

STATE OF MARYLAND

\* IN THE

VS

\* CIRCUIT COURT

PHILLIP DUPREE

\* FOR PRINCE GEORGE'S COUNTY

12401 Brickyard Blvd, Apt. 1080

\* CASE NO.:

Beltsville, MD 20705

### INDICTMENT

The Grand Jurors of the State of Maryland for the Body of Prince George's County do on their Oath present the following:

#### I. INTRODUCTION AND BACKGROUND

At all times relevant to this Indictment:

1. The Fairmount Heights Police Department is located at 6100 Jost Street, Fairmount Heights, MD 20743.
2. The Fairmount Heights Police Department does not have a holding cell.
3. Officer Phillip Dupree ("DUPREE") served as a police officer with the Fairmount Heights Police Department beginning on or about January 18, 2018.
4. The Fairmount Heights Police Department has General Orders, which serve the purpose "to control, direct, and coordinate the activities of the officers of the Fairmount Heights Police Department in the successful and professional fulfillment of their law enforcement responsibilities."
5. Sometime in the late-night hours of August 3, 2019 through the early morning hours of August 4, 2019, DUPREE conducted a traffic stop of a white Chrysler vehicle.

6. The white Chrysler was occupied by a male driver, Mr. Torrence Sinclair (“SINCLAIR”) and a female passenger.
7. The traffic stop occurred at Eastern Avenue and Booth Lane, in Washington, DC.
8. At some point during the traffic stop, DUPREE handcuffed SINCLAIR and placed him under arrest.
9. Additional police units from several different police departments arrived on scene as backup.
10. DUPREE deployed his Oleoresin capsicum (OC) spray (pepper spray) onto SINCLAIR while SINCLAIR was still handcuffed.

## **II. KIDNAPPING**

11. The Grand Jury incorporates paragraphs 1 – 10 of this Indictment as though fully set forth herein.
12. The Fairmount Heights Police Department General Orders state, “prisoners will be transported without unnecessary delay to the nearest processing facility”.
13. Per Fairmount Heights Police Department General Orders, “the most direct and expeditious route of travel will be taken by the transporting officer to the destination.”
14. After leaving the location of the traffic stop at Eastern Avenue and Booth Lane, DUPREE radioed to communications that he was taking SINCLAIR to the Department of Corrections (DOC) at approximately 2:16 a.m.
15. Dispatch did not receive any communications from DUPREE that he was making any stops along the route to DOC while transporting SINCLAIR.
16. Instead of taking SINCLAIR directly to DOC, DUPREE took SINCLAIR to the Fairmount Heights Police Department.

17. SINCLAIR remained handcuffed the entire time that he was held at the Fairmount Heights Police Department.
18. At some point, DUPREE left SINCLAIR unattended and told SINCLAIR to stay there.
19. DUPREE returned to the Fairmount Heights Police Department.
20. Upon his return, DUPREE grabbed SINCLAIR by the handcuffs, put him into his personal vehicle, and then drove to DOC.
21. DUPREE and SINCLAIR arrived at DOC at approximately 5:30 a.m.

### **COUNT 1 – KIDNAPPING**

22. On or about August 4, 2019, at Prince George’s County, Maryland, PHILLIP DUPREE did forcibly carry a certain person, to wit: Torrence Sinclair, with the intent to have said person carried within this State, in violation of §3-502(a) of the Criminal Law Article and against the peace, government and dignity of the State.

*Kidnapping, Criminal Law Article §3-502(a)*  
*Maximum Penalty: 30 years*  
*CJIS Code 3-1005*

### **COUNT 2 – KIDNAPPING**

23. On or about August 4, 2019, at Prince George’s County, Maryland, PHILLIP DUPREE did forcibly carry a certain person, to wit: Torrence Sinclair, with the intent to have said person concealed within this State, in violation of §3-502(a) of the Criminal Law Article and against the peace, government and dignity of the State.

*Kidnapping, Criminal Law Article §3-502(a)*  
*Maximum Penalty: 30 years*  
*CJIS Code 3-1005*

**COUNT 3 - MISCONDUCT IN OFFICE**

24. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did corruptly and in violation and perversion of his duties as a duly sworn Police Officer for the Fairmount Heights Police Department, commit misconduct in office by knowingly, willfully, and intentionally, kidnapping Torrence Sinclair in violation of the common law and against the peace, government and dignity of the State.

