

RECEIVED FOR RECORD
CIRCUIT COURT FOR
BALTIMORE CITY

STATE OF MARYLAND

* IN THE 2016 JAN -6 P 4:22

* CIRCUIT COURT FOR BALTIMORE CITY

* BALTIMORE CITY

* Case No. 115141032

v.

CAESAR GOODSON

* * * * *

ORDER

On January 6, 2016, during a pre-trial motions hearing for the above-captioned case, the State presented this Court with its written Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article. During this hearing, counsel for the Defendant incorporated their arguments from their Motion to Quash Trial Subpoena of Officer William Porter.

Based on the motions, arguments, and testimony presented during the hearing, this Court finds that Officer William Porter, D.O.B. 6/29/1989, has been called by the State as a witness to testify in the above-captioned case but that Officer Porter has refused to testify on the basis of his privilege against self-incrimination. This Court further finds that the State's Motion to Compel Officer Porter's testimony complies with the requirements of Section 9-123 of the Courts and Judicial Proceedings Article. For these reasons, it is this 6th day of January, 2016, by the Circuit Court for Baltimore City, hereby

ORDERED that the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article is **GRANTED**, and further

ORDERED that Officer William Porter, D.O.B. 6/26/1989, shall testify as a witness for the State in the above-captioned case and may not refuse to comply with this Order on the basis of his privilege against self-incrimination, and further

**IN THE
COURT OF SPECIAL APPEALS OF MARYLAND**

September Term 2015

No. 2308

CAESAR GOODSON

v.

STATE OF MARYLAND, Appellee

**On Interlocutory Appeal from the Circuit Court
for Baltimore City, Maryland
The Honorable Barry G. Williams, Presiding**

BRIEF OF APPELLANT WILLIAM PORTER

**Gary E. Proctor
Law Offices of Gary E. Proctor, LLC
8 E. Mulberry Street
Baltimore, MD 21202
410-444-1500
Fax 866-230-4455
garyeproctor@gmail.com**

**Joseph Murtha
Murtha, Psoras & Lanasa, LLC
1301 York Road, Suite 200
Lutherville, MD 21093
410-583-6969
jmurtha@mpllawyers.com**

Counsel for Appellant

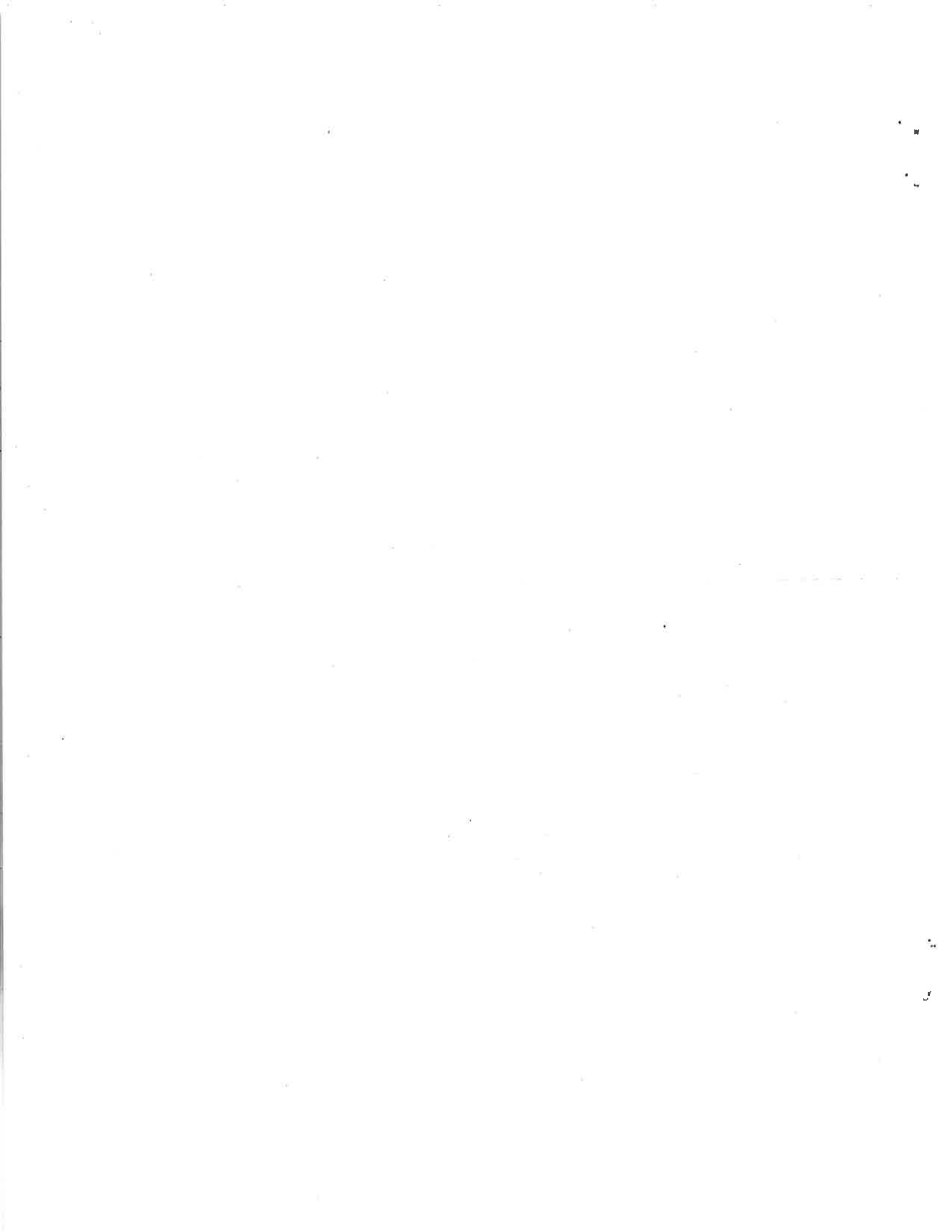


Table of Contents

Table of Authorities.....	ii
I. Introduction.....	1
II. Summary of the Argument.....	1
III. Relevant Facts.....	4
i) Procedural Posture.....	4
ii) The Trial.....	5
iii) The Subpoena.....	11
iv) The Federal Investigation.....	11
v) The Hearing in the Court below.....	12
IV. Porter May Properly Appeal this Matter under the Collateral Order Doctrine.....	13
V. The Circuit Court's Ruling that Porter Can be Compelled to Testify was Erroneous.....	17
VI. Porter Cannot be Compelled to Testify.....	19
a) The State would be Suborning Perjury.....	19
b) The grant of Immunity by the Circuit Court will not put Officer Porter in the Same Position.....	24
c) Porter has not been Immunized Federally.....	33
d) Appellant has a separate right not to testify under the Maryland Declaration of Rights.....	38
e) The state will be making themselves witnesses.....	40
VII. Conclusion.....	41

Table of Authorities

Cases

<i>Adams v. State</i> , 204 Md. App. 418 (2012)	15
<i>Addison v. State</i> , 173 Md. App. 138 (2005)	14
<i>Adkins v. State</i> , 316 Md. 1 (1989)	39
<i>Ashcraft & Gerel v. Shaw</i> , 126 Md. App. 325 (1999)	15
<i>Attorney General v. Colleton</i> , 387 Mass. 790 (Mass. 1982)	33, 39
<i>Bailey v. State</i> , 303 Md. 650 (1985)	39
<i>Choi v. State</i> , 316 Md. 529 (1989)	22, 38
<i>Cover v. State</i> , 297 Md. 398 (1983)	8
<i>Crawford v. Washington</i> , 541 U.S. 36 (2004)	23
<i>D'Elia v. Penn. Crime Commn.</i> , 521 Pa. 225 (PA. 1989)	33
<i>Evans v. State</i> , 301 Md. 45 (1984)	39
<i>Giglio v. United States</i> , 405 U.S. 150 (1972)	21
<i>Gillis v. State</i> , 333 Md. 69 (1993)	39
<i>Green v. State</i> , 25 Md. App. 679 (1975)	30
<i>Hawthorne v. United States</i> , 504 A.2d 580 (D.C. 1986)	21
<i>Hoffman v. United States</i> , 341 US 479 (1951)	1
<i>In re Criminal Investigation No. 1-162</i> , 307 Md. 674 (1986)	38
<i>In re Franklin P.</i> , 366 Md. 306 (2001)	14
<i>In re Grand Jury Proceedings</i> , 819 F.2d 981 (11 th Cir. 1987)	26
<i>In re Special Investigation No. 236</i> , 295 Md. 573 (1983)	15

<i>In re Special Investigation No. 244</i> , 296 Md. 80 (1983)	15
<i>Kable v. State</i> , 17 Md. App. 16 (1973)	14
<i>Johnson v. Fabian</i> , 735 N.W.2d 295 (Minn. 2007)	27
<i>Kastigar v. United States</i> , 406 U.S. 441(1972)	<i>passim</i>
<i>Klupt v. Krongard</i> , 126 Md. App. 179 (1999)	41
<i>Levine v. United States</i> , 362 U.S. 610 (1960)	2
<i>Lettley v. State</i> , 358 Md. 26 (2000)	40
<i>Maness v. Meyers</i> , 419 U.S. 449 (1975)	30
<i>Matter of Grand Jury Proceedings of Aug., 1984</i> , 757 F.2d 108 (7 th Cir. 1984)	26
<i>May v. Collins</i> , 955 F.2d 299 (5 th Cir. 1992).	20
<i>Milburn v. Milburn</i> , 142 Md. App. 518 (2002)	16
<i>Murphy v. Waterfront Comm'n of New York Harbor</i> , 378 U.S. 52 (1964)	25
<i>Napue v. Illinois</i> , 360 U.S. 264 (1959)	19
<i>People v. Brunner</i> , 32 Cal. App. 3d 908 (CA Ct. App. 1973)	32
<i>People v. Campbell</i> , 137 Cal. App. 3d 867 (CA Ct. App. 1982)	33
<i>People v. Matz</i> , 68 Cal. App. 4Th 1216 (1998).	33
<i>Pulley v. State</i> , 287 Md. 406 (1980)	13
<i>Rex v. Sussex Justices</i> , 1 K.B. 256 (1924)	2
<i>Richmond Newspapers, Inc. v. Virginia</i> , 448 U.S. 555 (1980)	3
<i>Salvagno v. Frew</i> , 388 Md. 605 (2005).	13
<i>Smallwood v. State</i> , 320 Md. 300 (1990)	22
<i>State v. Goldsberry</i> , 419 Md. 100 (2011)	30
<i>State v. Gonzalez</i> , 853 P.2d 526 (Alaska 1993)	33

<i>State v. Miyasaki</i> , 62 Haw. 269 (Hawaii 1980)	33
<i>State v. Snowden</i> , 385 Md. 64 (2005)	23
<i>State v. Thrift</i> , 312 S.C. 282 (S.C. 1994)	33
<i>State v. Yates</i> , 629 A.2d 807 (N.H. 1993)	20,21
<i>St. Joseph Med. Ctr., Inc. v. Cardiac Surgery Associates, P.A.</i> , 392 Md. 75 (2006).....	15
<i>Stephens v. State</i> , 420 Md. 495 (2011)	13, 14
<i>United States v. Balsys</i> , 524 U.S. 666 (1998)	25, 35-36
<i>United States v. Brown</i> , 634 F.2d 819 (5 th Cir. 1981)	21
<i>United States v. Byrd</i> , 765 F.2d 1524 (11 th Cir. 1985)	31
<i>United States v. Cimino</i> , 2014 U.S. Dist. LEXIS 155236 (10/29/14)	37
<i>United States v. Hampton</i> , 775 F.2d 1479 (11 th Cir.1985)	28
<i>United States v. Harris</i> , 973 F.2d 333 (4 th Cir. 1992)	35
<i>United States v. Kim</i> , 471 F. Supp. 467 (D.D.C. 1979)	27
<i>United States v. Poindexter</i> , 698 F. Supp. 300 (D.D.C. 1988)	34, 35
<i>United States v. McDaniel</i> , 482 F.2d 305 (8 th Cir. 1973)	29, 31
<i>United States v. Mills</i> , 704 F.2d 1553 (11 th Cir. 1983).....	20, 21
<i>United States v. Miranti</i> , 253 F.2d 135 (2 nd Cir.1958)	22
<i>United States v. Semkiw</i> , 712 F.2d 891 (3 rd Cir.1983)	31
<i>State v. Soriano</i> , 68 Ore. App. 642 (Or. Ct. App.1984)	33
<i>United States v. Sutherland</i> , 656 F.2d 1181 (5 th Cir. 1981).....	21
<i>Walker v. State</i> , 373 Md. 360 (2003)	30, 41
<i>Wright v. McAdory</i> , 536 So.2d 897 (Miss. 1988)	33
<i>Wisconsin v. Cardenas-Hernandez</i> , 219 Wis. 2D 516 (1998)	19

Constitutional Provisions

U.S. Const. Amend V. *passim*
U.S. Const. Amend VI. 2, 30
U.S. Const. Amend XIV.. 19
Ma. Declaration of Rights, Article XII39
Md. Decl. Rights Art. 22 *passim*

Statutes and Rules

18 U.S.C. §§ 6001-03 33
Md. Code Ann. Cts. and Jud. Pro. § 9-123 *passim*
Md. Crim. Code Ann. Crim. Law § 9-101 24-25
Md. Crim. Code Ann. Crim. Law § 9-104 25
Md. Crim. Code Ann. Crim. Law § 9-204 2
Md. Rule 5-60840

Other Authorities

Md. Rules Prof. Conduct § 3.321, 30
Md. Rules Prof. Conduct § 3.741
Self Incrimination: Choosing a Constitutional Immunity
Standard by Richard D. Bennett 31 Md. L. Rev. 289 (1972). 29, 38

I. INTRODUCTION

The actions of the State in this case are without precedent. Appellant is being used as the designated whipping boy in the State's case against Sergeant White, and Officer Goodson. The State does not shy away from saying that Porter committed perjury in his own trial, yet they continue to think that they can sponsor his testimony in the other officers' cases, and then prosecute him for manslaughter later. This cannot be.

