

Convict's request for polygraph backfires

Full 45-year sentence will stand as test-taker 'did not appear to be truthful'

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Trent Lee Banks maintained his innocence last week in an April 2006 shooting outside his home. Only this time, Banks' audience was not a judge or a jury but a polygraph he had asked to take.

Unfortunately for Banks, the polygraph did not believe him either.

"The examinee did not appear to be truthful," examiner Billy H. Thompson wrote in a test evaluation delivered to Judge Lawrence R. Daniels in Baltimore County Circuit Court.

Daniels had allowed the polygraph as part of Banks' attempt to shorten his prison term for probation violations stemming from an attempted murder conviction. The judge will formally deny Banks' motion to modify the sentence at a hearing later this month.

Stephen Roscher, the assistant state's attorney who prosecuted Banks on the attempted murder charges, was not surprised by the polygraph result.

"I was confident when we convicted Mr. Banks in the shooting case," he said.

A jury convicted Banks last year in the attempted murder of his then-girlfriend, Ebony James, and her friend, Kimberly Horton.

Banks, 29, was sentenced to 35 years on the attempted murder counts.

But the shootings also constituted a violation of his probation under prior convictions. His consecutive five-year terms on those counts brought his total sentence to 45 years.

In a highly unusual move, Daniels granted Banks' request in August to take the polygraph in an effort to shave time off his five-year sentences. The judge made clear the results would have no impact on the second-degree murder conviction and that passing did not automatically equal a sentence reduction.

Banks hired Thompson, founder and director of the Maryland Institute of Criminal Justice in Millersville, to administer the test. He took it on Oct. 8 in the courthouse after passing a urinalysis test.

Charging documents in the attempted murder case allege Banks shot at James and Horton as they drove away from his house, after James had slashed his car's tires. The couple had been arguing about Banks' alleged cheating, according to the charging documents.

Thompson's report

Banks confirmed he and James were arguing the night of the shooting, according to Thompson's report. Banks said he was lying on his sofa after returning home with friends from a club when James came to the door with an "18-inch butcher knife." The two argued before Banks slammed the door in James' face. He returned to the sofa and heard noises outside; his friends said it was the sound of air escaping his slashed tires, courtesy of James.

Banks went to check his car and was almost hit by another car driving by, he said. He returned inside to call the police and was in the kitchen when he heard gunshots. Banks said the shots were fired by a friend, an armed security guard James struck when driving away.

The friend "fired the shots to try to scare" James, Banks said.

Banks sent his friends home by the time police arrived, turning out the lights to make it appear he was sleeping. He did not make a statement at the time because it was not "the way of the street," he said.

"Mr. Banks affirmed that he did not shoot at the girls and kept quiet about it, never dreaming he would receive a 45-year sentence for something he did not do," Thompson wrote.

Roscher, who reviewed Thompson's report, said it was the first time he heard of Banks' security guard friend. The prosecutor used shell casings found around Banks' car and home and inconsistencies in Banks' statements as evidence during the trial.

Banks, when informed of the polygraph results, "expressed relief" that his answers were rejected, Thompson wrote.

"He said he was innocent and did not want to spend the rest of his life in prison for a crime he did not commit," Thompson wrote.

While polygraph tests may be used in criminal investigations in Maryland, the results are generally not admissible in court because they are not considered sufficiently scientifically reliable.