

STATE OF MARYLAND \* IN THE CIRCUIT COURT  
V. \* FOR HARFORD COUNTY  
VICTOR MARTINEZ-HERNANDEZ \* CASE NO. C-12-CR-24-000662

\* \* \* \* \*

**MOTION FOR CHANGE OF VENUE**

Defendant, by undersigned counsel, respectfully requests pursuant to the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution, Articles 16, 21, 23, 24, and 25 of the Maryland Declaration of the Rights, the Maryland Constitution, Art. 4, § 8, Maryland Rule 4-254 and all applicable federal and state law, that the above-captioned matter be immediately transferred to another venue for all further proceedings and states as follows:

1. The Defendant is charged with Murder in the First and Second Degree and other related offenses in the above captioned matter.
2. The State has filed a *Notice of Intention to Seek Sentence of Life Without the Possibility of Parole*.
3. The Maryland Constitution, Art. 4, § 8 provides that, where the Court has reasonable ground upon which to conclude that a Defendant cannot receive a fair trial in the Court where the action is brought, “the court **shall** order and direct the record of the proceedings in the cause or case to be transmitted to some other court, having jurisdiction in the cause or case, for trial.” Cf Maryland Rule 4-254(b)(2) (providing for transfer of

the case to another court when a party files a suggestion under oath that the party cannot have a fair and impartial trial in the court where action is pending).

4. While a trial court has discretion to grant or deny removal to a more impartial venue, “[t]he right of removal has been considered so essential to the administration of justice that it has been incorporated into the organic law of Maryland for two centuries.” Pantazes v. State, 376 Md.661, 675 (2003)(citing Heslop v. State, 202 Md. 123, 126 (1953)).

5. The impending trial and the events surrounding this incident have been the subject of numerous inflammatory and prejudicial reports in both legacy and social media. Public reaction to these reports has been uniformly derogatory against the Defendant, the numerous comments which accompany media reports, indicate that the Defendant has been the subject of nationwide public hatred and vilification, notwithstanding that no trial has yet occurred.

6. Therefore, the Defendant believes that an impartial jury cannot be empaneled in Harford County, and that as a result, he cannot receive a fair trial in Harford County.

7. Defendant avers that he will present the reports and other documents referred to herein at the time of the hearing on the *Motion*.

8. Therefore, for all of the above-stated reasons, and upon further evidence to be presented at a hearing on this *Motion*, the Defendant respectfully requests that this Honorable Court remove this case from the jurisdiction of Harford County and that the matter be transmitted for trial to some other court, having jurisdiction in the cause or case

where local prejudice will not prevent the Defendant from receiving a fair trial from an impartial jury.

WHEREFORE, Defense Counsel respectfully requests that this Honorable Court:

- (a) Hold a hearing on this *Motion*
- (b) Grant the Defendant's *Motion*, and transmit this case for trial to a court which is geographically removed from Harford County; and
- (c) Grant all other relief as justice requires.

Respectfully submitted,

/s/ MARCUS X. JENKINS  
Assistant Public Defender  
2 South Bond Street, Suite 203  
Bel Air, Maryland 21014  
Marcus.jenkins@maryland.gov  
(410) 836-4880  
AIS #0506140152

/s/ Tara LeCompte  
Assistant Public Defender  
2 South Bond Street, Suite 203  
Bel Air, Maryland 21014  
Tara.LeCompte@maryland.gov  
(410) 836-4880  
AIS # 0306180165

/s/ Sawyer Hicks  
Assistant Public Defender  
2 South Bond Street, Suite 203  
Bel Air, Maryland 21014  
Sawyer.Hicks@maryland.gov  
(410) 836-4880  
AIS #2112140090

## **POINTS AND AUTHORITIES**

Heslop v. State 202 Md. 123, 95 A.2d 880 (1953)  
Pantazes v. State 376 Md. 661, 831 A.2d 432 (2003)

United States Constitution, Amendments IV, V, V, VIII and XIV  
Maryland Constitution, Art. 4, § 8  
Maryland Declaration of Rights, Articles 16, 21, 23, 24 and 25  
Maryland Rule 4-254

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on this 30<sup>th</sup> day of December, 2024, a copy of the *Motion for Change of Venue* was electronically delivered to the Office of the State's Attorney for Harford County, Courthouse, 20 West Courtland Street, Bel Air, Maryland 21014.

I FURTHER CERTIFY that the foregoing document complies with Maryland Rule 1-322.1.

/s/ MARCUS X. JENKINS  
Assistant Public Defender

/s/ Tara LeCompte  
Assistant Public Defender

/s/ Sawyer Hicks  
Assistant Public Defender