II. SUMMARY OF THE ARGUMENT

The Fifth Amendment to the U.S. Constitution declares in part that “No person ... shall be compelled in any criminal case to be a witness against himself.” U.S. Const., Fifth Amend. The Fifth Amendment creates a privilege against compelled disclosures that could implicate a witness in criminal activity and thus subject him or her to criminal prosecution. *Hoffman v. United States*, 341 US 479, 486-488, 71 S.Ct. 814, 818-819 (1951). The privilege against self-incrimination is a *constitutionally-based* privilege—not an evidentiary privilege.

The Maryland Constitution reads that ““That no man ought to be compelled to give evidence against himself in a criminal case.” While Appellant believes that compelling him to testify will violate the Fifth Amendment, he also posits that the Article 22 provides an additional and separate basis to keep him off the stand. Article 22 use of the word “evidence” is more global than that envisaged by the Federal Constitution.

To be clear: Porter is not saying that § 9-123 is unconstitutional: he is saying that it is unconstitutional as applied to this defendant in this setting. To quote Chief Judge Murphy, in his capacity as chair of the General Assembly Criminal Law Article Review Committee:

The granting of some form of immunity against prosecution arising from compelled incriminating testimony does not, of itself, cure the constitutional defect. The General Assembly may wish to explore the scope of immunity that may be required to allow compelled testimony in harmony with federal and State constitutional precedent.

See notes to Md. Code Ann., Crim. Law § 9-204.¹ The General Assembly has failed to do so, so it falls to this Court to provide Appellant shelter from the storm.

While Porter has many valid reasons as to why he cannot be compelled to testify, the Fifth Amendment, the Sixth Amendment, Article 22, to name but three, the overarching principle is that the judicial system is built on trust and respect of the public and relies on that trust and respect for effectiveness. "It is of fundamental importance that justice should not only, but should manifestly and undoubtedly be seen to be done." *Rex v. Sussex Justices*, 1 K.B. 256, 259 (1924). Similarly, the United States Supreme Court has said that trials themselves are "a reflection of the notion, deeply rooted in the common law, that 'justice must satisfy the appearances of justice,'" *Levine v. United States*, 362 U.S. 610, 616 (1960) (quoted source omitted), and that the perception of fairness of trials and judicial acts is essential to the effectiveness of the system itself. See

¹ To be clear: this quote is not about § 9-123 specifically, but it remains no less true when applied to the statute at issue.

Richmond Newspapers, Inc. v. Virginia, 448 U.S. 555 (1980) (Brennan, J., concurring). Frankly, calling Porter as a witness in two (2) trials, about the same matters upon which he faces a pending manslaughter trial, wreaks of impropriety.

On a related point: on September 15, 2015 the State told the that it was “imperative” that Porter be tried first. Implicitly, maybe even explicitly, the State acknowledged in this pleading that Porter had to go first in order that he not have a Fifth Amendment Privilege. If the State truly believes that Porter can be called as a witness, with a pending manslaughter charge, why was it “imperative” that Officer Porter proceed to trial first?

Co-defendants trials are severed every day in Maryland. And yet there is not a single reported case of one co-defendant being compelled to testify against the other in the way the circuit court envisages happening here. There is a reason for that: it effectively renders constitutional protections all but meaningless.

Even if there were nothing wrong, in theory, with proceeding as the State suggests, in this case it would nevertheless be impermissible with the factual scenario that is before this Court. While it might be a closer call if the State chose to insert a clean team, give transactional immunity, or if the State called Appellant after his case resulted in acquittal, ultimately he would still be an impermissible witness. The bottom line is that the State, who has sole charging authority, believes he will lie about matters that are material. And all the immunity in the world cannot cure that.

III. RELEVANT FACTS

(i) PROCEDURAL POSTURE

Baltimore City Police Officer William Porter (hereafter "Appellant") has been charged with Manslaughter, Second Degree Assault, Reckless Endangerment and Misconduct in Office in Baltimore City Circuit Court Case Number 115141037. The charges involve the in-custody death of Freddie Gray on April 12, 2015. There are six officers charged in the death of Mr. Gray: Officer Porter, Officer Caesar Goodson, Sergeant Alicia White, Officer Garrett Miller, Officer Edward Nero and Lieutenant Brian Rice. Judge Barry Williams was specially assigned to all six (6) cases.

On September 15, 2015 the State of Maryland, through Chief Deputy State's Attorney Michael Schatzow wrote to the Circuit Court, and told him that the State would be calling Officer Porter's case first, followed by Goodson, White, Miller, Nero and Rice. See Exhibit A of Motion for Injunction by Porter. The State's rationale for this was that:

Defendant Porter is a necessary and material witness in the cases against Defendants Goodson and White, so it is imperative that Porter's trial takes place before their trials. Defendant Porter's counsel has known this since before the grand jury returned indictments in these cases.

Id. The court below granted the State its wish, and Officer Porter proceeded to trial first.

(ii) THE TRIAL

Jury selection began in Officer Porter's trial on November 30, 2015. Ultimately, the case mistried on December 16, 2015 as the jury were unable to reach a verdict as to any of the four (4) charges placed against Officer Porter. Following the mistrial, the circuit court set the retrial for June 13, 2016.

During his trial, Officer Porter testified in his defense. See Tr. 12/9/15. During the State's closing argument by Ms Janice Bledsoe, and the rebuttal by Mr. Schatzow, both commented on Officer Porter's credibility, candor and truthfulness.

The State's Opening Closing Argument

[A] during his testimony at trial Officer Porter stated under oath that he heard Freddie Gray say during his initial arrest that he could not breathe. Tr. 12/9/15 at 6; 25. The State's theory at trial, was that Mr. Gray had said this much later. In her closing Ms. Bledsoe stated that not one of the other witness officers testified that they heard Mr. Gray say during his initial arrest that he could not breathe and went on to assert that "Not one of them came in here and said I heard Freddie say I can't breathe at Presbury. And do you know why? Because it was never said at Presbury [at the initial arrest]." Tr. 12/14/15 at 8. Ms. Bledsoe's assertion that it was never said leads to the inexorable conclusion that the State was accusing Officer Porter of perjury.

[B] The reason the State believed that Mr. Gray said he could not breathe much later was because of a report of a Detective Teel, who wrote memorialized

a conversation she had with Officer Porter. In arguing that Officer Porter is not to be believed, Ms. Bledsoe stated that "Who has the motive to be deceitful? It's not Detective Teel. It's Officer Porter." Id.

[C] Officer Porter testified that when he saw Mr. Gray in the back of the police wagon, at Druid Hill and Dolphin, he helped Mr. Gray (who was on the floor) onto the bench, but that Mr. Gray had power in his legs and bore the weight of his body. Tr. 12/9/15 at 55-56. In calling Porter a liar, Ms. Bledsoe stated that:

Five times he [Porter] was asked about it. Not once did he say Freddie Gray assisted himself up on the bench. Five times he used words that indicate he put Freddie Gray on the bench.

Not once in any of those five times did he say it would be physically impossible for me to do that. I did not just put him up on the bench. I couldn't do that. Not once. But he told you that from the stand.

Ladies and gentlemen, there's only one reasonable conclusion about what happened between Officer Porter and Freddie Gray. He put him on the bench. Freddie Gray didn't help get up on the bench. He put him on the bench.

Tr. 12/14/15 at 10.

[D] Officer Porter testified that he was aware that arrestees often feign injury in the hopes of avoiding a trip to jail. He testified that the term for it that many officers use is "jailitis." Tr. 12/9/15 at 57. Ms. Bledsoe in her closing said that "this jailitis is a bunch of crap." Tr. 12/14/15 at 16.

[E] Officer Porter testified that, when he saw Freddie Gray at Druid Hill and Dolphin he believed that Mr. Gray was not injured. Officer Porter further stated under oath that if he knew Mr. Gray was injured he would have sought immediate

medical attention. Tr. 12/9/15 at 59-60. Ms. Bledsoe, in labeling Officer Porter a perjurer stated that Porter “knew Gray was hurt badly [at Druid Hill and Dolphin], he knew he wasn’t going to be accepted at Central Booking. But he did nothing.” Tr. 12/14/15 at 17.

[F] Officer Porter testified that when Mr. Gray was loaded in the Wagon at Baker and Mount Streets, he did not know whether Mr. Gray was leg shackled or not. Tr. 12/9/15 at 108. Ms. Bledsoe told the jury “[h]e [Porter] knew Freddie Gray was placed into the wagon with handcuffs, leg shackles...” Tr. 12/14/15 at 20.

[G] Because of the statements of Officer Porter referenced above, Ms. Bledsoe argued to the jury that “[t]here’s only one reasonable conclusion, Officer Porter **was not telling the truth** about his involvement in this incident.” Tr. 12/14/15 at 21.

[H] After pointing out another statement that the State believed was inconsistent, regarding what Officer Porter told a civilian named Brandon Ross, Ms. Bledsoe again stated that the “[o]nly reasonable conclusion you can [sic] from that **Ofc. Porter is not telling the truth.**” Tr. 12/14/15 at 23 (emphasis supplied).

[I] Additionally, Ms. Bledsoe argued to the jury that Officer Porter lied under oath when he stated that on April 12, 2015 he was unaware of a General Order numbered 11-14. Tr. 12/14/15 at 27.

[J] Officer Porter testified at trial that he believed the wagon was headed to the hospital at one point, with Mr. Gray inside of it. Ms. Bledsoe stated that this was false testimony, because Officer Porter was behind the wagon and new it was headed in a different direction. Tr. 12/14/15 at 33.

The State's Rebuttal

[K] 19 lines, less than one page of transcript, into his rebuttal Mr. Schatzow got to his point and told the jury that “now that the defendant is on trial, he comes into court, and **he has lied to you about what happened.**” Tr. 12/14/15 at 42.

[L] Ten lines after that, Mr. Schatzow repeated his assertion that “the state proved through the evidence that he [Porter] lied when he spoke to the [investigative] officers and **he lied on the witness stand.**”² Tr. 12/14/15 at 43.³

[M] Mr. Schatzow stated that one of Porter's lies was “[h]ow he tried to pretend in his April 17th statement that he was too far away at Stop 2 to know what was going on.” Tr. 12/14/15 at 43.

² This assertion also arguably violates Maryland Rule of Professional Conduct 3.4 which states that an attorney shall not “state a personal opinion as to the justness of a cause, the credibility of a witness, the culpability of a civil litigant or the guilt or innocence of an accused.”

³ Of course, Mr. Schatzow's assertion that Officer Porter lied to the initial police officers that interviewed him, could lead to additional charges of misconduct in office and obstruction and hindering. See, for example, *Cover v. State*, 297 Md. 398, 400 (1983) (“[b]oth this Court and the Court of Special Appeals have said that resisting, hindering, or obstructing an officer of the law in the performance of his duties is an offense at common law.”)

[N] Mr. Schatzow stated that Officer Porter misrepresented what he saw when at Baker and Mount Street, asking the jury "[w]hat was he trying to cover up? Was he trying to cover up his own knowledge of what had happened there?" Tr. 12/14/15 at 44.

[O] While opining on Officer Porter's credibility generally, Chief Deputy Schatzow stated that "you prove that people aren't telling the truth by showing inconsistencies in their statements. You prove that the statements are inconsistent with each other. You prove that they're telling something that just is - makes no sense at all." Id.

[P] The State's attribution of perjury to Officer Porter was far from subtle:

But what did we prove? The State proved when it said it lied [sic] -- at Stop 2 was a lie. And **this I can't breathe nonsense** that he came over. You'll see what he's trying to do in his testimony. Every place that he is stuck, every place that he is stuck in his April 17th statement and in his April 15th statement, **he now comes up with some new explanation for it.** Asked repeatedly, this business about at Stop 4 used his own legs to get up, nonsense. Five, six times on April 17th you'll see. Asked what happened, I picked him up, and I put him on the bench. I put him on the bench. I put him on the bench. I put him on the bench. You won't find anything in there about Freddie Gray using his own muscles, using his own legs. But the real one is the I can't breathe. Ha, his credibility is not at issue here.

