



**LEVIN & CURLETT LLC**

**STEVEN H. LEVIN**  
ADMITTED TO PRACTICE IN THE  
DISTRICT OF COLUMBIA,  
NORTH CAROLINA, AND MARYLAND

**CHARLES N. CURLETT, JR.**  
ADMITTED TO PRACTICE IN THE  
DISTRICT OF COLUMBIA,  
NEW YORK, AND MARYLAND

745 FIFTH AVENUE  
SUITE 500  
NEW YORK, NY 10151  
PHONE: 646.898.2000  
FAX: 212.207.3111

201 NORTH CHARLES STREET  
SUITE 2000  
BALTIMORE, MD 21201  
PHONE: 410.685.4444  
FAX: 410.685.2222

1455 PENNSYLVANIA AVENUE  
SUITE 400  
WASHINGTON, DC 20004  
PHONE: 202.280.2001  
FAX: 202.652.2309

[WWW.LEVINCURLETT.COM](http://WWW.LEVINCURLETT.COM)

**FOR IMMEDIATE RELEASE**

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## **New Jersey Detective Joseph Walker Acquitted of First Degree Murder and All Other Charges**

### ***Court Had Previously Found the Prosecutor Misled the Grand Jury, Engaged in Discovery Violations and Used 70% of the State's Challenges to Strike African-Americans from the Jury***

On June 8, 2013, Detective Joseph Walker, an 18-year law enforcement veteran, was traveling home to New Jersey in the family minivan with his wife and three young children from a trip near Annapolis, Maryland. As described in court filings, while making a left hand turn to enter onto a highway, the driver of another vehicle perceived that Det. Walker had cut him off. In response, the driver, Joseph Harvey, who was white, began shouting obscenities, threats, and racial epithets at Det. Walker and his family, who are African-American.

Eventually, Det. Walker pulled off the road to let the other car drive on and abruptly came to rest on the shoulder. But the other vehicle also pulled over and stopped 164 feet ahead of Det. Walker's minivan.

Harvey and his passenger, Adam Pidel, left Harvey's car and charged at the Walker family's minivan. Pidel later confirmed to police that Harvey was intent on assaulting Det. Walker. As the two men approached the minivan, Det. Walker stepped out of his minivan and remained by his family. As this occurred, Det. Walker's wife called 911 for help.

When Harvey and Pidel continued advancing towards him, Det. Walker drew his weapon and ordered them to stop, identifying himself as a police officer. When Harvey did not comply, Det. Walker discharged his weapon, striking Harvey, whose body was found by the police no more than 6 feet from the Walkers' minivan. Pidel was unharmed.

In a pre-trial motion filed with the Circuit Court for Anne Arundel County, Det. Walker's attorneys detailed how the assistant state's attorney and the Maryland state trooper, who led the investigation, presented materially false and misleading testimony to the Grand Jury. To ensure that the Grand Jury indicted Det. Walker for First Degree Murder, defense attorneys alleged that the assistant state's attorney and trooper also purposely withheld from the Grand Jury critical facts from the Grand Jury's inquiry. Det. Walker's lawyers maintained that some, but not all, of the instances of misconduct are as follows:

- The trooper testified that Harvey and Pidel had "had lunch" immediately prior to the shooting but omitted the fact that Harvey and Pidel had been drinking for four hours at a restaurant, and Harvey was later found to be legally intoxicated at the time he threatened Det. Walker.
- The assistant state's attorney and trooper falsely stated to the Grand Jury that "after the first shot, *all the witnesses* who have provided statements indicate that the victim, Mr. Harvey, was standing still and had his hands up," suggesting he was surrendering. Five of the seven witnesses who provided statements did not see the shooting and did not say that Harvey had stopped his advance towards Det. Walker or raised his hands. As detailed in the motion, the account of one of the two remaining witnesses who did observe the shooting was internally inconsistent, and the second witness's account contradicted the inconsistent accounts of that first witness. Moreover, neither of those two witnesses concluded that Harvey had raised his hands to surrender.
- The trooper falsely testified that none of the wounds suffered by Harvey showed evidence of being fired *at close range*. He failed to inform the Grand Jury that Harvey's body was found 6 feet from the Walker family's minivan, where Det. Walker was standing when he fired the shots. He failed to include the critical fact that Harvey traversed a distance of approximately 158 feet, during which time Det. Walker exercised total restraint, and only discharged his weapon when he had no other recourse.
- The trooper falsely testified that Det. Walker "did not make any statements." In fact, Det. Walker provided a statement to an officer with the Anne Arundel County Police Department who responded to the scene. In that statement, Det. Walker said that he feared for his life and the lives of his family prior to shooting Harvey. The substance of Det. Walker's statement was disclosed to the trooper *five weeks* before the trooper testified before the Grand Jury.
- The assistant state's attorney and the trooper intentionally withheld other critical facts from the Grand Jury including, but not limited to, Pidel's admission to law enforcement personnel that Harvey purposely stopped his car, left it and advanced on the Walkers' minivan to assault Det. Walker.

Det. Walker's attorneys asked the Court to dismiss the Indictment based on this prosecutorial misconduct.

Although the Court declined to dismiss the Indictment, the Court found that the prosecutor had misled the Grand Jury. The Court later found that the prosecutor also engaged in discovery violations. During jury selection, the prosecutor used 7 of his 10 challenges to strike African-Americans from the jury. After Det. Walker's attorneys challenged the State on its exclusion of minorities from the jury, the Court excused a white male and replaced him with an African-American woman the prosecutor had previously struck.

Following Detective Walker's complete acquittal, Detective Walker's lawyers requested in a letter to the State's Attorney for Anne Arundel County that the State's Attorney initiate a Grand Jury investigation of Adam Pidel for first-degree assault, felony murder, and hate crimes.

Detective Walker is represented by criminal defense attorneys Steven H. Levin and Charles N. Curlett, Jr. of Levin & Curlett LLC, and Michael Cornacchia of Manhattan, New York.