*Misconduct in Office, Common Law*  
*Maximum Penalty: Anything not cruel and unusual*  
*CJIS Code 2-0645*

**COUNT 4 – MISCONDUCT IN OFFICE**

25. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did corruptly and in violation and perversion of his duties as a duly sworn Police Officer for the Fairmount Heights Police Department, commit misconduct in office by knowingly, willfully, and intentionally detaining Torrence Sinclair in violation of the common law and against the peace, government and dignity of the State.

*Misconduct in Office, Common Law*  
*Maximum Penalty: Anything not cruel and unusual*  
*CJIS Code 2-0645*

**III. PERJURY**

26. The Grand Jury incorporates paragraphs 1-10 and paragraphs 11-21 of this Indictment as though fully set forth herein.

27. After arresting SINCLAIR, DUPREE completed a Statement of Charges and Statement of Probable Cause.
28. The Statement of Charges supported charging SINCLAIR with disorderly conduct, resisting/interfering with arrest, attempted escape-second degree, attempted assault-second of law enforcement, and malicious destruction of property under \$1,000.
29. The Statement of Probable Cause refers to SINCLAIR as "A-1".
30. Among other things, the Statement of Probable states that the traffic stop occurred "near Washington, DC", "(ambulance) #840 came and decontaminated Arrestee (Sinclair)", that DUPREE "transported A-1 to DOC Upper Marlboro jail without incident", and that "All of these events did occur in Prince Georges County Maryland".
31. The Statement of Probable omits the fact that DUPREE took SINCLAIR to the Fairmount Heights Police Department and held him there for several hours before taking SINCLAIR to DOC.

#### **COUNT 5- PERJURY**

32. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did willfully and falsely make an affirmation in an affidavit to a claim for Statement of Probable Cause of the District Court of Maryland for Prince George's County made for the purpose of inducing Maha Khan, Commissioner #5211 to pass the claim, to wit: the vehicle stop occurred near Washington, DC, the matters so sworn being material, in violation of the common law and against the peace, government and dignity of the State.

*Perjury, Criminal Law Article §9-101(a)(3)  
Maximum Penalty: 10 years  
CJIS Code 1-0308*

**COUNT 6- PERJURY**

33. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did willfully and falsely make an affirmation in an affidavit to a claim for Statement of Probable Cause of the District Court of Maryland for Prince George's County made for the purpose of inducing Maha Khan, Commissioner #5211 to pass the claim, to wit: ambulance #840 came and decontaminated arrestee (Sinclair), the matters so sworn being material, in violation of the common law and against the peace, government and dignity of the State.

*Perjury, Criminal Law Article §9-101(a)(3)*  
*Maximum Penalty: 10 years*  
*CJIS Code 1-0308*

**COUNT 7- PERJURY**

34. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did willfully and falsely make an affirmation in an affidavit to a claim for Statement of Probable Cause of the District Court of Maryland for Prince George's County made for the purpose of inducing Maha Khan, Commissioner #5211 to pass the claim, to wit: Mr. Sinclair was transported to DOC Upper Marlboro jail without incident, the matters so sworn being material, in violation of the common law and against the peace, government and dignity of the State.

*Perjury, Criminal Law Article §9-101(a)(3)*  
*Maximum Penalty: 10 years*  
*CJIS Code 1-0308*

**COUNT 8- PERJURY**

35. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did willfully and falsely make

an affirmation in an affidavit to a claim for Statement of Probable Cause of District Court of Maryland for Prince George's County made for the purpose of inducing Maha Khan, Commissioner #5211 to pass the claim, to wit: All of these events did occur in Prince Georges County Maryland, the matters so sworn being material, in violation of the common law and against the peace, government and dignity of the State.

*Perjury, Criminal Law Article §9-101(a)(3)*  
*Maximum Penalty: 10 years*  
*CJIS Code 1-0308*

#### **COUNT 9- PERJURY**

36. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did willfully and falsely make an affirmation in an affidavit made pursuant to Maryland Rule of Procedure #4-211(b)(2), to wit: the vehicle stop occurred near Washington, DC, the matters so sworn being material, in violation of the common law and against the peace, government and dignity of the State.

