaving the scene. The truck driver gave this information to the emergency operator. A Maryland state police trooper, who heard the description of the car leaving the scene of the accident, was just pulling onto Route 50 from East

College Parkway heading west at exit 32, when the lime green Honda passed by the state police car and was immediately pulled over.

Jessie Malloy was arrested and taken to the Maryland State Police Barrack J in Annapolis and the Honda was impounded.

The Maryland State Police and the Anne Arundel County Rescue Squad arrived on the scene of the accident shortly thereafter. The family was treated on the scene and taken to the local hospital for observation.

**STATEMENT OF CHARGES AND DEFENSES**

The State of Maryland charges Jessie Malloy with the following violations of the Maryland Code:

Count 1 - § 20-102. Driver to remain at scene -- Accidents resulting in bodily injury or death

Count 2 - § 20-104. Duty to give information and render aid

Count 3 - § 21-901.1. Reckless and negligent driving

Count 4 - § 21-901.2. Aggressive driving

- (1) Passing on right in violation of section 21-304 of the title;
- (2) Overtaking and passing vehicles section in violation of section 21-303 of this title;
- (3) Driving on laned roadways in violation of 21-309 of this title;
- (4) Following too closely in violation section 21-310 of this title; and,
- (5) Failure to yield right-of-way in violation of section 21-403 of this title.

Jessie Malloy denies all charges and claims and pleads not guilty.

**WITNESSES TO APPEAR BEFORE THE COURT**

<b><u>Witnesses for the Prosecution</u></b>	<b><u>Witnesses for the Defense</u></b>
Morgan Taylor, Injured Driver Jamie Austin, Truck Driver Casey Smith, Trooper, Maryland State Police	Jessie Malloy, Defendant Dominique Tate, Driver of car also shot Tyler Jones, Forensic Ballistics Crime Scene Consultant

**Witness for the Prosecution**  
**Morgan Taylor**

My name is Morgan Taylor. I am 35 years old. I am married and have two children. I have worked for ten years as an administrator for the United States Social Security Administration located in Baltimore. I live in Ellicott City.

On Sunday, June 24, 2007, at approximately 2:30 in the afternoon, I was driving my family home from Ocean City, where we had spent the weekend at the beach. We were heading west on Route 50/301. The driving was slow because of all the beach traffic. We were moving, however, and had just crossed the Chesapeake Bay Bridge in the right hand lane and were coming up to where the tollbooths are located on the eastbound side of the highway. Like I said, the traffic was heavy, but moving, and I had made sure to give about two car lengths between me and the black pickup directly ahead of me, when all of a sudden and seemingly out of nowhere, this lime green car cuts right in front of me from the middle lane and squeezes in between me and the pickup. Before I even had a chance to slow down, I saw the brake lights go on in front of me and could see that the car was skidding and the tires were smoking. It all happened so fast, all I could do not to hit the car was turn hard to the right. I ending up running into the guardrail along the side of the road.

The impact was hard enough to set off the front and right side airbags. I am so thankful we had purchased a 2007 Volvo V7 station wagon because I am sure it prevented my family from being seriously hurt. As it was, we were all in shock and slightly scraped and bruised from the airbags deploying. I also sustained a broken wrist. At first I could not see much because the passenger compartment had filled with dust or gas or whatever happens when airbags go off. But then I heard car doors shutting. The next thing I knew, there were a bunch of people coming to see if we were all OK. It is nice to know that people still do care about others.

About fifteen minutes later, the state police and emergency rescue people arrived. They took us to the hospital where we spent the rest of our day being treated for minor scrapes and bruises and my broken wrist. It was not until sometime in the evening that we were released to go home.

There was substantial damage to the front end and right side of our car, but the passenger compartment stayed intact. The repair cost to fix the damage was \$8,224. I am so glad we bought a Volvo, but it all could have been avoided if the driver of that lime green car had not been so reckless and thoughtless about the safety of others on the road.

*Morgan Taylor*

Morgan Taylor

**Witness for the Prosecution**  
**Jamie Austin**

My name is Jamie Austin. I am 45 years old. I live in Cumberland. I am a truck driver by profession. I am an independent long-haul driver and deliver loads all over the country. I am also a member of the Million Mile Club. I have driven over one million miles and I have had not one accident. I have been driving trucks most of my life.