Tr. 12/14/15 at 45. (Emphasis supplied).

[Q] In response to the defense's assertion that Officer Porter's testimony was credible, Mr. Schatzow stated that

When he sits here on the witness stand, and in trying to come up with explanations for why he said what he said, well, I didn't realize that I was a suspect. I thought I was just a witness.

So is there one version of the truth when you're a suspect and a different version of the truth when you're a witness?

Credibility is not at issue in this case. Credibility is not at issue in this case. Not at all.

Tr. 12/14/15 at 46.

[R] While discussing Mr. Porter's contention that Mr. Gray said "I can't breathe" during his initial arrest, Mr. Schatzow tells the jury that the other witnesses "don't say that because it didn't happen, because it didn't happen." Tr. 12/14/15 at 47.⁴ If it did not happen then Officer Porter is being directly accused of perjury.

[S] Mr. Schatzow told the jury "this is what you were told, you have no reason to not believe Defendant Porter. I've already given you a bunch of reasons. You heard reasons. But the biggest reason of all is he's got something at stake here, ladies and gentlemen. He's got a motive to lie." Tr. 12/14/15 at 49.

[T] In accusing Officer Porter of lying when he said that he had very little conversation with Officer Goodson at Dolphin and Druid Hill, Mr. Schatzow stated that:

But that's like the [Baker and Mount] thing where he can't identify his own shift commander who's sitting right in front of his face. That's not a cover up. **That's not trying to hide the truth.** That's not

4 It appears in this instance that the court reporter made a typo in attributing to Mr. Schatzow the statement that the "defense attorneys" said this. The audio appears clear that he attributed said statement to the defense *witnesses*.

trying to throw the investigators off. Nah, nah. That's not what that is.

Tr. 12/14/15 at 51.

(iii) THE SUBPOENA

During Officer Porter's trial, he was handed a subpoena to testify in the trials of both Goodson (case number 115141032) and White (115141036).

Exhibit B to Appellant's Motion for Injunction.

(iv) THE FEDERAL INVESTIGATION

Counsel have spoken with the members of the Civil Rights Division of the United States Attorney's Office that are investigating the in-custody death of Mr. Gray. As recently as October 22, 2015, the undersigned corresponded with the United States Attorneys involved in the investigation. It is standard practice for the Department of Justice not to be involved prior to the conclusion of the state prosecutions.

Counsel have had a similar experience with the witnesses. In meeting with one witness, that was called at Officer Porter's trial, the undersigned asked him a question and the response received was "the FBI also asked me that question." As such, there is an ongoing, verifiable, Federal investigation into the conduct of Officer Porter and others with regard to the death of Freddie Gray and, at this

time, it is impossible to predict whether this will result in charges in United States District Court.

Significantly: when Officer Porter testified *at his trial* the undersigned observed at least three (3) current members of the United States Attorney's Office for the District of Maryland in attendance, including the United States Attorney himself. It is therefore, surely, undeniable that Officer Porter remains in the sights of the United States.

(v) THE HEARING IN THE COURT BELOW

The Circuit Court held a hearing on this matter on January 6, 2016. The State filed a motion in open court on that date, asking that, pursuant to § 9-123 of the Courts and Judicial Proceedings Article, that Porter be compelled to testify under a grant of immunity in the trial of Officer Caesar Goodson. *Exhibit C to Motion for Injunction.*

A transcript of the hearing is included in the record.

Porter was called at the hearing and asserted his right to remain silent under State and Federal Constitutions. Tr. 1/6/16 at 43-45. The circuit court acknowledged that it found itself in "unchartered territory." Tr. 1/6/16 at 65. The court ruled that Porter could be compelled to testify, under grant of use and derivative use immunity, and issued an Order to that effect. Tr. 1/6/16 at 68-69.

**IV. PORTER MAY PROPERLY APPEAL THIS MATTER
UNDER THE COLLATERAL ORDER DOCTRINE**

"Appellate practice in this State has long been governed by a legislative scheme which, for the most part, permits appeals in civil and criminal proceedings only from final judgments." *Pulley v. State*, 287 Md. 406, 414 (1980). "In a criminal case, no final judgment exists until after conviction and sentence has been determined, or, in other words, when only the execution of the judgment remains." *Stephens v. State*, 420 Md. 495, 502 (2011) (internal quotations omitted) (internal citations omitted).

The Court of Appeals has previously recognized, however, that,

we have made clear that the right to seek appellate review of a trial court's ruling ordinarily must await the entry of a final judgment that disposes of all claims against all parties, and that there are only three exceptions to that final judgment requirement: appeals from interlocutory orders specifically allowed by statute; immediate appeals permitted under Maryland Rule 2-602; and appeals from interlocutory rulings allowed under the common law collateral order doctrine.

Salvagno v. Frew, 388 Md. 605, 615 (2005).

"The collateral order doctrine ... permits the prosecution of an appeal from a narrow class of orders, referred to as collateral orders, which are offshoots of the principal litigation in which they are issued and which are immediately appealable as final judgments without regard to the posture of the case."

Addison v. State, 173 Md. App. 138, 153 (2005) (internal citations omitted) (internal quotations omitted).

To fall within the collateral order doctrine, four requirements must be satisfied. *Id.* at 154. The four requirements are "(1) it must conclusively determine the disputed question; (2) it must resolve an important issue; (3) it must be completely separate from the merits of the action; and (4) it must be effectively unreviewable on appeal from a final judgment." *Id.* "In Maryland, the four requirements of the collateral order doctrine are very strictly applied, and appeals under the doctrine may be entertained only in extraordinary circumstances." *Id.* (internal quotations omitted). "The four requirements are conjunctive in nature and each must be satisfied in order for a prejudgment order to constitute a collateral order." *Stephens*, 420 Md. at 502-03 (quoting *In re Franklin P.*, 366 Md. 306, 327 (2001)).

When a defendant has been denied an absolute constitutional right, a denial of that right may be immediately appealable. *Kable v. State*, 17 Md. App. 16, 28 (1973). For example, an interlocutory appeal from the denial of a motion to dismiss based on double jeopardy is permitted because of the "serious risk of irreparable loss of the claimed right if appellate review is deferred." *Stephens*, 420 Md. at 505-06. The "decision that an accused is incompetent to stand trial" also falls within the class of orders immediately appealable because after trial "will be too late effectively to review the present order, and the rights conferred by

the constitution(s) will have been lost, probably irreparably." *Adams v. State*, 204 Md. App. 418, 432 (2012).

An order to disclose documents that are subject to attorney-client privilege and the attorney work product doctrine is also immediately appealable under the collateral order doctrine because reversal after disclosure "cannot undo what will have already taken place: the disclosure of the documents" subject to the privilege. *Ashcraft & Gerel v. Shaw*, 126 Md. App. 325, 345 (1999). Likewise, returning documents from a grand jury was appealable as "there was nothing more to be done." *In re Special Investigation No. 236*, 295 Md. 573, 575 (1983).

Similarly, the Court of Appeals does "not believe in this day and age a person should be obliged to decide whether he should risk contempt in order to test the validity of a subpoena..." *In re Special Investigation No. 244*, 296 Md. 80, 86 (1983). The Court of Appeals reasoning in *St. Joseph Med. Ctr., Inc. v. Cardiac Surgery Associates, P.A.*, 392 Md. 75, 88 (2006) is equally applicable here:

Although the discovery order was interlocutory with regard to the underlying unfair competition litigation and the parties to that case, the order was not interlocutory with regard to St. Joseph. St. Joseph is not a party to the unfair competition case and would have no standing to challenge the discovery order by appealing from a final judgment in that case.

Id. Replace the word "St. Joseph" with Porter and "unfair competition" with Goodson trial, and you have the issue herein. Extrapolating from the caselaw above, and others, immunity is a right that fits within the requirements of the

collateral order doctrine permitting an interlocutory appeal when that right is infringed by a trial court. See *Milburn v. Milburn*, 142 Md. App. 518 (2002).

Considering each of the four (4) factors in turn:

(1) it must conclusively determine the disputed question. For the reasons outlined below, Officer Porter submits that the State cannot call him as a witness in the Goodson trial, or any of the other officers for that matter, without infringing his rights under State and Federal Constitutions.

(2) it must resolve an important issue. A violation of Porter's Fifth Amendment Rights and Article 22 ones is crucially important, as is the right to a fair trial. This issue potentially affects every case in Maryland from this point forward where two people are charged with the same crime, and their cases are severed. That has to occur literally thousands of time a year. It is important. At the hearing in the circuit court on this matter, all the parties agreed that there is no appellate guidance in Maryland on this issue. The circuit court lamented the lack of appellate law on this issue and opined "[w]hy does it got to be me [going first]?". Tr. 1/6/16 at 63. It goes without saying that this case is garnering international attention.

(3) it must be completely separate from the merits of the action. The Motion to Compel was filed in Officer Caesar Goodson, and Sgt. Alicia White's cases. Those cases involve homicide charges against the officers. Porter's right not to incriminate himself is separate and distinct from the other Officers' trials.

(4) it must be effectively unreviewable on appeal from a final judgment. At the hearing in the Circuit Court the parties and the court agreed that Goodson did not have standing to challenge the State's subpoena and motion to compel, filed to procure the testimony of Porter. Thus, it cannot and will not be in any way reviewed on appeal. Even if Porter could somehow appeal it later, unless this Court considers the matter now, the horse will have bolted. The harm complained of here is William Porter testifying in the case of the other officers. The time to review it is before he hits the stand. Afterwards this Court cannot posthumously pardon such conduct.

For these reasons, Porter may properly challenge his subpoena and order to be a compelled witness now.

**V. THE CIRCUIT COURT'S RULING THAT
PORTER CAN BE COMPELLED TO TESTIFY WAS ERRONEOUS**

The immunity statute in question reads, in relevant part, as follows:

(b)(1) If a witness refuses, on the basis of the privilege against self-incrimination, to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, and the court issues an order to testify or provide other information under subsection (c) of this section, the witness may not refuse to comply with the order on the basis of the privilege against self-incrimination.

(2) No testimony or other information compelled under the order, and no information directly or indirectly derived from the testimony or other information, may be used against the witness in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with the order.

(c)(1) If an individual has been, or may be, called to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, the court in which the proceeding is or may be held shall issue, on the request of the prosecutor made in accordance with subsection (d) of this section, an order requiring the individual to give testimony or provide other information which the individual has refused to give or provide on the basis of the individual's privilege against self-incrimination.

(2) The order shall have the effect provided under subsection (b) of this section.

(d) If a prosecutor seeks to compel an individual to testify or provide other information, the prosecutor shall request, by written motion, the court to issue an order under subsection (c) of this section when the prosecutor determines that:

(1) The testimony or other information from the individual may be necessary to the public interest; and

(2) The individual has refused or is likely to refuse to testify or provide other information on the basis of the individual's privilege against self-incrimination.

Md. Code § 9-123. The circuit court has ruled that, under the grant of immunity conferred on by this section, Officer Porter will have no Fifth Amendment Privilege, and will have to answer the questions, under penalty of contempt.

Porter has not been given transactional immunity. The State fully intends to go forward with Officer Porter's retrial on June 13, 2016 - - but in the interim seeks to compel him as a witness in their cases against Officer Goodson and Sergeant White.

VI. PORTER CANNOT BE COMPELLED TO TESTIFY

(a) The State would be suborning perjury

Firstly, Maryland does not allow for a prosecutor or a court to immunize perjury. Which makes sense from a societal standpoint: 'here's your immunity, now go say whatever you want' is scarcely in the public interest. So, the circuit court's grant of immunity will have no effect on the ability of the State of Maryland to charge Officer Porter with perjury later.

If Officer Porter is compelled to testify at Goodson and White trials, and were to testify differently from his own trial: it is surely axiomatic that he would have committed perjury during at least one of the trials. However, even if he testifies consistently with his previous trial: as narrated above the prosecution already believes he has committed multiple instances of perjury. And, as detailed below, what is of crucial importance is what they, the State, believe.

The State's commenting on Officer Porter's testimony would be admissible in Goodson and White's trial as an admission of a party oponent. See, for example, *Wisconsin v. Cardenas-Hernandez*, 219 Wis. 2d 516, 529, 579 N.W.2d 678, 684 (1998) (collecting cases).

The relevant law governing a prosecutor's use of perjured testimony is set forth in *Napue v. Illinois* (1959):

[I]t is established that a conviction obtained through use of false evidence, known to be such by representatives of the State, must fall under the Fourteenth Amendment. The same result obtains when the

State, although not soliciting false evidence, allows it to go uncorrected when it appears.

