

IN SUPPORT OF SENATE BILL 265

To: Senate Judicial Proceedings Committee
From: Dorothy Stewart
Date: January 31, 2022
Re: Written Testimony in Support of Senate Bill 265

I, Dorothy Stewart, am submitting this written testimony in support of Senate Bill 265. I am a proud resident of the State of Maryland and constituent of Maryland's 2nd district. I am a noncitizen, who came to the United States from Jamaica at the age of 10 years old as a lawful permanent resident. At 19, I was eager to be of service to the United States, and I enlisted in the U.S. Army. I served faithfully for approximately 7 years, where I spent my time completing tours in Korea and Germany. As an active soldier I worked hard to serve the United States and its citizens with the due diligence this country deserved. Throughout my service I was honored with the Good Conduct Medal, Army Service Ribbon, Overseas Ribbon, Army Achievement Medal, and NCO Professional Development Ribbon. Alas, amongst the positive moments I also had to endure difficult times within the Army as I was sexually abused while in service. Regrettably, this led me to act uncharacteristically and resulted in a conviction for possession of a controlled substance.

On March 15, 1990, on the advice of my attorney I pled guilty to the charge against me. I received a sentence of 5 years of incarceration, which was suspended in its entirety, and instead received 3 years of probation. I without fault reported weekly to my probation officer, completed a drug rehabilitation program, and complied with all other aspects of my probation. Subsequently, my final sentence was designated as Probation Before Judgment (PBJ). My allegiance lies with the United States, my entire family is here—which includes my only daughter, Maisha Peterson—and I have always hoped to be called a citizen of this country. So, it was to my dismay when I applied for naturalization and was denied because of my past conviction.

Unbeknownst to me, this PBJ designation, although not a conviction under Maryland state law, is considered a conviction under federal law and prevented the approval of my naturalization application.

Today, I am 60 years old, and still eager to become a citizen of the United States. It has been frustrating and extremely disheartening to live with this one conviction that has prevented me from moving forward in life. This conviction has stripped my life away from me, as my life has been defined entirely by this one charge that occurred 31 years ago. A PBJ as it is currently written does not account for first-time offenders, non-violent crimes, or a fair consequence that is disproportionate to the situation that gave rise to it. I am remorseful for my past action, but it has been my only offense in nearly the 50 years I have been in this country. If not for the Maryland PBJ requiring an admission of guilt, making my disposition a conviction under federal law, I believe I would have naturalized years ago. Instead, I've had to endure a multi-year battle of working with the state courts and federal agencies to reach a resolution in my case. I support Senate Bill 265, because I hope it will prevent others from having their life stripped away and allow them to move forward.

Sincerely,

Dorothy Stewart