

State's Attorney for Montgomery County

50 Maryland Avenue Rockville, Maryland 20850



(240) 777-7300 Fax (240) 777-7413 TTY (240) 777-7455 No. community protections are



April 25, 2012

Mr. Aaron J. Walker

Manassas, Virginia 20109

RE: State v. Brett Kimberlin, 4D00277939

Dear Mr. Walker:

In my role as the Deputy Chief of the District Court Team, I review citizen complaints alleging perjury as well as other citizen complaints that come to my attention. As you know, a Commissioner may issue a statement of charges based upon a determination as to whether probable cause exists. However, it does not follow that this Office automatically prosecutes all such cases. Instead, we evaluate them on a case-by-case basis to determine whether it is in the interest of justice to go forward.

The above-captioned matter is the third citizen complaint involving you and Mr. Kimberlin. At my direction, the State dropped the charges in the other two. Very respectfully, it is my belief that your dispute with Mr. Kimberlin cannot be resolved in the criminal justice system. I cannot help but notice that the transcript of the peace order hearing which you helpfully provided reflects the following statement from the presiding Judge, the Honorable Gary G. Everngam. "It seems . . . quite apparent to this Court that both of you are way too invested in each other's affairs and way too invested in trying to do harm to one another." I further note from the transcript that Judge Everngam apparently credited Mr. Kimberlin's testimony and, consequently, extended the peace order against you until August 8, 2012.

Please note that this Office does not take sides in personal disputes of any kind. In my judgment, the evidence in the above-captioned matter is insufficient to warrant further action and none will be taken.

Therefore. I have directed the entry of a nolle provequi to the above-captioned matter.