On June 24, 2007, I was driving a load from Wilmington, Delaware to Richmond, Virginia. I normally do not drive on a Sunday, but I had been away from home for too long and after this run that was where I was headed. The best way of getting there in my experience is taking 301 to 95 and heading south. That route takes me west right over the Chesapeake Bay Bridge and that is where I was at around 2:30 on Sunday afternoon. Driving an eighteen-wheeler over the bay bridge is quite an experience because you sit way up and the view is incredible. It also helps you see the traffic coming up from behind and way ahead of you on that bridge. It was about that time when I heard and spotted a lime green Honda Civic weaving in and out of the lanes on the bridge, and beeping. The little car passed me on the right and then pulled in front of me to pass another car, beeping all the while, before pulling back into the right hand lane. I remember thinking to myself, what an angry jerk. Why they put those noisemaker exhausts on a little bitty car makes no sense to me.

As I was coming off the bridge, the traffic had slowed down some, but I could see that it was thinning again at the end of the bridge. That is when I saw that same lime green car drive onto the shoulder of the road on the left to pass more cars. It cut back into the passing lane again and then into the middle lane.

Drivers were braking all over the place in order to avoid hitting that lime green car. In all my years of driving, I knew this was not going to end well. Sure enough, that little car cut right in front of a station wagon and right behind a black pickup. Then I saw red brake lights and tire smoke from skidding and I watched that station wagon just miss the lime green Civic and run right in to the guard rail. The Honda just kept on going and cut right back into traffic.

I used my radio to call 911 about the accident and told them that the car that caused it had left the scene. I described the car as a lime green two door Honda Civic and that it had a fancy noise making exhaust system and a license plate that I would never forget — PMPMYRD. I also told the operator that the driver of that car had to be really angry as I had witnessed the car cutting in and out of lanes and driving on the shoulder of the highway before the accident.

A number of people stopped to offer assistance and as I drove by the station wagon I saw that it was a family of four and that in general they appeared to be all right. The vehicle, on the other hand, had sustained significant front-end damage. Even though I wanted to finish my route I knew I should pull over so that I could let the police know that I had witnessed the accident and had made the call reporting it.

*Jamie Austin*

Jamie Austin

**Witness for the Prosecution  
Corporal Casey Smith**

My name is Casey Smith. I am a Corporal with the Maryland State Police. I have been with the state police for almost eight years. Before joining, I was with the military police of the United States Army for four years. I am currently posted to Barrack J, which is located in Annapolis. Barrack J covers the southern areas of Anne Arundel County, which includes the Chesapeake Bay Bridge.

On Sunday, June 24, 2007, at approximately 2:35 in the afternoon I was just merging from exit 32 onto U.S. Route 50/301 heading west when I heard the dispatcher putting out an alert for a vehicle that had left the scene of an accident near the bay bridge. The vehicle was described as a lime green two door Honda Civic with the license plate PMPMYRD. It was also said to have a distinctive exhaust system. As I heard the alert going out over the radio, I immediately saw a lime green Honda Civic ahead of me on U.S. Route 50/301 with the PMPMYRD plate. There is nothing like being in the right place at the right time. I hit the lights and siren and told the driver of that vehicle, through my loud speaker, to pull over to the side of the road.

The Honda pulled over to the shoulder of the highway and I pulled up a short distance behind the automobile. At that point, the driver exited the vehicle and was coming back to my patrol car. I opened my door and staying behind it, stood and directed the driver to stop, turn around and place both hands on the trunk of the Honda. I informed the dispatcher that I had pulled over a lime green Honda Civic with the same license plate as mentioned in the alert.

The suspect complied with my request and I proceeded to walk over to the vehicle and asked the driver to show me a driver's license and vehicle registration. The driver complied. After determining that the driver was Jessie Malloy and that the vehicle was registered in that name, I informed Malloy that it had been reported that said vehicle in question had been involved in an accident and that it had left the scene. I placed the driver under arrest and read the suspect the Miranda warning. Malloy was saying that a black pickup was involved in something and that s/he was trying to catch it to get the make and license plate. I said I saw no pickup and suggested that it might be better not to say anymore at this time.

