

**DISTRICT OF COLUMBIA COURT OF APPEALS  
BOARD ON PROFESSIONAL RESPONSIBILITY**

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**In the Matters of**

**MARY CHRIS DOBBIE, ESQUIRE,**

**Respondent**

**Member of the Bar of the District of  
Columbia Court of Appeals**

**Bar Number: 975939**

**Date of Admission: August 6, 2007**

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**Disciplinary Docket No. 2014-D208**

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**REAGAN TAYLOR, ESQUIRE**

**Respondent**

**an Attorney Licensed to Practice  
Law in the State of Tennessee**

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**Disciplinary Docket No. 2014-D209**

**SPECIFICATION OF CHARGES**

The disciplinary proceedings instituted by this petition are based upon conduct that violates the standards governing the practice of law in the District of Columbia as prescribed by D.C. Bar Rule X and D.C. Bar Rule XI, § 2(b).

Jurisdiction for this disciplinary proceeding is prescribed by D.C. Bar Rule XI. Pursuant to D.C. Bar Rule XI, § 1(a), jurisdiction is found because:

1. Respondent Mary Chris Dobbie is a member of the Bar of the District of Columbia Court of Appeals, having been admitted on August 6, 2007 and assigned Bar number 975939. At all relevant times she was an Assistant United States Attorney for the District of Columbia.

2. Respondent Reagan Taylor is an attorney admitted by the Supreme Court of Tennessee in 2005 to practice law in the State of Tennessee. At all relevant times, she was an

Assistant United States Attorney for the District of Columbia and practiced in the local courts of the District of Columbia pursuant to D.C.C.A. Rule 49(c)(1).

The conduct and standards that Respondents have violated are as follows:

3. In October 2008, the United States Attorney for the District of Columbia indicted 11 inmates of the D.C. Jail on charges arising from a melee that occurred at the jail on December 27, 2007. Assistant United States Attorney Michael Humphreys was assigned to the case and brought the indictment.

4. In February 2009, Ms. Taylor was assigned to assist Mr. Humphreys in prosecuting the case. Later that year, Mr. Humphreys resigned from the United States Attorney's Office, and Ms. Taylor became the lead prosecutor on the case. In May 2009, Ms. Dobbie was assigned to assist Ms. Taylor.

5. The December 2007 melee giving rise to the indictment was captured on video, but the video was not of high quality. To identify the defendants, the prosecution intended to rely on D.C. corrections officers who were familiar with the inmates and who could identify them from the video. One of these witnesses was Officer Angelo Childs. Ms. Taylor met Officer Childs in March 2009.

6. On April 7, 2009, Officer Childs was involved in a "shakedown" at the D.C. Jail to search for weapons and contraband. The officers used a dog in conducting the search. One of the inmates, Earnest Heath, was afraid of dogs, and stomped his feet and attempted to flee when the dog and his handler approached him. Officer Childs sprayed Mr. Heath with mace or some other chemical substance, while he was in handcuffs.

7. Another officer complained that Officer Childs had used excessive force. On April 9, 2009, Major Nora Talley, who had been in charge of the “shakedown” issued a Letter of Direction (Reprimand) to Officer Childs.

8. On April 10, 2009, counsel for one of the defendants sent a letter to Mr. Humphreys requesting all Brady materials, including information related to impeachment of government witnesses.

9. Department of Corrections Office of Internal Affairs Supervisory Investigator Benjamin Collins investigated the April 7, 2009 incident. On June 27, 2009 Mr. Collins issued a ten-page report setting forth his findings. The report included four attachments, one of which was Major Talley’s Letter of Direction.

10. Mr. Collins also served as liaison between the prosecutors and the Department of Corrections on the case arising from the December 2007 melee. In August 2009, he told Ms. Taylor that Officer Childs had been the subject of an investigation. Mr. Collins did not provide details, and Ms. Taylor did not pursue the matter at that time.

11. On August 26, 2009, the Department of Corrections issued a letter demoting Officer Childs to the rank of sergeant, effective September 13, 2009.

12. On September 15, 2009, Mr. Collins emailed his ten-page report to Ms. Taylor. Although the report referred to a video of the April 7, 2009 incident and several attachments, Mr. Collins did not provide these items, and Ms. Taylor did not ask for them. Ms. Taylor forwarded the report to Ms. Dobbie. Both Ms. Taylor and Ms. Dobbie read the report upon receiving it.

