

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CRIMINAL DIVISION

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:  
DISTRICT OF COLUMBIA : Docket Number: CDC-24676-09  
:  
vs. :  
:  
:  
LERoy THORPE, :  
:  
Defendant. :  
: Tuesday, May 4, 2010  
----- x Washington, D.C.

The above-entitled action came on for a hearing  
before the Honorable FREDERICK SULLIVAN, Magistrate Judge,  
in Courtroom Number 120.

APPEARANCES:

On Behalf of the Government:

VANESSA PHILLIPS, Esquire  
Office of the Attorney General for the  
District of Columbia

On Behalf of the Defendant:

E. SCOTT FIRELSON, Esquire  
Washington, D.C.

10-02761

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1                   Now, had he had an attorney at the time the --  
2 and I proffer the evidence is there to come in and make a  
3 good argument. He did not. He came forward with this  
4 person as a layperson thinking he could go in there and  
5 tell his story as he thought today he could come in and  
6 tell his story, and that the issues would be resolved. It  
7 wasn't, but this has gone on now for three to four years.  
8 At some point in time we've got to -- you know we've got  
9 to right it. We've got to put this ship, you know, back  
10 on course and let Mr. Molten go his way, let Mr. Thorpe go  
11 his way and, you know -- I mean before it gets out of  
12 hand. What's happening now that scares --

13                   THE COURT: It sounds like it's already out of  
14 hand.

15                   MR. FIREISON: Well, what I fear, what I fear is  
16 that you've got -- now, there are people who are very  
17 supportive of Mr. Thorpe, I mean within the community  
18 given the contributions and stuff that he's made. There  
19 are people that are supportive of Mr. Molten. What  
20 concerns me, of course, and what really concerns Mr.  
21 Thorpe is that these other individuals, you know, may take  
22 up this cause themselves, and so Mr. Thorpe -- I mean we  
23 tried to stop Molten, that didn't do any good. We tried  
24 now the TRO thing, that didn't do any good. There's a  
25 civil litigation thing going and Mr. Molten has posted on

1 line what he thinks about the civil complaint.

2           So, you know, this is where we are. I mean  
3 clearly this gentleman that sits before you did not intend  
4 to criminal act. He's not a criminal. You know, he's  
5 just trying to make sure that he can live in peace with he  
6 and his family and not have someone go down and again post  
7 themselves or come to his door. Mr. Molten on more than  
8 one occasion have come to the windows of his house. Mr.  
9 Molten says he's got a right to look in the windows. You  
10 don't have a right to look in somebody's window you know.

11           THE COURT: Well, and that's a nub of the  
12 problem. You know, if Mr. Molten had been committing  
13 criminal acts he's got a right maybe even an obligation to  
14 turn to call the police turn him in.

15           MR. THORPE: They don't do anything.

16           THE COURT: But that's -- well.

17           MR. FIREISON: Well, wait a minute.

18           MR. THORPE: They won't do anything. I've got  
19 documentation.

20           THE COURT: Well, you know, I don't know what to  
21 tell you, a bad neighbor is a bad neighbor, you know, I  
22 mean. Unfortunately that's what happens in life. You get  
23 a bad neighbor -- if in fact he's the bad neighbor.

24           MR. FIREISON: Yeah.

25           THE COURT: I don't know who's the bad neighbor

1 here. Neighbors can't get along and the next thing you  
2 know you've got problems, but now all of the sudden  
3 because of what's gone on now the Court's involved and I  
4 don't know what to tell you. You know, I'm not in a  
5 position where I'm going to cure what's going on down  
6 there.

7 MR. FIREISON: I know, Your Honor.

8 THE COURT: No matter what I do I'm not going to  
9 cure what's going on down there.

10 MR. FIREISON: Well, I have the civil issue now  
11 and I have the issue of the TTRO. We've got witness  
12 statements, evidence that I think we can go in and make a  
13 closing argument.

14 THE COURT: I know you can make all the  
15 arguments you want but the fact of the matter is we live  
16 in a very close society and people have to, people have to  
17 voluntarily get along.

