

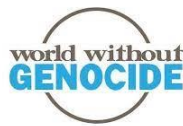
NAACP



**National
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May 7, 2024

The Honorable Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

VIA EMAIL

Dear President Biden:

On behalf of the nation's civil rights, justice, and advocacy organizations, we write to request a presidential pardon of former Baltimore City State's Attorney Marilyn Mosby. Ms. Mosby was wrongfully convicted and will face sentencing of up to 40 years in federal prison on May 23, 2024 after enduring the political persecution and malicious prosecution of the Trump Administration's Department of Justice (DOJ). We are deeply concerned that the last administration abused their power to advance a meritless indictment against Ms. Mosby and worse, the current administration's U.S. Department of Justice ignored a clear political motive of the malicious prosecution against Ms. Mosby.

Ms. Mosby is a first generation college graduate, the Tuskegee University and Boston College School of Law. In 2014, she was elected as the youngest chief prosecutor of any major U.S. city. As chief prosecutor in Baltimore City, she worked tirelessly to challenge systemic injustices, address police misconduct, and provide alternatives to incarceration. Attorney Mosby was relentless in her commitment to justice, embodying the legacy of generations in law enforcement. During two terms as Baltimore City State's Attorney, she established programs to provide nonviolent drug offenders with alternatives to incarceration, refused to prosecute marijuana possession cases, and started one of the country's only Youth and Prevention departments. Her courageous commitment to justice made her a target of admiration and punishment.

Ms. Mosby's focus on accountability and racial equity raised the ire of highly placed officials including the U.S. Attorney General and other law enforcement officials.

In February 2020, Trump Administration Attorney General William Barr [lambasted](#) reform prosecutors including Mosby in a major speech before law enforcement. After George Floyd was killed by police, Ms. Mosby appeared frequently on national TV and in newspapers as an authority on police misconduct and police prosecutions. In July 2020, Mosby boldly confronted then President Trump's threat to deploy federal agents to Baltimore following the murder of George Floyd. In an [op-ed](#), Mosby vowed to prosecute any federal agents who engaged in unlawful actions against Baltimore citizens. Two months later, Attorney Mosby learned she was under federal investigation, a move widely perceived as retaliation for her courageous stance in protecting her constituents' constitutional rights.

In November 2023, Marilyn was wrongfully convicted of perjury for withdrawing retirement funds during the height of the COVID-19 pandemic. The U.S. Department of Justice argued that she did not require these funds because she retained her full salary, asserting that she lacked adverse financial consequences; despite having met an objective standard to qualify for the withdrawal. In contrast, 739 individuals withdrew funds from their retirement accounts without being charged for improper withdrawals, including three within her agency. Ms. Mosby was the only person charged. Following, Marilyn was denied due process; the opportunity to testify and present exculpatory evidence.

In February 2024, Mosby was wrongfully convicted of mortgage fraud for misrepresenting a \$5,000 “gift” on a mortgage application, despite expert testimony confirming she was improperly advised. These convictions, with financial implications, fall far below the Department of Justice's usual million dollar threshold.

Since May 1, 2015, when Attorney Mosby announced the prosecution of six police officers surrounding the death of Freddie Gray while in police custody, she has served as a model for progressive prosecutors nationwide. Her willingness to challenge the status quo and dismantle an unjust system has inspired many.

Between 2017 and 2020, Ms. Mosby’s record as a two-term State’s Attorney was exemplary:

- Reviewed and dismissed multiple cases involving police officers who wrongfully [planted evidence](#).
- Identified [2,000 criminal](#) cases that were connected to eight Baltimore officers arrested on charges of racketeering.
- Released three men who were wrongfully convicted in [1983 for murder](#).
- [Announced](#) indictments against 25 city correctional officers based on their use of excessive force.
- Identified and thoroughly reviewed [800 convictions](#) to be overturned given the involvement of corrupt police officers connected to the Gun Trace Task Force.
- In March 2020, Mosby advocated for the release of people at threat of death due to Covid in prison and jail, and stopped prosecuting minor offenses to enable release of people from prison and stop the spread of the virus.

We expect that political persecutions and malicious prosecutions pursued during the Trump Administration would not continue in the Biden Administration. Ms. Mosby’s case is not the only one—it is the latest and one of the most egregious cases. This matter should be corrected because it is a miscarriage of justice and an example of the last administration’s misuse of authority.

Marilyn Mosby has faced significant criticism from those who opposed her progressive decisions in office; specifically from Leo Wise, a prosecutor who relentlessly pursued her while assigned to Maryland’s U.S. Attorney’s Office. During the Trump Administration, Wise demonstrated a personal interest in pursuing charges against Mosby, a fact made more conspicuous by his financial contributions to her political opponents. Wise is well known within political circles. During his tenure on Capitol Hill as Chief Counsel within the Office of Congressional Ethics, Wise demonstrated a pattern of ethics investigations aimed disproportionately at members of the [Congressional Black Caucus](#). Ms. Mosby's commitment to transforming the criminal justice

system made her a target of malicious prosecution, a claim supported by the timing and nature of the charges against her.

As a federal prosecutor in 2019, Wise prosecuted police officers involved in corruption with the Gun Trace Task Force, but he failed to address the impact of the wrongdoing of the officers. Without pause, Mrs. Mosby addressed what Wise neglected to pursue and identified more than 2,000 cases involving the officers' malpractice, leading to a thorough review of the verdict within each case.¹ Mosby's efforts exposed Wise's refusal to seek a just outcome for those wrongfully convicted—people of color. After a very public disagreement that included Steve Schenning at the U.S. Department of Justice, Ms. Mosby became a target of Wise who previously donated to her political opponents while employed with the U.S. Department of Justice. This pattern demonstrates bias, animus, and disapproval of Ms. Mosby, demonstrating a motive of malicious prosecution alongside his boss, Steve Schenning and the U.S. Attorney in Maryland at the time, Richard Hur.²

As a nation that leads by example, our justice system must not be weaponized to impede progress toward a more fair and just society for all Americans. Your leadership is imperative as we face this injustice. In the alternative, we risk failing Ms. Mosby and discouraging generations of future leaders. We share your desire for racial equity, Mr. President; this prosecution is a direct contradiction to your administration's commitment to equity. You have pledged to take bold action. Now is the time to not only do what is bold but what is right.

We ask that you grant a full pardon to Ms. Marilyn Mosby before May 23, 2024, and restore her full rights. Given that this prosecution illustrates selective prosecution within the last administration, we ask that you direct a thorough review of the prosecution of Black elected officials and other persons of color.

Sincerely,

Black to the Future Action Fund
Black Voters Matter
Black Women's Roundtable
Color of Change
Fair and Just Prosecution
NAACP
National Action Network
National Bar Association
National Black Justice Coalition
National Black Law Students Association

¹ <https://www.cbsnews.com/baltimore/news/baltimore-gun-trace-task-force-cases-overtured-dismissed-marilyn-mosby/>

² <https://apnews.com/article/travel-lifestyle-baltimore-indictments-marilyn-mosby-13c16f67ca08a4012c064c04eba46762>

National Coalition on Black Civic Participation
National Council of Negro Women
National Urban League
Until Freedom
World Without Genocide