



PRESS RELEASE

In State v. Sewell, Maryland Court of Appeals Finds Text Messages Between Spouses Can Be Admitted Under Certain Conditions

BALTIMORE, MD (April 3, 2019) – In the case of a murder of a young child, the Maryland Court of Appeals held that text messages between spouses are admissible under certain conditions and not subject to marital privilege. ([State v. Sewell, Md. , No. 20, Sept. Term, 2018](#)).

In May 2015, 3-year-old Luke Hill was left in the care of his uncle Kevin Sewell while Sewell's wife, Amanda, was at work. During the time he was left alone with the boy, Sewell texted his wife, complaining that he was annoyed by the child because he did not listen and that "this would be the last time" he watched the young boy. When Amanda returned Luke to his parents the following day, he was found in the car unresponsive with multiple bruises. He later died as a result of his injuries. Autopsy reports found that Luke had sustained multiple blows to the head and body.

In September 2016, Sewell was found guilty of first-degree murder, first-degree child abuse, and related charges, and sentenced to life in prison without the possibility of parole. During his trial, prosecutors introduced text messages between Sewell and his wife over Sewell's objection that the text messages were confidential marital communications. Sewell appealed his conviction and in March 2018, the Maryland Court of Special Appeals reversed the conviction, saying that the messages were subject to marital privilege and should have been excluded.

The Office of Attorney General petitioned the Court of Appeals and argued, in part, for an exception to marital privilege for cases of child abuse. The Office argued that state law requires anyone with "reason to believe that a child has been subjected to abuse or neglect" to report the suspected abuse to the police and, therefore, communications that leave a spouse with reason to believe that a child is being abused or neglected, including the text messages in Sewell's case, cannot be said to be privileged marital communications. The Court of Appeals, in a 6-1 decision agreed, finding that, "...it is unreasonable for a spouse to assume that communication made to the other spouse, which the latter has a legal duty to report to law enforcement, is confidential."

"The Court's decision is groundbreaking. It helps protect children from abuse and aids in prosecution of those who hurt the most vulnerable in our society," said Attorney General Frosh. "I am proud of the work our Criminal Appeals Division does to hold criminals accountable for their actions."

Attorney General Frosh thanked Assistant Attorney General Peter Naugle for his work on the case.