I informed the suspect that we were going to the Maryland State Police Barrack J in Annapolis, and that the Honda would be towed to and impounded at a state police facility.

That same day, the 24<sup>th</sup> of June, I learned of the accident involving the Volvo that had taken place just west of the bay bridge in the westbound lanes of U.S. Route 50/301 and almost adjacent to the tollbooths located in the eastbound lanes. I also learned from Trooper Dale Smyth, the responding trooper to the scene, that witnesses had identified a lime green two door Honda Civic with license plate PMPMYRD as having caused the accident. We also received a phone call from a Lt. Commander Tate who reported that someone in a black pickup had allegedly shot at Mr. Malloy's vehicle and may have also shot at the Lt. Commander's vehicle. In our inspection of Malloy's car, we found a small hole in his windshield but it was impossible to determine when the hole was made. We had no other corroboration of these allegations. Based upon the totality of evidence, we charged Mr. Malloy. As Trooper Stuart's supervising officer, I was responsible for signing the accident report that he submitted concerning the matter.

Casey Smith

Casey Smith

**Witness for the Defense**  
**Jessie Malloy, Defendant**

My name is Jessie Malloy. I am twenty-one years old. I am a senior at the University of Maryland located in College Park where I am majoring in criminal justice. I have a 3.75 cumulative average.

After attending a criminal justice conference at Chesapeake College on the eastern shore after the semester had ended in June, I was planning to go home. I live in Gaithersburg. So on Sunday, June 24<sup>th</sup>, I was finally going home after a long but successful semester and a great conference.

I own a 2000 two-door Honda Civic DX Hatchback. It is bright lime green. I added the APEXi GT Spec Catback exhaust system, which makes the car look and sound like a real sports car in my opinion. I also splurged and got one of those special "vanity" license plates; it was done more as a joke because my mom and dad had made fun of my car for its color and the exhaust system. My license plate says PMPMYRD. People always stare at me when I get out of the car. I suppose I am not what they expect to see in a car like that and with that license plate.

As I always do, I got onto Route 50/301 to head back to Gaithersburg. On Sunday afternoon in late spring, I knew there would be a lot of traffic heading home from the beaches. As I passed exit 37 where Route 18 can enter Route 50, this huge black extended cab pickup merged into the traffic almost hitting me as it pulled in front of me. I slammed on my brakes and laid on the horn. I was upset that we almost collided. I then saw the back window slide open and what appeared to me to be a long pipe stick out from the back window of the cab. I saw it disappear and then reappear. Then all of a sudden I heard a noise and saw a hole appear in my windshield. I immediately pulled over to the side of the road and just sat there stunned, wondering what had just happened to me. I looked more closely at the windshield and saw a small hole with little spider-like legs all around it in the glass. I looked at the passenger seat and saw a small hole in the leather of the seatback. Whoever was in that pickup had shot at me. I knew it was important to get the make and license of the pickup to give to the police before they really hurt someone, so I was determined to get that information. I pulled back into the traffic heading toward the bridge and began my effort to catch up so I could make an identification of the perpetrator.

The traffic was heavy but I am a good driver and by weaving through the cars I knew I had a chance. When the traffic slowed, I found I could make better time by riding on the shoulder of the road. and When the traffic was moving, I moved back into the regular lanes. I was able to keep this up until I got to the bridge. Then I merged into the passing lane and that is when I noticed the top of the black pickup ahead of me on the bridge. The pickup was almost at the highest point of the bridge, which is just before you begin heading down toward the west end of the bridge. That is where I saw the pickup and I knew I might be able to get close enough to make out what make and model and more importantly get the license plate number. So, by beeping my horn and cutting in and out of lanes and passing the slower moving cars, I was able to really close the gap between us. As I left the bridge the traffic was slowing. I used the shoulder on the left of the road this time and was able to close the gap between us. The pickup was moving slowly in the middle lane of traffic, but I was still unable to get the license plate and make of the truck.