The principle that a State may not knowingly use false evidence, including false testimony, to obtain a tainted conviction, implicit in any concept of ordered liberty, does not cease to apply merely because the false testimony goes only to the credibility of the witness. The jury's estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence, and it is upon such subtle factors as the possible interest of the witness in testifying falsely that a defendant's life or liberty may depend.

360 U.S. 264, 269 (citations omitted.) Accordingly, *State v. Yates*, decided by the Supreme Court of New Hampshire, presents a legal scenario that is analogous to that of the instant matter. 629 A.2d 807, 809 (N.H. 1993). In *Yates*, the prosecutor reasonably believed that a witness presented false testimony when the witness denied any involvement in illicit drugs, and that witness' false testimony was integral to the conviction of the defendant. Id. The defendant's "entire defense depended on the premise that [the witness] owed [the defendant] money from a cocaine sale." Id. The prosecutor knew before trial that the witness had recently been indicted for drug possession, yet, the prosecutor failed to correct the witness' statement when the witness denied any involvement in illicit drugs.

Importantly, the *Yates* court stated that one does not need to prove that the prosecutor had *actual knowledge* of the uncorrected false testimony; one "need only show that the prosecutor *believed* [the witness'] testimony was probably false." See *May v. Collins*, 955 F.2d 299, 315 (5th Cir. 1992), *cert. denied*, 504 U.S. 901 (1992); *United States v. Mills*, 704 F.2d 1553, 1565 (11th Cir. 1983), *cert.*

denied, 467 U.S. 1243 (1984); cf. *Giglio v. United States*, 405 U.S. 150, 154 (1972) (knowledge of one attorney in prosecutor's office attributed to other attorneys in office). The Supreme Court of New Hampshire ultimately held that a lawyer's duty of candor to the tribunal "is neglected when the prosecutor's office relies on a witness's denial of certain conduct in one case after obtaining an indictment charging the witness with the same conduct in another case." *Yates*, 629 A.2d at 809.⁵ For the prosecution to offer testimony into evidence, knowing it or believing it to be false, is a violation of the defendant's due process rights. *Mills*, 704 F.2d at 1565 citing *United States v. Sutherland*, 656 F.2d 1181, 1203 (5th Cir. 1981), cert. denied, 455 U.S. 949 (1982); *United States v. Brown*, 634 F.2d 819, 827 (5th Cir. 1981). As noted by the District of Columbia Court of Appeals, "the nondisclosure of false testimony need not be willful on the part of the prosecutor to result in sanctions." *Hawthorne v. United States*, 504 A.2d 580, 591 n. 26 (D.C. 1986) citing *Giglio v. United States*, 405 U.S. at 154.

⁵ The parallel rule in Maryland is Maryland Rule 16-812, Maryland Rule of Professional Conduct 3.3 "Candor Toward the Tribunal," which provides:

(a) A lawyer shall not knowingly:

(1) make a false statement of fact or law to a tribunal or fail to correct a false statement of material fact or law previously made to the tribunal by the lawyer;

(2) fail to disclose a material fact to a tribunal when disclosure is necessary to avoid assisting a criminal or fraudulent act by the client;

....

(4) offer evidence that the lawyer knows to be false. If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall take reasonable remedial measures.

So while Officer Porter one "need only show that the prosecutor *believed* [the witness'] testimony was probably false," he need go no further than the factual summary above to evince that both Ms. Bledsoe and Mr. Schatzow stated unambiguously that what Officer Porter said was demonstrably false.

There is no way around the Constitutional ill complained of above. It is of no moment if the State makes claims that Officer Porter is very unlikely to be prosecuted for any statement he might make at the White / Goodson trials. That is because:

We find no justification for limiting the historic protections of the Fifth Amendment by creating an exception to the general rule which would nullify the privilege whenever it appears that the government would not undertake to prosecute. Such a rule would require the trial court, in each case, to assess the practical possibility that prosecution would result from incriminatory answers. Such assessment is impossible to make because it depends on the discretion

United States v. Miranti, 253 F.2d 135, 139 (2nd Cir.1958) (cited with approval in *Choi v. State*, 316 Md. 529, 539 (1989)).

Even if (which they cannot) the State could somehow confine their direct questioning to areas in which they have never levied a perjury accusation against Officer Porter, this would still not solve the issue.

This is because "a judge must allow a defendant wide latitude to cross-examine a witness as to bias or prejudices." *Smallwood v. State*, 320 Md. 300, 307-08 (1990). Accordingly, whatever narrow focus the State may decide to

employ in an attempt to cure the unconstitutional ill set out herein, nothing would bind counsel for Goodson and White from a much wider foray on cross-examination. Lest this Court make any mistake: the State believes that Officer Porter's testimony is *pivotal* to a conviction against White and Goodson. They told the circuit court that not calling Porter would "gut" said prosecutions. As such, it is far from a stretch that counsel for the defendants will additionally jump on the Officer Porter lack of veracity bandwagon. With one crucial difference: counsel for Goodson and White owe Appellant nothing by way of discovery obligations. Appellant does not have the faintest inkling what is coming from these hostile questioners, yet he will be compelled to answer their accusations within a few seconds of hearing them: under oath. In the event that Officer Porter withstands their cross with his reputation intact, the prosecutors could then become character witnesses to impugn his veracity (see further below).

To allow Porter to testify, is likely to result in him being unavailable for cross-examination. While the state may give him immunity, the defense cannot. And any new areas that they enquire into are likely to result in Porter declining to answer. No part of any statement Porter has ever given can be used if he is unavailable for cross-examination. *Crawford v. Washington*, 541 U.S. 36 (2004); *State v. Snowden*, 385 Md. 64 (2005).

(b) The grant of immunity by the Circuit Court will not put Officer Porter in the same position

In a reply to Porter's Motion to Quash, filed on January 6, 2016, the state informed the court below that:

the State has no intentions of calling Officer Porter to the stand in *Goodson* and then pretending that what the prosecutors called a lie in Porter's trial is now the truth in *Goodson's* trial. If Officer Porter testifies in *Goodson* consistently with his testimony in his own case, he may rest assured that prosecutors will be consistent with their evaluation of his testimony.

Id. at 12. Thus, the state continues to believe that Porter committed perjury as they used the word "lie," and there is certainly no question that where the state parted ways with Porter was material.

A grant of immunity must provide a protection coextensive with the Fifth Amendment, as required by *Kastigar*. The State attempted to impeach Officer Porter during his mistrial, and to do so, the State presented a theory during Officer Porter's trial which alleged that Officer Porter lied and attempted to cover up facts when giving a statement to police officers, and when taking the stand in his own defense. Effectively, the State wishes to compel Porter, through the farce of a grant of immunity, to lay a foundation for evidence that the State has deemed as constituting an obstruction of justice and perjury.

Perjury, of course, has no statute of limitations. Md. Crim. Code § 9-101(d). It carries ten (10) years in jail. So Officer Porter can be charged with it as and when the state chooses to, and be confined to a penitentiary for up to a

decade. It is also important to note that Md. Crim. Code § 9-101(c)(1) states that if a defendant gives two contradictory statements, the state does not have to prove which is false, it is enough that both statements under oath cannot be true. As such, if Officer Porter were to testify in Officer Goodson or Sergeant White's trial (or both or others) something that the state believes is inconsistent with his trial testimony, the state would not have to prove which is false, and all the immunity the state could confer would be rendered meaningless.

Further: a defendant, of course, always has a right to testify in his defense. At the bench during Officer Porter's trial the circuit court went to great lengths to inform Officer Porter of his absolute right to testify and the corresponding right to remain silent. That said "a person convicted of perjury may not testify." Md. Code § 9-104. As such, calling Officer Porter as a witness in the Goodson/White trials may result in him being stripped of his ability to testify at his own trial. Again, all the immunity in the world can do nothing to alleviate this concern.

In addition, the Supreme Court ruled in *Kastigar* that a witness may be compelled to testify when given use and derivative use immunity, if after the immunity is granted, the immunity leaves the witness in the same position, as if the witness had simply claimed the privilege. *Kastigar v. United States*, 406 U.S. 441 (1972); see also *Murphy v. Waterfront Comm'n of New York Harbor*, 378 U.S. 52, 79 (1964) abrogated by *United States v. Balsys*, 524 U.S. 666 (1998). Thus, the Maryland statute and *Kastigar* are directly inapposite to the State's theory that Officer Porter committed an obstruction of justice during his taped

statement, and Officer Porter committed perjury when he took the stand in his defense at trial. The state cannot adduce testimony from Appellant on multiple occasions, that it has deemed perjurious, and then say it's a wash.

Courts have agreed, that "[t]he exception in the immunity statute allows the use of immunized testimony only in prosecutions for future perjury, future false statements, and future failure to comply with the immunity order, not for past acts." *Matter of Grand Jury Proceedings of Aug., 1984*, 757 F.2d 108 (7th Cir. 1984). Truthful testimony under a grant of immunity may not be used to prosecute the witness for false statements made earlier. *In re Grand Jury Proceedings*, 819 F.2d 981 (11th Cir. 1987). Thus, based on the State's blatant impeachment of Officer Porter during his trial, the State is effectively presented with a Hobson's choice. The State either has to retract their previous theory, and admit that Officer Porter was truthful (the state has indicated this will not happen), or the State has to recognize that the grant of immunity would be a farce – that is, the State's grant of immunity would be coaxing Officer Porter into committing what the State believes is perjury and an obstruction of justice, both of which are crimes that falls outside the scope of immunity granted in the immunity statute. MD. CODE, CTS. & JUD. PROC. § 9-123. Such a farcical grant of immunity would fly in the face of *Kastigar's* holding that a witness may be compelled to testify when given use and derivative use immunity, if after the immunity is granted, the immunity leaves the witness in the same position, as if the witness had simply claimed the privilege. 406 U.S. 441.

An analogous scenario is found in *United States v. Kim*, 471 F. Supp. 467 (D.D.C. 1979). *Kim* held that when a defendant was found to have given a perjurious response to a congressional committee's question, and then that same defendant is granted use and derivative use immunity to answer the same question, such a grant was not coextensive with scope of privilege that must be provided under *Kastigar*, as it could have resulted in the infliction of criminal penalties. *U.S. v. Kim* is similar to Officer Porter's scenario in that the prosecution cannot first allege that Porter has provided perjured testimony/committed obstructions of justice, and then thereafter grant immunity to suborn the very same testimony that was allegedly perjured. To summarize: "[i]t is well-established in federal courts that the privilege against self-incrimination can properly be invoked based on fear of a perjury prosecution arising out of conflict between statements sought to be compelled and prior sworn testimony." *Johnson v. Fabian*, 735 N.W.2d 295, 310-11 (Minn. 2007) (citing other cases).

Further: each additional statement by Officer Porter would be live tweeted and reported upon, resulting in an inability to receive a fair trial. Notably, this is a matter in which 100% of the jury panel was aware of the case. Likely the same percentage of a new panel would have at least some knowledge of preceding case(s).⁶ If Officer Goodson or Sergeant White were to be acquitted it is all but

⁶ The recent newspaper reports by the Baltimore Sun of the jury split in Porter's mistrial have yet further muddied the waters.

inevitable that jurors would conclude that Porter - - the star witness - - was not credible. If convicted, the jurors will assume that Officer Porter has knowledge of inculpatory acts that he has now revealed when granted immunity.

Commentators will likely opine as to this regardless of the outcome of each trial.

Officer Porter's statement at his trial was unquestionably voluntary, and his statements to law enforcement were found by the circuit court to be voluntary. Contrarily, Officer Porter's potential statements in Officer Goodson's trial and Sgt. White's trial would not be. Officer Porter would thereby be subjected to jurors with some knowledge of the substance of his compelled statements. Parsing out whether a juror's knowledge of Officer Porter's previous testimony was from the initial voluntary statements, or the later compelled statements, would not be possible in voir dire. A mini-*Kastigar* hearing would be required for each juror.⁷

Moreover, in Officer Porter's trial, and any retrial, the witness were and can be sequestered. The reason for this is obvious, that each witness should testify about his or her recollection, untainted by what every other witness said. And while a trial court can compel witnesses at Officer Porter's trial from learning what the other witnesses have testified to, it can scarcely prohibit people from following accounts of Officer Porter's testimony in the Goodson and White trials.

From a public policy standpoint: why wouldn't a prosecutor do it in every case? It is all too common that more than one person is charged with any given

⁷ For the problems abundant at *Kastigar* hearings generally see *United States v. Hampton*, 775 F.2d 1479, 1487 (11th Cir. 1985).

homicide. Because of a host of reasons, the cases are often severed or not joined. Why would an enterprising prosecutor not say "you know what, Defendant B may testify in his trial. So I'll give him immunity and call him as a witness in Defendant A's trial. I'll see how he responds to questions, get an advance preview of what he's going to say, get a feel for how to cross him, whether to offer him a plea, sure I can't use what he says, but they can't make me forget it, there's no prohibition against me getting a transcript, no brainer, right?" This is exactly the kind of harm the Eighth Circuit saw, when holding that "[s]uch use could conceivably include assistance in focusing the investigation, deciding to initiate prosecution, refusing to plea-bargain, interpreting evidence, planning cross-examination, and otherwise generally planning trial strategy."