13. According to the Collins report:

- Mr. Heath, the inmate, had expressed his fear of dogs and had tried to move away from the search dog. While maintaining physical control of Mr. Heath, Officer Childs had sprayed a single burst of chemical agent directly into Mr. Heath’s face;

- Officer Childs had prepared an incident report that same day (listed on page 10 as one of the attachments) that falsely said that he had sprayed Mr. Heath because Mr. Heath had started kicking at the dog, interfering with normal operation of the facility, and engaging in violent/disruptive behavior;

- The chronology of Officer Childs's report falsely implied that Mr. Heath had not been handcuffed when he was sprayed but that he was placed in restraints immediately thereafter;

- Officer Childs admitted that his incident report was "incorrect and written in error;"

- Officer Childs had also prepared a Disciplinary Report falsely charging Mr. Heath with Assault without Serious Injury and Lack of Cooperation;

- Sergeant Thomas, the dog handler, had also filed a false report, consistent with that of Officer Childs, alleging that Mr. Heath repeatedly tried to kick the dog before Officer Childs sprayed him;

- Major Talley, the supervisor, had also filed a report that was consistent with Officer Childs's false claim that Mr. Heath had "started really fighting and snatching away" and was "kicking toward the dog."

- Video footage of the incident did not show any aggressive behavior by Mr. Heath toward either the dog or any staff member; and

- Major Talley had issued a Letter of Direction to Lt. Childs charging him with Neglect of Duty and Incompetence, which was listed as an attachment to the Collins report.

14. Following receipt of the report, Ms. Taylor spoke to Mr. Collins and learned that Officer Childs had been demoted as a result of the IAD investigation. Around the same time, Ms. Dobbie learned about the demotion.

15. Ms. Taylor and Ms. Dobbie consulted their supervisor, Alan Boyd. The three of them met with Jeffrey Ragsdale, Chief of the Felony Major Crimes Section. Thereafter, Ms. Dobbie took the lead on researching the question of how the Collins report should be handled in the trial court. On September 29, 2009, Ms. Dobbie sent an email to Mr. Ragsdale summarizing

the issue, wherein she stated that "Lt. Childs was involved in macing an inmate at D.C. Jail in April of 2009, who was in restraints at the time he was maced. Contrary to video footage of the incident, Childs wrote in his report that the inmate was placed in restraints after he was maced."

16. Mr. Ragsdale determined that the matter should be referred to the U.S. Attorney's *Lewis* Committee to determine if the prosecutors could sponsor Officer Childs's testimony. On September 29, 2009, he asked Ms. Dobbie to send an email describing the issue to the *Lewis* Committee. He also asked Ms. Dobbie to forward to the chairman of the committee the "IAD file." She in turn forwarded the ten-page Collins report.

17. On September 30, 2009, Ms. Taylor met with Officer Childs. Mr. Collins also attended. Ms. Taylor asked Officer Childs three questions that were set forth in an office form, "Oral Request for Giglio Information." Officer Childs denied that there was any finding of misconduct that reflected on his truthfulness and that there were any credible allegations of misconduct that would reflect on his truthfulness and which were the subject of a pending investigation. Ms. Taylor did not confront Officer Childs with information contained in the Collins report.

18. During the September 30 meeting, Officer Childs told Ms. Taylor that he had accepted a "voluntary" demotion because of a "copying error" in his paper work and because he had used excessive force. Ms. Taylor did not obtain any further information about these matters. Nor did she pass this information on to the *Lewis* Committee, which was not informed of Officer Childs's demotion or his explanations.

19. By mid-October, the *Lewis* Committee had still not made a determination based on the information Ms. Dobbie had sent earlier. By email dated October 14, 2009, Mr. Ragsdale

pressed the Committee for a decision. The trial was scheduled to begin in approximately two weeks.

20. On October 21, 2009 the chairman of the *Lewis* Committee wrote Mr. Ragsdale, Ms. Taylor, and Ms. Dobbie that based on an informal poll of the Committee, “we think we can sponsor this witness and simply disclose the report and litigate its admissibility.” He expressed his personal view that Officer Childs may not have lied, but just written an unclear report, “but I will leave it to you folks to hash that out.”

21. Ms. Taylor and Ms. Dobbie chose not to disclose the report to defense counsel. Instead Ms. Dobbie drafted a motion *in limine* to limit defendants’ cross-examination of Officer Childs. This motion, which was served on defense counsel and filed on October 27, 2009, disclosed the existence of, but did not attach, the Collins report, which it characterized as concluding that Officer Childs violated the use of force policy and made a false and/or misleading statement. It justified not disclosing the report by falsely claiming that it “references sensitive employment information.”

22. The motion *in limine* inadequately described the facts underlying the finding of excess use of force. With respect to the filing of a false report, the motion quoted the relevant passages of the report, but said that the Collins report “noted only that Officer Childs’ narrative ‘suggests’ that at the time of the incident, Inmate A [Mr. Heath] was not restrained.”