I noticed that the traffic was thinning as it got closer to the toll booths located on the eastbound side, and I was able to cut back into first the passing and then the middle lane. The black pickup moved into the right hand lane and I knew I had to make a move so I could read that plate. I saw an opening and cut over right behind the truck. I thought I had a chance to get the license, but the pickup spiked the brakes and I had to slam on my brakes to avoid hitting the truck. I stopped just in time. I saw the pickup pull in front of other cars and speed off. I thought I could still catch up to the pickup as I still had not gotten the license plate or the make and model of the truck. I was able to pickup speed but when I passed exit 32, I saw flashing red lights behind me and heard the officer tell me to pull over. I immediately stopped the car and got out to tell the state trooper what had happened when I was ordered to turn around and put my hands on the back of my car. I tried telling the trooper what had happened and was told that I was being placed under arrest for leaving

the scene of an accident. I did not understand what the trooper was talking about, though. I didn't hit anyone, and someone had shot at me.

I tried to tell the officer this, but the officer just said that no one was aware of any pickup and that it might be in my best interests if I said nothing further. The officer then placed me in the patrol car and informed me that my car would be towed and impounded.

I have an impeccable driving record. I have never received a ticket—in fact, I've never been pulled over prior to this incident. I do not make a habit of driving recklessly or erratically, and this was not my intent in this situation. All I wanted to do was get the make and model of that black pickup and the license plate. I never did get the number of the plate, but I do think it was either a Ford 150 or Toyota Tundra. I know for sure is that it was a large black pickup. If anyone caused the accident it was the pickup that shot at me and then slammed on its brakes when I finally caught up.

*Jessie Malloy*

Jessie Malloy

**Witness for the Defense**  
**Dominique Tate**

My name is Dominique Tate. I am 44 years old. I live in Annapolis, Maryland. I am a professor of mathematics at the Naval Academy and I hold the rank of Lt. Commander in the United States Navy.

I had just spent the weekend with friends at Ocean City staying at the Commander Hotel, where we have met on and off for over 20 years after graduating from the Academy. I was on my way back to Annapolis on June 24, 2007, driving west on Route 50/301 heading toward the Chesapeake Bay Bridge when I saw a black extended cab pickup enter the highway from exit 31. The truck was traveling at a high rate of speed in my opinion, directly in front of a lime green two-door Honda Civic Hatchback. I was about six or seven cars back but I heard the Honda lay on the horn. I saw what appeared to me to be the barrel of a gun, and I have seen a number in my time, stick out through the back sliding window of the pickup, and this was repeated twice. I heard what sounded like a plunk and plunk on the front of my car. Shortly thereafter, I saw the Honda swerve to the side of the road and come to a stop on the right hand shoulder of the highway. I kept on going as everything appeared to be all right. I pulled off the highway just before the bridge to get a cold drink because I knew as soon as I crossed the bridge I would just head straight home without stopping.

When I left the store and was walking back to my car, I noticed that my right front head light was broken. I took a look at it and sure enough it had been shot out. I then realized that whoever was in that black pickup had shot at me and maybe even that lime green Honda. I got back on Route 50 and noticed that although the traffic was heavy it moved along rather well for a Sunday afternoon filled with people heading home from the beach. After crossing the Chesapeake Bay Bridge I saw that a Volvo had run into the guardrail on the right side of the road almost across from where the tollbooths are located on the eastbound lanes. Just as everyone else had done, I slowed down and saw that there had been a family in the car but there were a number of people already assisting so I proceeded on.

It was not much farther up the highway that I saw that the lime green Honda Civic had been pulled over and the driver was sitting in the back of a state trooper's car. I was not sure why the car had been pulled over but if it had to do with that black pickup I thought what I had seen might be important. So I got in touch with the state police, reported what had occurred and after a few days and several phone calls, I was able to learn who was driving the Honda and I was able to get in touch with Jessie Malloy.

If I had known my car had taken a bullet, I also would have attempted to get the make and model of that truck and the license plate number so I could turn it over to the proper authorities. We just can't let these crazy people take over our country. The wrong person was charged in this incident and I want to see justice prevail.

*Dominique Tate*  
Dominique Tate



**Witness for the Defense**  
**Tyler Jones**

My name is Tyler Jones. I am 42 years old. I am a professor at the University of Maryland College Park in the Department of Criminology and Criminal Justice. I have been teaching for eight years and I have a Ph.D. from Rutgers University in criminal justice and a Master's Degree in forensic science from John Jay College. Before teaching full time I served as a federal crime scene investigator for a number of years. I also have a forensics consulting business, "Be Sure" that provides forensics support to both the prosecution and defense when requested. I have served as an expert witness eighteen times in both state and federal cases.