United States v. McDaniel, 482 F.2d 305, 311 (8th Cir. 1973).⁸

A later *Kastigar* will be insufficient to remedy Officer Porter's testimony at two trials.⁹ As Officer Porter has "not yet delivered the...material, and he

⁸ In *McDaniel* the prosecutor was inaware that the testimony in question was protected by a statutory grant of immunity. In this instance, however, it is deliberate and knowing.

⁹ As now United States District Court Judge Bennett has noted:

[t]here is without question a great possibility of secret misuse of compelled testimony, since there is no great difficulty in finding sources 'wholly independent' for a conclusion already reached from the leads of compelled testimony...The task of proving that evidence offered is the result of illicit use of compelled testimony is an impossible burden for a defendant...No defendant is in a position to pierce the law enforcement process and prove to a court that illicit use was made of his testimony.

consistently and vigorously asserted his privilege. Here the 'cat' was not yet 'out of the bag' and reliance upon a later objection or motion to suppress would 'let the cat out' with no assurance whatever of putting it back." *Maness v. Meyers*, 419 U.S. 449 (1975).

By the same token, the state cannot call Officer Porter, solely for the purpose of getting into evidence statements from the Porter trial that they believe aid in their pursuit of a conviction of others. That is because "even if the sole purpose in calling a witness is other than subterfuge, the questioning by a party of its own witness concerning an 'independent area of inquiry' intended to open the door for impeachment and introduction of a prior inconsistent statement could be found improper." *Walker v. State*, 373 Md. 360, 386 (2003).

There is also a Sixth Amendment issue with regard to the State's purported course of action. Appellant is, of course, entitled to counsel of his choice. *State v. Goldsberry*, 419 Md. 100 (2011). And it is surely obvious that Appellant's counsel and he have discussed this matter at length over the preceding months. So what, then, should happen if Appellant testifies inconsistently under grant of immunity with what he has informed his counsel? To be clear: a lawyer may not suborn perjury. See, for example, *Green v. State*, 25 Md. App. 679 (1975). Rule 3.3 of the Rules of Professional Conduct, which govern the undersigned, contain a number of prohibitions. But, in a nutshell, counsel shall not offer anything to a

Richard D. Bennett, Self-incrimination: Choosing a Constitutional Immunity Standard 31 Md. L. Rev. 289, 300 (1972).

court that they know to be incorrect, shall correct anything that they later learn to be false, and may refuse to offer evidence they reasonable believe to be false. If this Court allows Officer Porter to testify once, twice, thrice or more, it may very well violate Officer Porter's right to counsel of his choice, because counsel will be in an untenable position. This is not a coextensive position.

Mr. Schatzow will surely not ask Officer Porter the same questions six months later as he did the first go around. Even if he did, it is inconceivable that Officer Porter will answer them the same way. All good cross examination is palimpsest, it builds on what you already know. To allow the state to have the windfall of two (2) more runs at Officer Porter (or more), prior to his retrial, is anathema to our notions of the right to remain silent. It is the same trial team for all six (6) cases. Indeed,

at least two circuits have held that once a prosecuting attorney reads a defendant's immunized testimony, he cannot thereafter participate in the *trial* of the defendant, even where all the evidence to be introduced was derived from legitimate independent sources. *United States v. Semkiw*, 712 F.2d 891 (3rd Cir.1983); *United States v. McDaniel*, 482 F.2d 305 (8th Cir.1973).

United States v. Byrd, 765 F.2d 1524, 1530 (11th Cir. 1985). (Emphasis in the original).¹⁰

¹⁰ *Byrd* also held that "the government's use of its knowledge of Byrd's immunized testimony to elicit evidence on cross-examination—would probably constitute an impermissible use of *evidence* derived indirectly from the immunized testimony." *United States v. Byrd*, 765 F.2d 1524, 1531 (11th Cir. 1985). (Emphasis in the original).

In Porter's trial, it is axiomatic that his lawyer could object if the State asked him something objectional, or were to elicit hearsay, all manner of issues. The rights of a witness, however, are markedly less concrete in the trial of the other officers.

The Maryland statute on immunity states that "if a witness refuses...the witness may not refuse to comply...may be used against the witness...if a witness refuses to comply..." *Id.* (emphasis supplied).¹¹ The statute is designed for people without skin in the game: witnesses. Not Officer Porter.

To be sure: there are ways of compelling someone that the state believes to be less culpable in a criminal act to testify at the other's trial. *People v. Brunner*, 32 Cal. App. 3d 908, 911, 108 Cal. Rptr. 501 (CA Ct. App. 1973).

California sensibly holds that:

where, as here, the defendant properly invokes the privilege against self-incrimination in a felony proceeding and is compelled by invocation of [the California Immunity Statute] to testify to matters which tend to incriminate him as to presently charged offenses, he may not be prosecuted for them, notwithstanding that his testimony is not used against him.

¹¹ In fact the caption above § 9-123(c) states "Order requiring testimony or information in grand jury proceedings." (Emphasis in the original). By the same token: subsection (e) deals with contempt when the refusal is before the grand jury. As such, it is arguable that the only form of compelled testimony contemplated by the statute is that before a grand jury: which is in the process of gathering facts. Certainly, there is not even a scintilla of support in the language for the notion that this section was intended for the case at bar. A word search for "trial" in § 9-123 turns up not a single hit, nor can you find the word "jury" unless you include "grand jury" or "perjury."

People v. Campbell, 137 Cal. App. 3d 867, 187 Cal. Rptr. 340 (CA Ct. App. 1982).¹² Accord *People v. Matz*, 68 Cal. App. 4th 1216, 80 Cal. Rptr. 2D 872, 875 (1998).

Officer Porter is not saying that Md. Rule 9-123 is unconstitutional. Instead Appellant posits that, as applied to him, § 9-123 is insufficient in this particular instance to protect a man with a pending manslaughter charge. The majority of the jurisdictions that have considered the issue, have stated that only transaction immunity will do. *State v. Thrift*, 312 S.C. 282 (S.C. 1994), *State v. Gonzalez*, 853 P.2d 526 (Alaska 1993), *Wright v. McAdory*, 536 So.2d 897 (Miss. 1988), *State v. Soriano*, 68 Ore. App. 642 (Or. Ct. App. 1984), *Attorney General v. Colleton*, 387 Mass. 790 (Mass. 1982), *D'Elia v. Penn. Crime Commn.*, 521 Pa. 225 (PA. 1989), *State v. Miyasaki*, 62 Haw. 269 (Hawaii 1980), *Campbell id.*

(c) Porter has not been immunized federally

Federal prosecutors and Judges have the ability pursuant to 18 U.S.C. §§ 6001–03 to grant formal immunity. There have also been many instances when the United States Attorney in the local jurisdiction have provided a letter, stating that any statement will not be used against the witness.

¹² Again, California holds that, under its statute “The measure of what incriminates *defines* the offenses immunized. Thus, the inference (“link”) from compelled testimony to implicated offense serves to identify and hence *define* the offense immunized from prosecution.” *People v. Campbell*, 137 Cal. App. 3d 867, 874, 187 Cal. Rptr. 340 (CA Ct. App. 1982) (emphasis in the original).

No such action has been taken in this case. And that notwithstanding, as stated earlier, that the United States Department of Justice is very much aware and monitoring all that is going on in the case at bar.

When the United States Government becomes aware of immunized testimony it typically develops a "taint" team.¹³ That has not happened here. The same prosecutors that presented the case to the grand jury, participated in pretrial hearings, and tried Officer Porter's case, are now seeking to compel his testimony in the trials of two others, and will be counsel of record when Porter Round 2 commences. No walls will be erected around this testimony, the spill over effect will be instantaneous and indelible. For that reason alone this Court must disallow the calling of Officer Porter as a witness.

While *United States v. Poindexter*, 698 F. Supp. 300 (D.D.C. 1988) was initially cited by the state in the court below, it nicely summarizes Appellant's argument in this Court. The primary thrust of the case concerns the steps taken by grand jury members to avoid learning of immunized testimony given at Congress, prior to their returning of an indictment. That is night-and-day from what we have here. The reason *Poindexter* supports Officer Porter's position is that:

there must be noted several administrative steps which were taken by Independent Counsel from an early date to prevent exposure of himself and his associate counsel to any immunized testimony. Prosecuting personnel were sealed off from exposure to the immunized testimony itself and publicity concerning it. Daily

13 Sometimes the respective teams are called "clean" and "dirty."

newspaper clippings and transcripts of testimony before the Select Committees were redacted by nonprosecuting "tainted" personnel to avoid direct and explicit references to immunized testimony. Prosecutors, and those immediately associated with them, were confined to reading these redacted materials. In addition, they were instructed to shut off television or radio broadcasts that even approached discussion of the immunized testimony. A conscientious effort to comply with these instructions was made and they were apparently quite successful. In order to monitor the matter, all inadvertent exposures were to be reported for review of their possible significance by an attorney, Douglass, who played no other role in the prosecution after the immunized testimony started...Overall, the file reflects a scrupulous awareness of the strictures against exposure and a conscientious attempt to avoid even the most remote possibility of any impermissible taint.

Id. at 312-313. It is therefore, readily apparent that the prosecution team in *Poindexter* went out of their way to avoid learning anything - - let alone anything of consequence - - from the immunized testimony. In the case at bar, however, there is but one prosecution team. The same people that crossed Officer Porter last time will be in the room when he is called as a witness next time, and the time after that and, potentially, a fourth time at his retrial.¹⁴ The state's failing to Chinese wall the different prosecutions means that they cannot now remove the indellible taint.

The state in the circuit court, while attempting to minimize Porter's concerns, principally relies on *United States v. Balsys*, 524 U.S. 666, 680-682 (1998). There are several points to make about this case. Firstly, even the

¹⁴ At a minimum "a prosecutor's failure to withdraw certainly makes it more difficult for the government to prove that the compelled testimony did not contribute to the prosecution." *United States v. Harris*, 973 F.2d 333, 337 (4th Cir. 1992).

portions that the state relies on cannot be said to be anything more than *dicta*. The holding of *Balsys* was that “[w]e hold that concern with foreign prosecution is beyond the scope of the Self-Incrimination Clause.” *Id.* at 669.

Balsys was an immigration case. *Balsys* was not given any immunity, and so is dissimilar to the case at bar. And *Balsys*' purported fear was that he might be prosecuted in “Lithuania, Israel and Germany.” *Id.* at 670. Of course, no prosecution at that time was pending, indeed there was nothing in the record that Lithuania had had any contact with the defendant since his immigration from that country 37 years earlier. The Supreme Court distilled the issue into one sentence: could *Balsys* “demonstrate that any testimony he might give in the deportation investigation could be used in a criminal proceeding against him brought by the Government of either the United States or one of the States, [then] he would be entitled to invoke the privilege.” Here: Officer Porter has demonstrated, **conclusively**, that there is an ongoing investigation by the United States.

Moreover, *Balsys* reiterates that “the requirement to provide an immunity as broad as the privilege itself.” As stated herein, given that the same prosecutors will take Mr. Porter's testimony not once: but twice - - in the trials of Goodson and White, will then cross-examine Officer Porter again at his retrial, he will not, and cannot be, placed in the same position as if he had never testified. The state gets an advantage, and what Mr. Schatzow learns of Officer Porter's

knowledge during the compelled testimony during the trials of Goodson and White cannot be unknown to him on June 13, 2016.

Respectfully, this matter is proceeding in the Circuit Court for Baltimore City, and this Court cannot make such an inferential leap as to what a separate sovereign may decide in the future.

Following *Balsys*, the state also cited *United States v. Cimino*, 2014 U.S. Dist. LEXIS 155236 (10/29/14). Firstly, an unreported United States District Court decision from another circuit is scarcely a reason for this Court to make law that flies in the face of 12 score years of Anglo-Maryland jurisprudence.

Secondly, the reluctant witness in *Cimino* was an “agent of the FBI...carrying out the controlled buys orchestrated by the Bureau.” *Id.* at 5. This is a world away from the case at bar. While the *Cimino* witness may have had a snowball's chance in hell of being prosecuted, no matter what she said, Officer Porter has already been tried once for homicide, with another to follow anon. Lastly, in

Cimino:

However, the immunity arguments pressed on this Court by defendant are of no relevance to the case at bar. The informant has not been immunized by anyone, for anything. She has no agreement that requires any sovereign to forbear from prosecuting her for any crimes she may commit, including crimes committed during the course of her work as an informant

Id. at 11-12. Thus, the portion cited by the state cannot be said to be anything other than unreported, non-binding, *dicta*.