23. The motion then argued why the defense should be precluded from referring to the Collins report in cross-examining Officer Childs. It argued that the excessive use of force violation did not bear upon veracity. With respect to the finding that Officer Childs had made a false incident report, the motion argued that the finding did not relate to Officer Childs’ veracity at the upcoming trial. It also argued that the false incident report merely “suggested” that Mr. Heath was

not restrained when Officer Childs sprayed him and that the text of Officer Childs' report was "ambiguous at best." Alternatively, the motion argued that if the court did permit cross-examination on this point, it should not permit the defense to impeach with extrinsic evidence, *i.e.*, the report itself, and that any cross-examination should be limited.

24. The motion *in limine* did not disclose that:

- Officer Childs's incident report falsely claimed Mr. Heath kicked a dog, interfered with the normal operations of the jail, and engaged in violent and disruptive behavior;
  - Officer Childs admitted that the incident report was inaccurate and "written in error;"
  - There was a video demonstrating that Officer Childs's report was false;
  - Officer Childs had also filed a false disciplinary report accusing Mr. Heath of assault;
  - Two other officers had also filed false reports, appearing to corroborate Officer Childs with respect to his claim that Mr. Heath had engaged in violent behavior, which suggested a conspiracy among the officers to cover-up the truth;
  - Officer Childs had been given a letter of reprimand for his conduct;
- and
- Officer Childs had been demoted as a result of this incident.

25. Nor were these points disclosed in the "Government's *Ex Parte* Motion to file Attachment under Seal," which accompanied the motion *in limine*, but which was not served on defense counsel. This pleading contained only three substantive paragraphs. It argued that the Collins report need not be disclosed to resolve the motion *in limine*, and claimed, "[t]he essential facts are related in the Background section of the Government's Motion *in Limine*." It requested that the report be placed under seal and that even if the court determined that the defense was

entitled to all or part of the information in the report, the disclosure should be made by discovery letter.

26. Inadvertently, Ms. Dobbie attached only the first five pages of the ten-page Collins report to the *Ex Parte* Motion.

27. On November 2, 2009, before the start of trial, Superior Court Judge Robert Morin took up a number of preliminary matters. The defense objected to the late disclosure of information about Officer Childs and the government's proposed limits on cross-examination. Ms. Dobbie disclosed in those proceedings that Officer Childs had been demoted but did not disclose the other relevant information contained in the Collins report and omitted from the Motion *in Limine*. Judge Morin limited cross-examination to the filing of a false report, but reserved ruling on the question of whether the defense could offer extrinsic evidence if Officer Childs denied making a false report.

28. At the November 2 hearing, Ms. Dobbie resisted turning over the complete report, arguing it mentioned the names of other inmates and corrections officers and that redaction would not be sufficient "because there are employment issues here . . . ." She also stated, "the government does not believe that there is anything in the report that wasn't disclosed in the motion that would be necessary for the defense counselors for the purposes that the court has allowed the questioning."

29. On November 4, 2009, Officer Childs testified at the trial. Ms. Taylor conducted the direct examination. On cross-examination, Officer Childs denied submitting a false report in April 2009. When defense counsel asked about the events of April 7, Ms. Dobbie objected. When defense counsel began to ask more questions about that day, Ms. Taylor objected. At a subsequent bench conference, the defense again asked for the report, which the court denied. Judge Morin



allowed one follow-up question as to whether Officer Childs had been disciplined for filing a false report. When Officer Childs denied having been so disciplined, Judge Morin permitted no further questioning on this subject.

30. At the close of the proceedings on November 4, Judge Morin examined Officer Childs out of the presence of the jury. Officer Childs testified in response to the judge's questions that he had not been formally charged with anything and had "signed no documentation." He said that "they listed [the job action] as voluntary demotion." He said that "no one has told me the reason for the demotion." When asked why he accepted it, he replied, "I didn't want to." Judge Morin asked if this action had been taken because Officer Childs had filed a false report. Officer Childs testified that he believed the action was taken because he had sprayed chemicals at "the inmate while he was in handcuffs." He said that he had discussed with the authorities the accuracy of his report but that he had explained "that that was an error. I do a lot of cutting and pasting." He went on to explain that he had made it clear in the rest of his report that the inmate had been restrained when he sprayed him. Neither Ms. Taylor nor Ms. Dobbie sought to ask any questions or otherwise correct the record.

31. After Officer Childs was excused, Judge Morin conferred with the prosecutors about their *ex parte* filing. Defense counsel did not participate in this bench conference. Judge Morin wanted to ensure that he had the entire filing because the report he received stopped at page 5. Without checking the original, Ms. Dobbie confirmed that her motion attached a copy of the Collins report that was only five pages. She also represented that the first she had learned of the demotion was when Officer Childs himself informed her. Judge Morin then found that the Collins report was not, as the prosecutors had confirmed, a disciplinary action. He concluded that it was

an administrative resolution. Judge Morin indicated that he did not intend to allow further questioning on this issue.

