

Prosecutor Arrested on Drug Counts

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An assistant U.S. attorney was arrested for possessing one ounce of marijuana that police found in his Northwest Washington apartment where they were investigating a reported burglary yesterday, D.C. police reported.

Police said David T. Stitt, 31, of 4030 Calvert St. NW, a federal prosecutor since April 2, 1973, was arrested during the burglary investigation at his ransacked apartment.

U.S. Attorney Earl J. Silbert, Stitt's superior, said yesterday that Stitt has been placed on administrative leave pending review. "The case will be handled like any other," Silbert said.

Police said Stitt was charged with a felony, for violating the Controlled Substances Act, and two misdemeanors, violating the Uniform Narcotics Act and possessing the implements of crime—a pipe also found in his apartment.

"We have to look into the facts," Silbert said. "Certainly, a misdemeanor conviction involving a purposeful or knowing violation of the law, it would be pretty hard . . . Failure to keep an unleashed dog is one thing, possession of marijuana another."

Police said they were called to Stitt's address by a neighbor who saw two men removing objects from Stitt's apartment about 11:45 a.m.

Second district officer David N. Richardson answered the call but, when he arrived, found no one in the apart-

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ment, police said. Richardson then called Stitt at the federal courthouse, asking him to come home and identify what was missing.

Police said Stitt reported as missing a color television set, and a turntable.

At the same time, police said, Richardson also called his station house to request that a crime search specialist take fingerprints and seek other evidence in the apartment. The specialist, Officer Harold Roy, arrived at the apartment ahead of Stitt, police said.

According to police, Roy found Stitt's belongings scattered about the apartment and found on a bed a plastic bag containing \$25 worth of marijuana and a pipe. Police said Stitt was arrested when he arrived home shortly after 1 p.m.

That Stitt was not at home when police entered his apartment may raise legal questions about the search and seizure of marijuana, U.S. Attorney Silbert acknowledged.

Silbert said that in an emergency situation, such as a burglary in progress, police may enter without a warrant or the resident's permission. The burglary of Stitt's apartment was finished by the time police arrived, he noted.

"What do you do? It's an interesting question," Silbert said.

Silbert said Stitt is a "very popular guy" in the prosecu-

tor's office and has been in the appellate section since May. His prior assignments in the U.S. Attorney's Office involved trials of misdemeanor charges and working with grand juries.

Stitt is a graduate of the University of Texas Law School and was admitted to practice law in 1969. He was formerly an assistant corporation counsel for the District of Columbia, Silbert said.

Police said Stitt was released yesterday after posting two bonds totaling \$2,000 on the misdemeanor charges and a \$2,500 cash bond on the felony charge. He is to be arraigned in Superior Court this morning.