(d) Appellant has a separate right not to testify under the Maryland Declaration of Rights

As stated *supra*, Article 22 of the Maryland Declaration of Rights is the state equivalent to the self-incrimination clause of the Fifth Amendment. Counsel has located no case which holds that *Murphy* or *Balsys*' rulings are applicable in Maryland under Article 22 grounds.

The State, in the court below, relied on a footnote for the proposition that "Article 22 of the Maryland Declaration of Rights grants the same privilege against compulsory self-incrimination [as the Fifth Amendment]." *In re Criminal Investigation No. 1-162*, 307 Md. 674, 683 (1986). This appears to contradict the actual holding found in the Court of Appeals' later case of *Choi v. State*, 316 Md. 529, 545 (1989). Because while a witness may have:

waived her Fifth Amendment privilege, she certainly did not waive her privilege against compelled self-incrimination under Art. 22 of the Maryland Declaration of Rights. Long ago, in the leading case of *Chesapeake Club v. State*, 63 Md. 446, 457 (1885), this Court expressly rejected the waiver rule now prevailing under the Fifth Amendment and adopted the English rule that a witness's testifying about a matter does not preclude invocation of the privilege for other questions relating to the same matter.

Id. This is authority for Officer Porter's contention herein that, while immunity cannot cure his Fifth Amendment concerns, it most certainly cannot protect his Maryland rights.¹⁵

¹⁵ It has been suggested for many years that under dual sovereignty, what is required is transactional immunity in the court in question, and use immunity as to all others. See, for example, Richard D. Bennett, *Self-incrimination: Choosing a Constitutional Immunity Standard* 31 Md. L. Rev. 289, 295 (1972).

Maryland retains the dual sovereignty doctrine in its entirety. *Evans v. State*, 301 Md. 45 (1984) (adopting the dual sovereignty principle as a matter of Maryland common law); see also *Gillis v. State*, 333 Md. 69, 73 (1993) (holding that “[u]nder the “dual sovereignty” doctrine, separate sovereigns deriving their power from different sources are each entitled to punish an individual for the same conduct if that conduct violates each sovereignty’s laws). *Bailey v. State*, 303 Md. 650, 660 (1985) (stating that “[t]his Court has adopted, as a matter of common law, the dual sovereignty doctrine.”).

Article 22 of the Maryland Declaration of Rights reads that “That no man ought to be compelled to give evidence against himself in a criminal case.” *Id.* Under Article 22, “[t]he privilege must be accorded a liberal construction in favor of the right that it was intended to secure.” *Adkins v. State*, 316 Md. 1, 8 (1989). Article 22 uses the word “evidence,” which the Federal constitution does not. Evidence against oneself can be provided in a number of ways. Accordingly, Officer Porter submits that the Maryland Declaration of Rights is wider than the protection afforded Appellant by the United States.

The Massachusetts Declaration of Rights, Article XII states, similarly, that no one can be “compelled to accuse, or furnish evidence against himself.” And in Massachusetts “[o]nly a grant of transactional immunity” will suffice. *Attorney Gen. v. Colleton*, 387 Mass. 790, 801, 444 N.E.2d 915, 921 (1982). Thus, Officer Porter could not be called, were we in Massachusetts, “so long as the witness

remains liable to prosecution criminally for any matters or causes in respect of which he shall be examined, or to which his testimony shall relate." Id. at 797.

(e) The state will be making themselves witnesses

The only two (2) persons that have called Officer Porter a liar -- to date -- are Deputy State's Attorney Janice Bledsoe and Chief Deputy Michael Schatzow. As stated, *supra*, Mr. Schatzow's has told one jury that Porter "lied to you [the jury] about what happened... lied when he spoke to the [investigative] officers and he lied when he spoke on the witness stand;" while Ms. Bledsoe argued "Officer Porter was not telling the truth about his involvement in this incident...the only reasonable conclusion you can come to is that Ofc. Porter is not telling the truth." Id. Coming from two deputies in the States Attorney's Office these comments are that much more significant because:

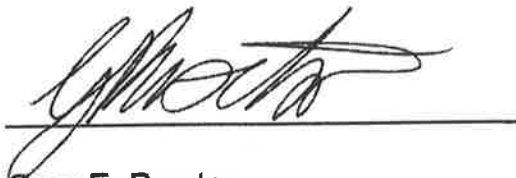
Attorneys' representations are trustworthy, the [The Supreme] Court [has] reasoned, because attorneys are officers of the court, and when they address the judge solemnly upon a matter before the court, their declarations are virtually under oath.

Lettley v. State, 358 Md. 26, 47 (2000) (internal citations omitted).

If Officer Porter is allowed to testify in the Goodson and White trial there are two (2) people, and only two (2) people, that can be called to impugn his credibility, Ms. Bledsoe and Mr. Schatzow. Thus, "[i]n order to attack the credibility of a witness, a character witness may testify...that, in the character witness's opinion, the witness is an untruthful person." Md. Rule 5-608.

same events in their thirst to convict others. It is indubitably correct that this will give the state a leg up in their later quest to convict Appellant. They will see first hand not once, but twice, how Porter reacts to repeated direct and cross by parties with interests adverse to his. And, if their quest to convict Porter of homicide fails, the state will now have further instances under oath that they have already asserted loudly and repeatedly constitute perjured testimony. There are witnesses, and there are defendants with pending homicide trials. It is time to tell the State that never the twain shall meet.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "G. Proctor", is written over a horizontal line.

Gary E. Proctor
Law Offices of Gary E. Proctor, LLC
8 E. Mulberry Street
Baltimore, MD 21202
410-444-1500
Fax 866-230-4455
garyeproctor@gmail.com


J. Murtha, P.C.

Joseph Murtha
Murtha, Psoras & Lanasa, LLC
1301 York Road, Suite 200
Lutherville, MD 21093
410-583-6969
jmurtha@mpllawyers.com

Attorneys for Appellant William Porter

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of January 2016, a copy of Appellant's Opening Brief was hand delivered to Carrie Williams, Assistant Attorney General.



GARY E. PROCTOR

CERTIFICATION OF WORD COUNT

This brief contains 11,251 words, excluding the parts of the brief exempted from the word count by Rule 8-503. This brief complies with the font, spacing, and type size requirements that are set out in Rule 8-112.



GARY E. PROCTOR

IN THE
COURT OF SPECIAL APPEALS OF MARYLAND

SEPTEMBER TERM, 2015

NO. 2308

CAESAR GOODSON,

Appellant,

v.

STATE OF MARYLAND,

Appellee.

APPEAL FROM THE CIRCUIT COURT
FOR BALTIMORE CITY

(Hon. Barry G. Williams, Motions Judge)

BRIEF AND APPENDIX OF APPELLEE

BRIAN E. FROSH
Attorney General of Maryland

CARRIE J. WILLIAMS
Assistant Attorney General

Office of the Attorney General
Criminal Appeals Division
200 Saint Paul Place
Baltimore, Maryland 21202
(410) 576-6422
cwilliams@oag.state.md.us

Counsel for Appellee

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

STATEMENT OF THE CASE..... 1

QUESTION PRESENTED 1

STATEMENT OF FACTS..... 2

ARGUMENT 5

 I. COURTS AND JUDICIAL PROCEEDINGS,
 SECTION 9-123 PROVIDES PORTER SUFFICIENT
 PROTECTION AGAINST SELF-INCRIMINATION
 TO ALLOW HIS TESTIMONY TO BE COMPELLED
 IN THE TRIAL OF CAESAR GOODSON..... 5

 A. The History of Immunity Statutes 8

 B. Maryland’s Immunity Statute..... 11

 C. Ordering Porter to testify under Section 9-123
 does not violate his Fifth Amendment privilege 15

 1. Porter’s Fifth Amendment privilege is not
 enhanced because he is currently pending
 criminal charges 18

 2. Porter has no Fifth Amendment right to
 commit perjury, and the State’s
 arguments at Porter’s first trial regarding
 his credibility are irrelevant..... 23

 3. Immunity provided under § 9-123 protects
 Porter from federal prosecution 31

 4. Porter’s complaints about the lack of a
 “taint team” can be resolved, if necessary,
 prior to his retrial..... 33

D. Ordering Porter to testify under § 9-123 does not violate his rights under Article 22 of the Maryland Declaration of Rights	35
CONCLUSION	39
CERTIFICATION OF WORD COUNT AND COMPLIANCE WITH MD. RULE 8-112.	40
PERTINENT PROVISIONS.....	41

TABLE OF APPENDIX CONTENTS

Sept. 15, 2015 letter to Judge Williams.....	Apx. 1-2
Subpoena for William Porter.....	Apx. 3
State’s Motion to Compel.....	Apx. 4-8
Order Compelling Porter to Testify	Apx. 9-10
Position Paper for HB 1311	Apx. 11-19

TABLE OF AUTHORITIES

Cases

<i>Adkins v. State</i> , 316 Md. 1 (1989)	36
<i>Choi v. State</i> , 316 Md. 529 (1989)	36
<i>Counselman v. Hitchcock</i> , 142 U.S. 547 (1892).....	10
<i>Crosby v. State</i> , 366 Md. 518 (2001)	36
<i>Earp v. Cullen</i> , 623 F.3d 1065 (9th Cir. 2010).....	26
<i>Ellison v. State</i> , 310 Md. 244 (1987)	36, 37, 38
<i>Goldberg v. United States</i> , 472 F.2d 513 (2d Cir. 1973)	20
<i>Graves v. United States</i> , 472 A.2d 395 (D.C. 1984).....	20
<i>In re Ariel G.</i> , 383 Md. 240 (2004)	16, 17
<i>In re Bonk</i> , 527 F.2d 120 (2d Cir. 1975)	30
<i>In re Grand Jury Proceedings Appeal of Frank Derek Greentree</i> , 644 F.2d 348 (5th Cir. 1981).....	28, 29, 30
<i>In re Grand Jury Proceedings</i> , 889 F.2d 220 (9th Cir. 1989).....	22

<i>Johnson v. Fabian</i> , 735 N.W.2d 295 (Minn. 2007).....	30, 31
<i>Kastigar v. United States</i> , 406 U.S. 441 (1972).....	<i>passim</i>
<i>Kronick v. United States</i> , 343 F.2d 436 (9th Cir. 1965).....	27
<i>Marshall v. State</i> , 415 Md. 248 (2010)	36
<i>Murphy v. Waterfront Comm'n of New York Harbor</i> , 378 U.S. 52 (1964).....	32
<i>Napue v. People of State of Ill.</i> , 360 U.S. 264 (1959).....	25
<i>Saint Joseph Medical Center, Inc. v. Cardiac Surgery Associates, P.A.</i> , 392 Md. 75 (2006)	7
<i>Smith v. State</i> , 283 Md. 187 (1978)	37
<i>United States v. Apfelbaum</i> , 445 U.S. 115 (1980).....	26
<i>United States v. Cintolo</i> , 818 F.2d 980 (1st Cir. 1987)	27
<i>United States v. Doe</i> , 819 F.2d 11 (1st Cir. 1987)	27
<i>United States v. Hampton</i> , 775 F.2d 1479 (11th Cir. 1985).....	32
<i>United States v. Hubbell</i> , 530 U.S. 27 (2000).....	15, 16, 34

<i>United States v. Jones</i> , 542 F.2d 186 (4th Cir. 1976).....	32
<i>United States v. Mills</i> , 704 F.2d 1553 (11th Cir. 1983).....	25
<i>United States v. Patrick</i> , 542 F.2d 381 (7th Cir. 1976).....	27, 28
<i>United States v. Schwimmer</i> , 882 F.2d 22 (2d Cir. 1989).....	21, 22
<i>United States v. Turkish</i> , 623 F.2d 769 (2d Cir. 1980).....	16
<i>Zicarelli v. New Jersey</i> , 406 U.S. 472 (1972).....	11

Constitutional Provisions

Article 22 of the Declaration of Rights	8, 38
---	-------

Statutes

18 U.S.C. § 1623.....	27, 28
Md. Code Ann, Cts. & Jud. Proc., § 9-123 (2015).....	<i>passim</i>

Other Authorities

1 WHARTON'S CRIMINAL LAW § 80.....	6
------------------------------------	---

Wayne LaFave, 3 Crim. Proc. § 8.11..... 8, 11

*The Federal Witness Immunity Acts In Theory And Practice: Treading
The Constitutional Tightrope,*
72 Yale L.J. 1568 (1963) 8, 9

BRIEF OF APPELLEE

STATEMENT OF THE CASE

Caesar Goodson is pending second degree murder and related charges in the Circuit Court for Baltimore City (Case Number 115141032). On January 6, 2016, the State sought an order compelling William Porter to testify as a witness in Goodson's trial pursuant to Courts & Judicial Proceedings Section 9-123. The circuit court issued an order compelling Porter to testify. Porter noted a timely appeal, and sought to enjoin enforcement of the order compelling him to testify pending resolution of the appeal.