32. After two defendants were convicted at trial, the defense filed a motion for judgment of acquittal or a new trial on November 19, 2009, arguing that they had been denied the right to adequately cross-examine Officer Childs. The government opposed. At a hearing on February 3, 2010, Judge Morin ordered the government to produce a copy of the entire Collins report to the defense.

33. After receiving the ten-page report, the defense supplemented its motion based on the omissions from the report in the Motion *in Limine*.

34. On April 23, 2010, Judge Morin held a hearing on the motion. Ms. Taylor represented the government.

35. Defense counsel argued that they should also have been given the attachments to the report. When they showed the report to Judge Morin, he asked if he had been given pages 9 and 10. Ms. Taylor responded that she believed the entire report had been turned over *in camera*. Judge Morin asked her to check. Ms. Taylor checked with Ms. Dobbie who subsequently emailed and confirmed that Judge Morin had only received the first five pages of the ten-page report. The court continued the hearing and ordered that the attachments be produced. For the first time, Ms. Dobbie and Ms. Taylor obtained a copy of the attachments, which included Major Talley's Letter of Direction, signed by Officer Childs.

36. On June 21, the government filed a supplemental opposition further addressing the Childs issue. The opposition stated that the Motion *in Limine* "substantially detailed the contents of the Final Report, including pages six through ten." Despite the fact that Officer Childs told Ms. Taylor and Ms. Dobbie that he had been demoted in part due to his erroneous report, the opposition

stated: “As Officer Childs explained during his *voir dire* by the Court, he believe[d] that he had been demoted for his actions against the inmate. . . . [T]he documents reveal what Officer Childs testified to – that he was disciplined, but not for filing a false or misleading report.”

37. There followed more hearings on June 25, 2010, October 22, 2010, and January 14, 2011. At the October 22, 2010 hearing, the court asked Ms. Taylor: “Is it true that Officer Childs, in terms of actual discipline, was not disciplined for filing a false report? That the letter of direction provided to him on April 9, 2009, only indicates he’s being reprimanded for [neglect of] duty of failure to follow instructions and incompetence.” Ms. Taylor replied: “That is the government’s understanding that that is the only directive he received, and that his understanding of his administrative demotion was related to the report that is contained in the appendix.”

38. On January 6, 2011, the government produced an affidavit from Mr. Collins. In that affidavit, Mr. Collins stated:

- Several months after completing his report he learned that Officer Childs had been demoted as result of his actions on April 7, 2009; and
- He notified the U. S. Attorney’s Office of Officer Childs’s demotion on September 15, 2009, which had become effective just two days before.

39. On January 14, 2011, Judge Morin denied the motion for judgment of acquittal or for a new trial and ruled that he had properly restricted cross-examination of Officer Childs. Two defendants appealed. On July 3, 2014, the District of Columbia Court of Appeals ruled that the government’s failure to disclose to the defense impeaching information from the Collins report shortly after it learned of it, violated its obligations under *Brady v. Maryland*, 373 U.S. 83 (1963). It further ruled that submitting an inadequate summary of the report in the Motion *in Limine*, rather than the report itself, was also a *Brady* violation.

### THE CHARGES

40. Respondents violated the following District of Columbia Rules of Professional Conduct:

a. Rule 3.3(a)(1), knowingly making a false statement of fact to a tribunal, by mischaracterizing the contents of the Collins report and facts surrounding the discipline of Officer Childs;

b. Rule 3.3(a)(4), offering evidence that the lawyers knew to be false, by failing to correct Officer Childs' testimony;


c. Rule 3.4(d), failing to make reasonably diligent efforts to comply with a legally proper discovery request by an opposing party in pretrial procedure;

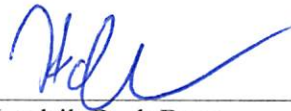
d. Rule 3.8(e), intentionally failing to disclose to the defense, upon request and at a time when use by the defense is reasonably feasible, evidence or information that the prosecutor knows or reasonably should know tends to negate the guilt of the accused;

e. Rule 8.4(c), engaging in conduct that involves dishonesty, by mischaracterizing the content of the Collins report and facts surrounding the discipline of Officer Childs and recklessly leading the court to believe the Collins report was five pages long;

f. Rule 8.4(d), engaging in conduct that seriously interferes with the administration of justice.

Respectfully submitted,

  
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Hamilton P. Fox, III  
Disciplinary Counsel



Hendrik R. deBoer  
Assistant Disciplinary Counsel

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**VERIFICATION**

I do affirm that I verily believe the facts stated in the Specification of Charges to be true.



Hamilton P. Fox, III  
Disciplinary Counsel

Subscribed and affirmed before me in the District of Columbia this 10<sup>th</sup> day of January 2019.

My Commission Expires:

  
Notary Public