I became involved in this matter because Professor Moriarty, who is Jessie's professor asked me to look into the case. I was intrigued by Jessie's story and so I agreed to take the case pro bono. I am not receiving a fee to testify. I am well known by the Maryland State Police as I have done work for them many times and I was also known for my crime scene work with the federal government. They had no problem allowing me to examine the car while it was still impounded. I also examined the accident scene where the Volvo had impacted the guardrail on Route 50.

I examined Jessie's automobile and found a small hole, with spider webbing around the circumference, in the lower right side of the windshield. The hole was approximately 4.5mm in diameter and was obviously made by a projectile of some kind. After examining the interior of the vehicle, I found a small hole in the leather upholstery of the seatback of the front passenger seat. Imbedded in the back of the seat was a small performance ballistic alloy 4.5 mm or .177 caliber pellet. It was the one of the Gamo type ammo made for hunting. It is made of an alloy—not lead, and therefore has tremendous impact power and can travel at about 1200fps. This ammunition could be fired from almost any air or gas pellet gun. As you will note from the photograph of the pellet itself, it maintains most of its original shape even after impact as it is designed for penetrating a target.

I visited the site of the accident on Thursday, June 28, where the Volvo had driven into the guardrail on the west bound lanes of Route 50/301 after exiting the Chesapeake Bay Bridge, almost due north of the tollbooths located on the eastbound lanes. It had not rained since the accident on June 24<sup>th</sup>, so I was still able to see the black tread marks made by Jessie Malloy's Honda. I was also able to view the marks left by the black pickup truck when it spiked its brakes. I could see clearly where both vehicles had used their brakes and left tire tread marks. I also noted that the Volvo left no tread marks which indicates that the driver did not try to brake, but rather swerved to avoid the car directly ahead and drove into the guardrail.

I have no way to determine what speed the pickup was traveling to create the tread marks, because they were only five feet in length. It appears that the vehicle only applied the brakes to start a tread mark and then stopped braking almost immediately and continued on. This action would, however, cause the driver traveling directly behind the vehicle that "spiked the brakes" to assume, in a split second, that the vehicle directly ahead was stopping quickly. Consequently, the second driver would also slam on his or her brakes. The second set of tire tread marks that I found behind the first set of tire marks had to be from Jessie Malloy's vehicle. Everything that Jessie recounted to me solidifies my theory.

Based on the forty-foot length of the tread marks made by Jessie's car, the vehicle could not have been doing more than 30 mph at that time. Based on the conditions of the road, which were dry on June 24<sup>th</sup>, and the road being made of concrete, I used the accepted formula to determine the speed of Jessie's vehicle.

The equation that is used in determining a vehicle's speed from the tread marks found is:

$$\text{Speed} = \sqrt{(30 \times d \times f)}$$

S= speed, 30 is a constant, d = distance of skid, f = coefficient of friction or drag factor

What this equation states is that the square root of the sum of:  $30 \times d \times f$  will equal the vehicle's speed calculated from skid marks. What this means is that the formula calculates a vehicle's speed if it had skidded to a stop without striking anything. The Coefficient of Sliding Friction on clean surfaces has been determined in general to be .65 - .85 for tires on dry concrete or asphalt.

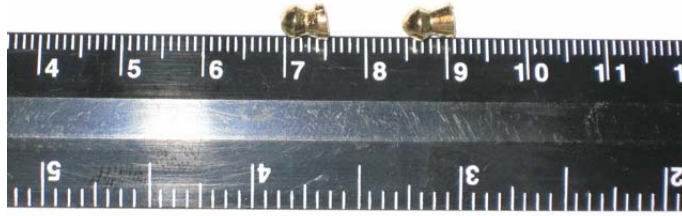
On further analysis of the accident scene it is also my professional opinion that, based upon where Jessie first began braking and skidding to a stop, and where the Volvo must have left the road in order to crash into the guardrail where it did, it is possible that had the Volvo tried to stop, it would not have run into the rear of the Jessie Malloy's vehicle — if the traffic had been moving at roughly the same speed.