On January 8, 2016, this Court stayed the order compelling Porter's testimony. On January 11, 2016, this Court stayed the trial of Caesar Goodson pending a resolution of Porter's appeal.

QUESTION PRESENTED

Does Courts and Judicial Proceedings, Section 9-123 provide Porter sufficient protection against self-incrimination to allow his testimony to be compelled in the trial of Caesar Goodson?

STATEMENT OF FACTS

Freddie Gray was injured in police custody on April 12, 2015. He died from his injuries a week later. Six police officers were charged in connection with Gray's death: William Porter; Caesar Goodson; Alicia White; Garrett Miller; Edward Nero; and Brian Rice.

Pursuant to the prosecutor's request, Porter was tried first. (Apx. 1-2). Porter's trial began on November 30, 2015, and ended in a mistrial on December 16, 2015, after jurors were unable to reach a verdict. Porter's case is scheduled for retrial in June of this year.

Until it was stayed by this Court, Goodson's trial was scheduled to begin on January 11, 2016. One month prior to the start of Goodson's trial, the State served Porter with a subpoena to appear and testify as a witness for the prosecution. (Apx. 3). Porter moved to quash the subpoena, which motion was denied at a hearing on January 6, 2016. (H.1/6/16 40).

At that same hearing, Porter took the stand and testified that, if called as a witness in Goodson's trial, he intended to invoke his Fifth Amendment privilege against self-incrimination.

(H.1/6/16 44). The State sought an order compelling Porter's testimony pursuant to Courts and Judicial Proceedings Article, § 9-123. (Apx. 4-8; H.1/6/16 41-42). In its written motion, the State averred that Porter's testimony "may be necessary to the public interest," and that Porter was refusing to testify based upon his privilege against self-incrimination. (Apx. 4).

Porter objected to being compelled to testify on a number of grounds, including that: 1) Section 9-123 does not protect his right against self-incrimination under Article 22 of the Maryland Declaration of Rights, (Motion to Quash Trial Subpoena 33-35; H.1/6/16 48-50, 58); 2) Section 9-123 does not offer immunity coextensive with the Fifth Amendment because it did not protect against his testimony being used in a federal prosecution, (Motion to Quash Trial Subpoena 28-32; H.1/6/16 51-52); and 3) Section 9-123 does not provide immunity coextensive with the Fifth Amendment because he could still be prosecuted for perjury. (Motion to Quash Trial Subpoena at 13-16; H.1/6/16 53, 57-58).

Porter also argued that the State should not be permitted to compel his testimony because doing so would be the equivalent of the State suborning perjury and would turn the prosecutors into

witnesses. (Motion to Quash Subpoena at 22-37). Finally, Porter said that it would be impossible to prevent future jurors and the State from using his immunized testimony against him in a later trial. (Motion to Quash at 16-18).

The State responded that Article 22 has been interpreted as *in pari materia* with the Fifth Amendment, that Supreme Court case law prevents compelled testimony from being used in a federal prosecution, and that Porter has no Fifth Amendment privilege to commit perjury. (State's Response to Motion to Quash Subpoena at 3-4, 6, 10-12; H.1/6/16 59, 60, 62-63). The State also noted that, prior to any retrial, it would be obligated to prove that it was not using Porter's immunized testimony (or anything derived from the testimony) in the case against him. (State's Response to Motion to Quash Subpoena at 9-10; H.1/6/16 59-60).

Moreover, the State said, Porter's complaints about potential improper use of the immunized testimony were not a reason to deny the motion to compel. (H.1/6/16 59-60). Any arguments about what effect Porter's immunized testimony would have on the ability for the State to retry him could be made by motion prior to that retrial. (H.1/6/16 59-60).

After hearing argument, the court issued an order pursuant to the State's request. (Apx. 9-10). The order stated that Porter must testify as a witness in Goodson's case, that he "may not refuse to testify on the basis of his privilege against self-incrimination," and that "no testimony of [Porter], compelled pursuant to this Order, and no information directly or indirectly derived from the testimony of Officer Porter compelled pursuant to this Order, may be used against Officer Porter in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with this Order." (Apx. 9-10). This appeal followed.

ARGUMENT

COURTS AND JUDICIAL PROCEEDINGS,
SECTION 9-123 PROVIDES PORTER SUFFICIENT
PROTECTION AGAINST SELF-INCRIMINATION
TO ALLOW HIS TESTIMONY TO BE COMPELLED
IN THE TRIAL OF CAESAR GOODSON.

In a brief laced with attacks on the prosecution generally and the individual prosecutors specifically, Porter accuses the State of taking actions that are "without precedent," engaging in behavior that "wreaks [sic] of impropriety," and seeking to make law that "flies in the face of 12 score years of Anglo-Maryland [sic]

jurisprudence.” (Brief of Appellant at 1, 3, 37). Porter characterizes himself as “the designated whipping boy[;]” a victim of the State’s thirst for a conviction in the death of Freddie Gray. (Brief of Appellant at 1).

The reality is that the prosecution in this case did nothing improper, unethical, or unprecedented. It did no more than what prosecutors do every day all over the country. Every state and the federal government have a statute that allows for compelled testimony after the grant of immunity. *See* 1 WHARTON’S CRIMINAL LAW § 80 (15th ed.) (immunity statutes “are in force in the federal jurisdiction and in every state”). Here, pursuant to Maryland’s immunity statute, the prosecution exercised its discretion to grant Porter use and derivative use immunity, and requested and received an order compelling him to testify. There is nothing unusual or inappropriate about that.

Nevertheless, Porter now appeals the order compelling him to testify.¹ He alleges that the order violates his privilege against self-incrimination under the federal and state constitutions, and that allowing the State to call him as a witness would be akin to suborning perjury because the State challenged his credibility at his first trial. Porter's claims are without merit. Being compelled to testify pursuant to the order, which provides that neither Porter's testimony nor any information directly or indirectly derived from his testimony can be used against him in any criminal case, except in a prosecution for perjury, obstruction of justice, or violation of the order to compel, does not violate Porter's Fifth

¹ Porter claims that the issuance of the motion to compel is appealable under the collateral order doctrine. (Brief of Appellant at 13-17). It is not, but it is likely appealable as a final judgment. The Court of Appeals in *Saint Joseph Medical Center, Inc. v. Cardiac Surgery Associates, P.A.*, 392 Md. 75, 90 (2006), held that a discovery order issued to a third party in a civil case is not appealable under the collateral order doctrine, but "[i]n situations where the aggrieved appellant, challenging a trial court discovery or similar order, is not a party to the underlying litigation in the trial court," the aggrieved appellant may appeal the order because "it is a final judgment with respect to that appellant[.]"

Amendment privilege and it does not violate Porter's rights under Article 22 of the Declaration of Rights.

A. The History of Immunity Statutes

"Immunity statutes have historical roots deep in Anglo-American jurisprudence[.]" *Kastigar v. United States*, 406 U.S. 441, 445 (1972). Indeed, "[t]he use of immunity grants to preclude reliance upon the self-incrimination privilege predates the adoption of the constitution." Wayne LaFare, 3 Crim. Proc. § 8.11(a) (4th ed.). In 1725, for example, after Lord Chancellor Macclesfield was accused of selling public appointments, the English Parliament passed a law immunizing Masters of Chancery and compelled those officeholders to testify regarding how they secured those positions. *See Kastigar*, 406 U.S. at 445 n.13 (discussing the origins of immunity statutes).

In the United States, New York and Pennsylvania passed immunity statutes in the late 1700's. *Id.* The first federal immunity statute was passed in 1857 — it offered immunity from criminal prosecution to "anyone required to testify before either House of Congress or any committee[.]" *The Federal Witness*

Immunity Acts In Theory And Practice: Treading The Constitutional Tightrope, 72 Yale L.J. 1568, 1610 n.15 (1963). A decade later, another statute was passed extending this immunity to testimony “in any judicial proceeding.” *Id.* at 1572 (quoting 15 Stat. 37 (1868)).

Statutes authorizing compelled testimony in exchange for immunity from prosecution are not only time-tested, they are important to the proper functioning of our criminal justice system. Far from running afoul of the values underpinning the right against self-incrimination, immunity statutes “seek a rational accommodation between the imperatives of the privilege and the legitimate demands of government to compel citizens to testify.” *Kastigar*, 406 U.S. at 446. In fact, the Supreme Court has acknowledged that immunity statutes are “essential to the effective enforcement of various criminal statutes[;]” they “reflect[] the importance of testimony” and the reality that “many offenses are of such a character that the only persons capable of giving useful testimony are those implicated in the crime.” *Id.* at 446-47.

The last meaningful change in immunity statute jurisprudence occurred 43 years ago when the Supreme Court

confirmed in *Kastigar* that offering a witness use and derivative use immunity (as opposed to blanket transactional immunity) was sufficient to protect the witness's Fifth Amendment privilege. In 1892, the Court struck down a statute that offered only use immunity in exchange for compelled testimony. *Counselman v. Hitchcock*, 142 U.S. 547, 564 (1892). That statute did not offer protection coextensive with the Fifth Amendment, the Court said, because it left open the possibility that the witness's testimony would be used "to search out other testimony to be used in evidence against him or his property[.]" *Id.*

For eighty years, the Court's decision in *Counselman* was interpreted to mean that only transactional immunity was sufficient to protect a witness's Fifth Amendment privilege. In *Kastigar*, however, the Court explained that the deficiency in the *Counselman* statute was its failure to offer protection against evidence derived from immunized testimony. *Kastigar*, 406 U.S. at 453-54. So long as a statute offered use *and derivative use* immunity, the Court said, it offers sufficient protection to pass constitutional muster. *Id.* Thus, the Court held that the federal statute under consideration in *Kastigar*, which compelled a

witness to testify, but prevented his or her “testimony or other information compelled under the order (or any information directly or indirectly derived from such testimony or other information)” from being used in any subsequent criminal proceedings, “is consonant with Fifth Amendment standards.” *Id.* at 453.

B. Maryland’s Immunity Statute

After *Kastigar* and its companion case *Zicarelli v. New Jersey*, 406 U.S. 472 (1972), were decided, roughly half the states amended their immunity statutes to offer use and derivative use immunity. 3 Wayne R. LaFave, *Criminal Procedure*, § 8.11(b) (4th ed.) Maryland’s immunity statute, codified as Courts and Judicial Proceedings, § 9-123, was enacted in 1989. Modeled after the federal immunity statute upheld in *Kastigar*, it was passed in order to provide prosecutors an additional tool with which to fight the war on drugs. *See Position Paper on H.B.1311 at 1-2* (stating that the language of the bill is “based substantially on the federal immunity statutes”).²

² For the Court’s convenience, a copy of the position paper is appended at Apx. 11-19.

As with the federal statute, Maryland's immunity statute vests the prosecutor with broad discretion to decide upon whom to grant immunity. *Id.* at 8. Under § 9-123, once the prosecutor determines that a witness's testimony "may be necessary to the public interest," and requests that the court order the witness to testify on the condition of use and derivative use immunity, the court "shall" issue such an order. Md. Code Ann, Cts. & Jud. Proc., § 9-123(c)-(d). Senator Leo Green, in his statement before the House Judiciary Committee in favor of the legislation, explained that the statute "specifies that the circuit court must order a witness to testify upon the request of the State's Attorney or the Attorney General[.]" *Statement of Senator Leo Green before the House Judiciary Committee on SB27, March 30, 1989 at 1.*³

Save for minor changes not relevant here, Section 9-123 has remained the same since its passage in 1989. In its current form, it reads:

³ Whether the circuit court retains any discretion to deny compliant § 9-123 requests is the subject of the appeal in *State v. Garrett Miller*, No. ___, Sept. Term, 2015; *State v. Edward Nero*, No. ___, Sept. Term, 2015; and *State v. Brian Rice*, No. ___, Sept. Term, 2015.

(a) *Definitions*—(1) In this section the following words have the meanings indicated.

(2) “Other information” includes any book, paper, document, record, recording, or other material.

(3) “Prosecutor” means:

(i) The State’s Attorney for a county;

(ii) A Deputy State's Attorney;

(iii) The Attorney General of the State;

(iv) A Deputy Attorney General or designated Assistant Attorney General; or

(v) The State Prosecutor or Deputy State Prosecutor.

(b) *Refusal to testify; requiring testimony; immunity*—

(1) If a witness refuses, on the basis of the privilege against self-incrimination, to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, and the court issues an order to testify or provide other information under subsection (c) of this section, the witness may not refuse to comply with the order on the basis of the privilege against self-incrimination.

(2) No testimony or other information compelled under the order, and no information directly or indirectly derived from the testimony or other information, may be used against the witness in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with the order.

(c) *Order requiring testimony*—(1) If an individual has been, or may be, called to testify or provide other

information in a criminal prosecution or a proceeding before a grand jury of the State, the court in which the proceeding is or may be held shall issue, on the request of the prosecutor made in accordance with subsection (d) of this section, an order requiring the individual to give testimony or provide other information which the individual has refused to give or provide on the basis of the individual's privilege against self-incrimination.

