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Baltimore County State's Attorney  
County Courts Building  
401 Bosley Ave, Room 511  
Towson, MD 21204

March 14, 2011

Mr. Shellenberger:

We are writing in response to Baltimore County Assistant State's Attorney John Cox's refusal to prosecute a crime in which our organization was the victim.

The following is our understanding of the facts in the case. On late Thursday, Feb. 10 and early Friday, Feb. 11 as we reported to the Towson University Police, thousands of copies of The Towerlight newspaper were removed from our racks on campus and trashed. According to the police, video surveillance tapes clearly showed multiple perpetrators going from building to building and committing the act. Police told us they were able to identify and interview those individuals to determine that the act was not random or a prank, but was instead an attempt to remove a particular issue of our publication, because of a specific story that proved controversial in the issue. Punishing such an act is clearly the intended purpose of the Maryland Newspaper Theft Statute.

The following is our understanding of Mr. Cox's rationale for not prosecuting: first, because not all copies of The Towerlight were destroyed, and because we have a website, he felt our readers could still find the content; and second, he was not confident he could make the case that the perpetrators' intent was to prevent our readers from seeing the paper that day.

We feel that Mr. Cox's reasoning is based on flawed information. Our online product and readership is different from our print product and readership. Print readers who do not receive the paper on a given day simply do not go to the website as a backup. Beyond that, our print edition readers pick up the paper

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at spots convenient to their individual commutes. The majority, if the paper fails to appear where they normally pick it up, will simply not get it. And on the day in question, even if they did go searching at other locations, the inescapable fact is that the quantity of papers stolen made it impossible for many readers to find a copy. The intent of the perpetrators is clear, and they were clearly effective in carrying out that intent. A significant number of readers were prevented from viewing that issue of The Towerlight.

It has also been reported that one factor in Mr. Cox's decision was his judgment that Towson University's judicial affairs process would be sufficient to handle this offense. First, we must point out that we are not part of Towson University. We are a separate corporation, paying rent for office space on campus, and we expect a crime against us to be handled appropriately in the courts. In the campus judicial affairs process, the victim has no representation, no access to the testimony or evidence, and is not informed of the names of the suspects or the outcome of the case. So we do not even know that the perpetrators ever did face justice in the campus system. By refusing to prosecute, Mr. Cox has left us in the dark and doubled our sense of violation and loss.

We are asking that your office please review and reconsider its decision. As the March 7 editorial in The Sun demonstrates, this case is important not just to one small newspaper, but to an entire industry. Failing to prosecute here, where the facts and evidence are by all accounts clear, in effect nullifies a State law that publishers and readers of "free" newspapers and other periodicals must rely on to protect the circulation of those publications. It creates an environment where anyone who does not like the content of any such publication may follow its circulators from location to location, removing and destroying as many copies as they wish, with no criminal penalty, even though the State of Maryland does prohibit the act.

We respectfully ask your office to uphold the law in this case.

Thank you for your time and consideration.

Daniel Gross  
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The Towerlight

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President & General Manager  
Baltimore Student Media, Inc.