*Perjury, Criminal Law Article §9-101(a)(5)*  
*Maximum Penalty: 10 years*  
*CJIS Code 1-0310*

#### **COUNT 10- PERJURY**

37. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did willfully and falsely make an affirmation in an affidavit made pursuant to Maryland Rule of Procedure #4-211(b)(2), to wit: ambulance #840 came and decontaminated arrestee (Sinclair), the matters so sworn being material, in violation of the common law and against the peace, government and dignity of the State.

*Perjury, Criminal Law Article §9-101(a)(5)*  
*Maximum Penalty: 10 years*  
*CJIS Code 1-0310*

**COUNT 11- PERJURY**

38. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did willfully and falsely make an affirmation in an affidavit made pursuant to Maryland Rule of Procedure 4-211(b)(2), to wit: Mr. Sinclair was transported to DOC Upper Marlboro jail without incident, the matters so sworn being material, in violation of the common law and against the peace, government and dignity of the State.

*Perjury, Criminal Law Article §9-101(a)(5)*  
*Maximum Penalty: 10 years*  
*CJIS Code 1-0310*

**COUNT 12- PERJURY**

39. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did willfully and falsely make an affirmation in an affidavit made pursuant to Maryland Rule of Procedure #4-211(b)(2), to wit: All of these events did occur in Prince Georges County Maryland, in violation of the common law and against the peace, government and dignity of the State.

*Perjury, Criminal Law Article §9-101(a)(5)*  
*Maximum Penalty: 10 years*  
*CJIS Code 1-0310*

**COUNT 13 – MISCONDUCT IN OFFICE**

40. From on or about August 3, 2019 and through and including on or about August 4, 2019, at Prince George's County, Maryland, PHILLIP DUPREE, did corruptly and in violation and perversion of his duties as a duly sworn Police Officer for the Fairmount Heights Police Department, commit misconduct in office by knowingly, willfully, and intentionally making



factual misrepresentations, material omissions, and falsehoods in the Statement of Probable Cause dated August 4, 2019 for the arrest of Torrence Sinclair in violation of the common law and against the peace, government and dignity of the State.


*Misconduct in Office, Common Law*  
*Maximum Penalty: Anything not cruel and unusual*  
*CJIS Code 2-0645*

CHARLTON T. HOWARD, III  
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By:



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Grand Jury Foreman

11/18/2021  
Date Filed

TO THE PERSON CHARGED:

1. This paper charges you with committing a crime.
2. If you have been arrested and remain in custody, you have the right to have a judicial officer decide whether you should be released from jail until your trial.
3. If you have been served with a citation or summons directing you to appear before a judicial officer for a preliminary inquiry at a date and time designated or within five days of service if no time is designated, a judicial officer will advise you of your rights, the charges against you, and penalties. The preliminary inquiry will be cancelled if a lawyer has entered an appearance to represent you.
4. You have the right to have a lawyer.
5. A lawyer can be helpful to you by:
  - (A) explaining the charges in this paper;
  - (B) telling you the possible penalties;
  - (C) explaining any potential collateral consequences of a conviction, including immigration consequences;
  - (D) helping you at trial;
  - (E) helping you protect your constitutional rights; and
  - (F) helping you to get a fair penalty if convicted.
6. Even if you plan to plead guilty, a lawyer can be helpful.
7. If you are eligible, the Public Defender or a court-appointed attorney will represent you at any initial appearance before a judicial officer and at any proceeding under Rule 4-216.2 to review an order of a District Court commissioner regarding pretrial release. If you want a lawyer for any further proceeding, including trial, but do not have the money to hire one, the Public Defender may provide a lawyer for you. To apply for Public Defender representation, contact a District Court commissioner.
8. If you want a lawyer but you cannot get one and the Public Defender will not provide one for you, contact the court clerk as soon as possible.
9. **DO NOT WAIT UNTIL THE DATE OF YOUR TRIAL TO GET A LAWYER.** If you do not have a lawyer before the trial date, you may have to go to trial without one.

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Defendant

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Date/Time