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Jury Clears Delegate of Drunken Driving, Reversing Conviction

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A state delegate from Montgomery County was acquitted Wednesday on a charge of driving while impaired, reversing a conviction that stemmed from when a police officer found him asleep in his running Cadillac at 3:30 a.m. in a 7-Eleven parking lot.

The jury verdict was a major victory for Del. Herman L. Taylor II (D), who once pushed to have special "DUI" license plates issued to repeat drunk drivers. Taylor is preparing to run for reelection for the seat he has held since 2003.

"God answers prayers," Taylor said after the verdict, "that I would have this day of everyone being able to see what I've known all along, which is I've been innocent.

"I was exhausted that evening, and that is it," Taylor said. "The message from this situation is, if you are tired, people should not be afraid to pull off the road and take a nap."

The jury deliberated for more than three hours, longer than it took to present the case. In interviews afterward, four jurors said prosecutors hadn't proved that Taylor was drunk any more than he was tired. Their verdict overturned a guilty finding by a district court judge in February.

Jurors said they went through possible signs of impairment when police questioned Taylor.

"At each point, there was another possible explanation," said Meghan Howard, 38, a college financial aid administrator.

During the trial, jurors were not told that Taylor was a state delegate, as per a pre-trial request from his attorney. The four jurors interviewed said they didn't know Taylor was a politician.

In his closing argument, Taylor's attorney, Leonard Stamm, played up how his client was doing no more than sleeping in his Cadillac sport-utility. Taylor had been driving from a Prince George's County convention hall, was exhausted and chose the 7-Eleven parking lot to rest before continuing home, in part because he noticed the police, Stamm said.

"You see officers in the parking lot and you're thinking: 'Oh good, I'm safe here. They're here to protect me,' " Stamm said. "When he went to sleep, he probably started to dream. And what happened was when the officers woke him up, it turned into a nightmare. And what I am asking you to do is to end the nightmare when you go back there. And find him not guilty."

In her closing argument, prosecutor Danielle Duclaux stressed how police thought Taylor didn't cooperate when he was taken in for a breath test. Officers had stated that they didn't get enough air for a result. At trial, Duclaux had no blood-alcohol levels to show jurors.

"He was pretending to blow through the tube," Duclaux said. "Another effort to conceal the fact that had been drinking and driving on the morning of May 1st, 2008."

Juror Charles Rexroad, a 64-year-old retiree, said that for him, it came down to the prosecution not offering enough proof.

"You felt it was there. You had a gut feeling it was there," he said. "But the evidence didn't show 100 percent, or even 90 percent."

Taylor said he had been living under a cloud since his arrest.

"It's been a really hard year and a half," he said. "When you're charged with something, people tend to believe; it's just a habit sometimes to believe the person is guilty."