Tyler Jones

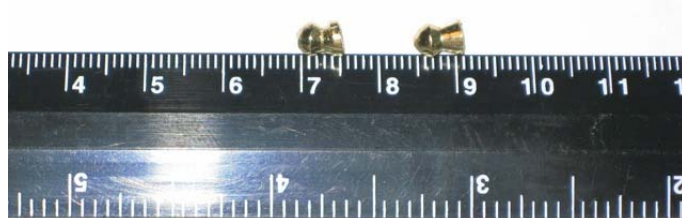
**Tyler Jones**

**Two photographs of comparison of pellet recovered from Jessie Malloy's vehicle on left with same ammo not fired on the right**

1.



2.

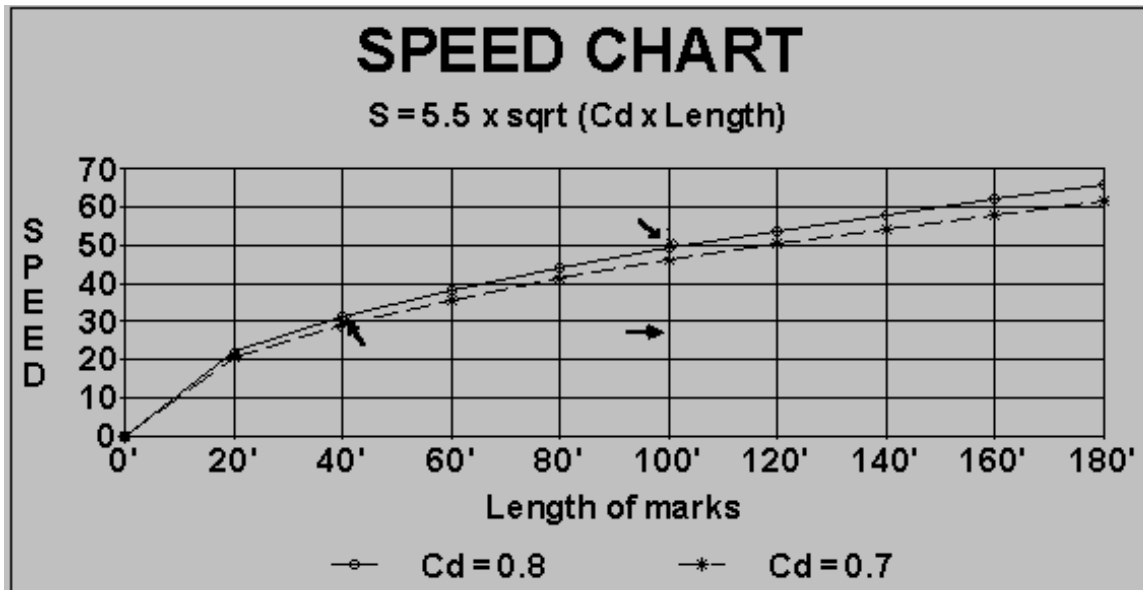


**GAMO RAPTOR P.B.A. PELLETS Cal: .177 / 4.5mm**

Raptor Performance Ballistic Alloy, the first non-lead Alloy Airgun Ammunition that increases velocity up to 25% over lead, while maintaining match grade accuracy. Specifically designed as a hunting load, the new P.B.A. enables airguns which normally shoot 1000 f.p.s. to shoot up to 1200 f.p.s., with tremendous penetration. In fact, the ammunition is 50% harder than lead causing penetration to be enhanced by up to 100% in tests in actual hunting situations as well as ballistic mediums. Raptor P.B.A. test results show ballistic stability at super-sonic speeds and up to 90% weight retention using the new semi-pointed design. 177cal / 4.5mm



## Speed Chart for determining speed a vehicle was traveling based on skid marks



### How to use the chart:

1. To Determine the speed in mph after the vehicle has stopped sliding. This might be zero, but generally won't be zero. If the vehicle strikes something at the end of the skid, it is still moving and this residual velocity must be allowed for when using the chart.
2. Move out (horizontally) on a speed line until it hits one of the curves, the lower is for a 0.7 drag factor, the upper is for 0.8. This is the starting point for finding the speed drop associated with a given length of skid marks with a given residual speed after the mark ends.
3. Move out the length of the longest single skid mark, then move up until you hit the curve again to find the original speed.