18 MR. FIREISON: This is true. This is true.

19 THE COURT: I mean, you know, the cut gets  
20 deeper and deeper the more the pot is stirred so to speak.

21 MR. FIREISON: I understand, Your Honor.

22 THE COURT: Just keep stirring that pot and  
23 things get worse and worse and worse, and, you know, we're  
24 talking about a small cut and then another cut and then  
25 another one and it gets bigger and bigger and bigger.

1 Everything's out of hand. Quality of life in the  
2 neighborhood. I mean, we've got people that are  
3 neighborhood activists trying to make the neighborhood  
4 better, and what are they doing, look what they're doing  
5 to themselves. I don't know who's right and who's wrong  
6 in that one, but I know one thing someone's got to back  
7 down, otherwise it just keeps going and going and going.

8 MR. FIREISON: Well, we're going to mediation.  
9 That's one thing we asked for, and hopefully they'll  
10 decide --

11 THE COURT: I guess and I don't know where the  
12 animus here is. Who's the wrong and who's the right, but  
13 an awful lot of terrible things have happened to people  
14 going on in the world --

15 MR. THORPE: Can I say something, Judge?

16 THE COURT: -- in the cause of good.

17 MR. FIREISON: Cause of good. Yes, Your Honor.

18 MR. THORPE: Judge, can I say something?

19 THE COURT: Yeah, I'm going to -- I'm going to  
20 give you plenty of time to talk.

21 MR. THORPE: Okay.

22 THE COURT: Right now I'm discussing this with  
23 your lawyer.

24 MR. THORPE: Okay.

25 THE COURT: I'm trying to figure out what I'm

1 going to do here.

2 (Pause.)

3 THE COURT: What's that Shaw down there?

4 MR. FIREISON: Yeah.

5 THE COURT: Shaw or what's that other --? It's  
6 got a fancy name down by the church. Circle, some circle.

7 MR. FIREISON: Dupont Circle.

8 THE COURT: No, no, no, no. Down around --

9 MS. PHILLIPS: Thomas Circle.

10 THE COURT: -- 6th or 7th and M and N down that  
11 way. Mount Vernon Square.

12 MR. FIREISON: Yeah.

13 THE COURT: You know that neighborhood.

14 MR. THORPE: Yeah.

15 THE COURT: A lot of nice people live down in  
16 that neighborhood.

17 MR. THORPE: They're doing a lot of stuff down  
18 there, too.

19 THE COURT: Huh?

20 MR. THORPE: I was here in the '80s. I taught  
21 at Howard University in the '80s. I taught ROTC there and  
22 I remember when Shaw was different and that whole area was  
23 different down there in Shaw.

24 THE COURT: Yeah, you had to wear a sidearm. We  
25 all knew that, but now it's all different.

1 MR. THORPE: It's nice down there now.

2 THE COURT: Yeah, it's very nice. All right,  
3 what do you want to tell me, Mr. Thorpe.

4 MR. THORPE: Well, I do want to tell you that I  
5 work with your colleagues and I've got a good reputation.  
6 Even the enemies that I'm out, you know, fighting drugs  
7 and crime I've got -- worked with the District of Columbia  
8 Government since 1986. I've shut down 56 documented crack  
9 houses. I've received every award from the Congress to  
10 the White House -- you know, commendations for my work.  
11 Still every Tuesday and Thursday the Third District police  
12 pick me up at 5th and R Street and I go out and fight  
13 crime and drugs. The worse that you can have, man, in my  
14 opinion is to have a conviction for lying. It's the worst  
15 thing you can have. You know, I mean my life is basically  
16 destroyed.

17 THE COURT: No, it isn't.

18 MR. THORPE: Yes, it is, sir.

19 THE COURT: No.

20 MR. THORPE: Yes, it is, credibility. I come in  
21 this court, I'm in this court almost every month. I've  
22 got a good reputation with the judges in here because I  
23 keep my kids in line. I'm also compassionate to the  
24 young, everybody makes mistakes. I value telling the  
25 truth. I would be fool. I'm taking care of an 80 year

1 old mother who is blind and handicapped. I've got a two  
2 year old mother. I've got a wife. Why would I want to  
3 make a fool of myself to go and make a false police report  
4 on somebody?

5 THE COURT: Well, the problem --

6 MR. THORPE: I was trying, I was calling for  
7 help.

8 THE COURT: -- the problem is we're not going to  
9 hash that one out. I heard the 911 tape.

10 MR. THORPE: Yeah, I said --

11 THE COURT: Wait. You told that 911 operator --

12 MR. THORPE: I'm supposed --

13 THE COURT: No, no, no, come on let's not mince  
14 words. You don't call the police on suppose. Come on,  
15 let's be real here at least, come on.

16 MR. THORPE: Judge, I would like to take a lie  
17 detector test.

18 THE COURT: I mean, no, this wasn't supposed and  
19 this wasn't, hey, I've got a restraining order against  
20 this man and he's walking down right in front of my house.  
21 Well, he had a right to be there. He had a right to be in  
22 front of your house.

23 MR. THORPE: Judge.

24 THE COURT: Wait a second.

25 MR. THORPE: Okay.

1 THE COURT: And you didn't have a right to call  
2 the police and have them come out to try to arrest that  
3 man for doing something he had a right to do, and that's  
4 wrong and whether you like it or not that's wrong, dead  
5 wrong. So, let's not discuss that one anymore.

6 MR. THORPE: The only thing I'm saying, Judge,  
7 is that I basically, you know, I consider myself an honest  
8 person.

9 THE COURT: Well, and --

10 MR. THORPE: I really do. I mean and I value

11 THE COURT: Honest people make mistakes like  
12 everybody else.

13 MR. THORPE: And I made an error.

14 THE COURT: Well, then that's, that's actually  
15 the smartest thing you've said since you've been here.

16 MR. THORPE: I mean --

17 THE COURT: You made a mistake.

18 MR. THORPE: -- my error wasn't -- okay, my  
19 error wasn't intentional. I value telling the truth, but  
20 my -- I mean, this conviction really it could hurt me real  
21 bad man.

22 THE COURT: Well, I mean --

23 MR. THORPE: It's one of the worst things that  
24 could happen.

25 THE COURT: -- but you've got to understand what

1 you did. You're not getting it.

2 MR. THORPE: I'm getting it, Judge.

3 THE COURT: What you did was accuse a man of a  
4 crime when he didn't commit a crime. That's what you did,  
5 and you brought the police down on him he didn't commit a  
6 crime. He had a right to be walking down the street and  
7 riding his bike down the street.

8 MR. THORPE: He came to my house, Judge.

9 THE COURT: And you called up and you accused  
10 him. You told the police that an on going crime was  
11 happening and get down here and do something about it.  
12 That's a dangerous situation.

13 MR. THORPE: I apologize to the Court.

14 THE COURT: And it was uncalled for.

15 MR. THORPE: I apologize.

16 THE COURT: But that's what happened.

17 MR. THORPE: I apologize to the Court.

18 THE COURT: You know, I'm not trying to preach  
19 to you. I'm sure you've done some great things. I mean,  
20 I don't have -- I'm sure Mr. Molten probably has done some  
21 great things. You've been down in that neighborhood since  
22 '98, I mean you know. What's down there the African --  
23 what's that place on R Street, that African place, the  
24 place that reaches out to Africa? What's that,  
25 Transafrica or something?

1 MR. THORPE: You're talking about Africare.

2 THE COURT: Africare, yeah, yeah.

3 MR. THORPE: R Street.

4 THE COURT: That's right down there on R Street.

5 MR. THORPE: Yeah.

6 THE COURT: Yeah, I've been there.

7 MR. THORPE: I used them when I met my wife when  
8 I went to Africa.

9 THE COURT: Yeah. Yeah. So, I mean, not  
10 unfamiliar but I just, it's just so hard for me to  
11 understand why this is going on when everybody wants the  
12 best for everybody else and yet a couple of guys are going  
13 at it trying to destroy each other. It don't make sense.

14 MR. FIREISON: You're right, Your Honor, it  
15 doesn't, you know and --

16 THE COURT: I'm just --, but what I'm -- I'm  
17 going to -- what I'm going to do is I'm going to suspend  
18 the imposition of the sentence. I'm going to place Mr.  
19 Thorpe on probation.

20 MR. FIREISON: Thank you, Your Honor.

21 THE COURT: Yeah, I know. I don't put anybody  
22 -- I don't think he deserves any jail time or anything  
23 like that.

24 MR. THORPE: Thank you, sir.

25 MR. FIREISON: Thank you much, Your Honor.