(2) The order shall have the effect provided under subsection (b) of this section.

(d) *Prerequisites for order*—If a prosecutor seeks to compel an individual to testify or provide other information, the prosecutor shall request, by written motion, the court to issue an order under subsection (c) of this section when the prosecutor determines that:

(1) The testimony or other information from the individual may be necessary to the public interest; and

(2) The individual has refused or is likely to refuse to testify or provide other information on the basis of the individual's privilege against self-incrimination.

(e) *Sanctions for refusal to comply with order*—If a witness refuses to comply with an order issued under subsection (c) of this section, on written motion of the prosecutor and on admission into evidence of the transcript of the refusal, if the refusal was before a grand jury, the court shall treat the refusal as a direct contempt, notwithstanding any law to the contrary, and proceed in accordance with Title 15, Chapter 200 of the Maryland Rules.

Md. Code Ann., Courts & Jud. Proc., § 9-123.

C. Ordering Porter to testify under Section 9-123 does not violate his Fifth Amendment privilege

To comply with the Fifth Amendment's prohibition against self-incrimination, a grant of immunity "must afford protection commensurate with that afforded by the privilege." *Kastigar*, 406 U.S. at 453. In other words, the immunity must leave "the witness and the prosecutorial authorities in substantially the same position as if the witness had claimed the Fifth Amendment privilege." *Id.* at 462.

The use and derivative use immunity granted to Porter is coextensive with the scope of a witness's Fifth Amendment privilege. The Supreme Court in *Kastigar* expressly held as much. *Id.* at 453; accord *United States v. Hubbell*, 530 U.S. 27, 40 (2000). This type of immunity is sufficient, the Court explained, because there is a "sweeping prohibition" of the use of any evidence derived from the immunized testimony, which safeguards against compelled testimony being used to provide investigatory leads or otherwise assist the State in its prosecution of the witness. *Kastigar*, 406 U.S. at 460.

Another aspect of this “very substantial protection,” the Court explained, is that the witness is “not dependent for the preservation of his rights upon the integrity and good faith of the prosecuting authorities.” *Id.* There is “an affirmative duty on the prosecution, not merely to show that its evidence is not tainted by the prior testimony, but ‘to prove that the evidence it proposes to use is derived from a legitimate source wholly independent of the compelled testimony.” *Hubbell*, 530 U.S. at 40 (quoting *Kastigar*, 406 U.S. at 40). Once the prosecution compels testimony pursuant to use and derivative use immunity, it shoulders the “heavy burden” of proving “that its evidence against the immunized witness has not been obtained as a result of his immunized testimony.” *United States v. Turkish*, 623 F.2d 769, 775 (2d Cir. 1980).

The Court of Appeals has acknowledged, albeit in dicta, the sufficiency of use and derivative use immunity to protect a witness’s Fifth Amendment privilege. In *In re Ariel G.*, 383 Md. 240, 243-44 (2004), the Court considered whether a mother could be held in contempt for refusing to answer questions regarding the whereabouts of her child when it was suspected that the mother

had kidnapped the child from the custody of child protective services. The Court held that the mother had a Fifth Amendment right to refuse to answer questions about the child's disappearance. *Id.* at 253. The Court went on to add, however, that the mother could have been given § 9-123 immunity and then she would have had to testify "or face contempt of court charges." *Id.* at 255. Citing *Kastigar*, the Court said that once a witness has use and derivative use immunity, the court can "punish a parent who refuses to testify without offending the constitutional guarantees of the Fifth Amendment." *Id.* "In doing so, the court balances its interest in prosecuting unlawful conduct and providing for the welfare of abused and missing children, all while respecting the accused's constitutional rights." *Id.*

Although Porter acknowledges *Kastigar*, and concedes that § 9-123 immunity may be sufficient to protect a witness's Fifth Amendment privilege in some cases, he argues that, in his case, it is insufficient. (Brief of Appellant at 2). Porter proffers four reasons for this: 1) he is currently pending criminal charges stemming from the same incident about which he is being compelled to testify; 2) the State will prosecute him for perjury

regardless of his testimony because it attacked his credibility in his first trial; 3) he is being investigated federally; and 4) the State has failed to establish safeguards to avoid making derivative use of his immunized testimony. None of Porter's complaints render the immunity conferred by § 9-123 insufficient.

1. *Porter's Fifth Amendment privilege is not enhanced because he is currently pending criminal charges*

Porter repeatedly contends that he is not a "witness," he is a "defendant." (Brief of Appellant at 2, 32, 42). Porter argues that "[t]here are witnesses, and there are defendants with pending homicide trials[.]" and urges this Court to hold that "the twain shall [never] meet." (Brief of Appellant at 42). Porter looks to the State's desire to try him before any of the other officers as recognition that "Porter had to go first in order that he not have a Fifth Amendment privilege." (Brief of Appellant at 3).

The State's request to try Porter first is a red herring. Although seized upon by Porter as evidence of wrong-doing, trying Porter first was a simple matter of judicial economy. Had Porter been convicted, the State would have provided him with § 9-123

immunity and compelled him to testify. The difference is that, unless Porter's convictions were reversed on appeal, the State would have avoided a *Kastigar* hearing because it concluded its case against Porter prior to hearing the immunized testimony. Had Porter been acquitted, he would no longer have had a Fifth Amendment privilege, and the State could have compelled him to testify. In that case, a *Kastigar* hearing would not be necessary because the State could not place Porter twice in jeopardy for any crime related to the death of Freddie Gray. Trying Porter first was a matter of common sense, not malice.

Moreover, Porter's insistence on labeling himself a defendant, and not a witness, misses the point. To be sure, in the case of the State of Maryland versus William Porter, Porter is the defendant. But in the other five cases related to the death of Freddie Gray, Porter is a witness. More importantly, Porter fails to explain the significance of the fact that he is actually facing criminal charges, as opposed to potentially facing criminal charges. With regard to his right not to provide the State with evidence to use against him, whether he is currently a defendant or a potential future defendant is of no moment.

The Second Circuit, in *Goldberg v. United States*, 472 F.2d 513, 515 (2d Cir. 1973), agreed with this assessment. Goldberg was charged with possessing money stolen from a bank. *Id.* at 514. While his charges were pending, he was given use and derivative use immunity and brought before a grand jury to answer questions about the theft of the bills. *Id.* at 514-15. Goldberg argued that the federal immunity statute was not intended to apply to “a person who was already the subject of a criminal complaint for the transaction into which the grand jury was inquiring[,]” or, if it did, such application was unconstitutional. *Id.* at 515.

The court found “no basis” for the distinction. *Id.* Referring to Goldberg’s reliance on the word “witness” in the statute, the court said: “[I]t seems clear that this includes a witness before the grand jury, which Goldberg surely is, even if he is also a potential defendant at a later trial.” *Id.* While the court acknowledged that the risks of prosecution might be “more immediate and less theoretical” for a person already facing criminal charges, there was no distinction in terms of the sufficiency of use and derivative use immunity. *Id.* at 516. *See also Graves v. United States*, 472 A.2d 395, 402 (D.C. 1984) (“Once granted a duly authorized assurance

of immunity, an indicted but untried defendant must testify, as ordered, and then challenge the government's compliance at a later *Kastigar* hearing before his or her own trial.”).

The court applied this reasoning to a convicted defendant pending appeal in *United States v. Schwimmer*, 882 F.2d 22, 23 (2d Cir. 1989). There, the court held that, consistent with the Fifth Amendment, “a defendant who has been tried, convicted, and whose appeal is pending may be granted use immunity and then be compelled to testify before a grand jury on matters that were the subject of his conviction[.]”

The possibility that Schwimmer's conviction might be reversed on appeal and he would be subject to retrial did not sway the court's decision. Should this happen, the court said, the government would be required to prove that any evidence used at Schwimmer's retrial was derived from sources independent of the immunized testimony. *Id.* at 24.

Indeed, the court noted, Schwimmer's first trial helps ensure the government's compliance with the dictates of *Kastigar*. The first trial provides a record against which to compare the prosecution's proof at the second trial. *Id.* “Armed with that record,

the trial court could readily determine whether the government had deviated from the proof offered during the first trial[,]” and if they had, “could then require the government to carry its burden of proving that any evidence not presented at the first trial was derived from sources wholly independent of the immunized testimony.” *Id. Accord In re Grand Jury Proceedings*, 889 F.2d 220, 222 (9th Cir. 1989) (“a witness whose appeal is pending may be compelled to testify by a grant of use immunity”).

Porter enjoys the same insurance against derivative use of his compelled testimony that Schwimmer did. Porter’s first trial memorialized the State’s evidence against him. If the State seeks to introduce additional evidence against him at retrial, it will carry the “heavy burden” of showing that it was not derived from his immunized testimony. Contrary to Porter’s claim, the fact that he “faces a pending manslaughter trial” does not make the State’s application of § 9-123 “wreak[] [sic] of impropriety.” (Brief of Appellant at 3).

2. *Porter has no Fifth Amendment right to commit perjury, and the State's arguments at Porter's first trial regarding his credibility are irrelevant*

Porter next accuses the State of providing "a farcical grant of immunity" in order to "lay a foundation for evidence that the State has deemed . . . [to be] perjury." (Brief of Appellant at 24). Porter seems to be arguing that because the State contended at his first trial that portions of his testimony were not credible, if he testifies consistently at Goodson's trial, the State will have suborned perjury, and, moreover, could charge Porter with committing perjury. Porter's claim is without merit.

First, the truthfulness *vel non* of a witness's testimony is not an all-or-nothing proposition. The State argued at Porter's trial that portions of Porter's taped statement and trial testimony (specifically, his testimony regarding his inability to identify the other officers at one of the scenes, Gray's physical condition at one point in the series of events, and at what point Gray first said that

he could not breathe) were not credible.⁴ The State has no intention of soliciting that testimony “as true” from Porter at Goodson’s trial.

The State is confident, however, that Porter will offer truthful testimony regarding other events that occurred the day of Gray’s arrest. The State has a good-faith belief that, if compelled to do so, Porter will testify to conversations he had with Goodson regarding Gray’s condition and whether to seek medical attention for Gray, and to conversations he had with White regarding the plan to seek medical attention for Gray. It is that testimony that the State seeks to compel.

⁴ One of several ethical violations Porter accuses the prosecutors of committing is opining as to his credibility. (Brief of Appellant at 8 n.2). The prosecutors did no such thing. Porter’s own excerpts establish that the prosecutors argued that “the state proved through the evidence” that portions of Porter’s version of events was not credible. (Brief of Appellant at 8). Indeed, one of the prosecutors explained to the jury how the State endeavored to establish that Porter was not telling the whole truth: by “showing inconsistencies in [his] statements[,]” by proving that his statements were “inconsistent with each other[,]” and by proving that Porter’s version of events “makes no sense at all[.]” (Brief of Appellant at 9). The prosecutors were not offering their personal opinions as to Porter’s credibility, they were urging the jury to conclude based on the evidence that part of what Porter said was not true. There was nothing inappropriate about the prosecutors’ closing arguments.

Porter's argument that Goodson's cross-examination of him will elicit testimony that the State believes is false, and that this is akin to suborning perjury, is likewise unpersuasive. (Brief of Appellant at 19-21). To be sure, "[f]or the prosecution to offer testimony into evidence, knowing it or believing it to be false is a violation of the defendant's due process rights." *United States v. Mills*, 704 F.2d 1553, 1565 (11th Cir. 1983). And "a conviction obtained through use of false evidence, known to be such by representatives of the State, must fall under the Fourteenth Amendment." *Napue v. People of State of Ill.*, 360 U.S. 264, 269 (1959). But the prosecution is not seeking to offer false evidence, nor to obtain a conviction through the use of false evidence. The State cannot control what Porter is asked during cross-examination or how he answers. The possibility that Porter might perjure himself is not a reason to preclude the State from compelling his testimony.⁵

⁵ Porter also seems to suggest that testimony he gives during cross-examination would be outside the scope of § 9-123 immunity. (Brief of Appellant at 22-23). Not so. The "testimony" that § 9-123(b)(2)

If it is Porter's intention to testify falsely at Goodson's (or anyone else's) trial, however, he will find no succor in the Fifth Amendment. "[T]he Fifth Amendment privilege against compulsory self-incrimination provides no protection for the commission of perjury[.]" *United States v. Apfelbaum*, 445 U.S. 115, 127 (1980). Moreover, "[t]here is 'no doctrine of anticipatory perjury,' and a 'future intention to commit perjury' does not create a sufficient hazard of self-incrimination to implicate the Fifth Amendment privilege." *Earp v. Cullen*, 623 F.3d 1065, 1070 (9th Cir. 2010) (quoting *Apfelbaum*, 445 U.S. at 131). If Porter offers immunized testimony at any future trial that is false, the State can charge him with perjury.

What the State cannot do is use Porter's immunized testimony to prove that he committed perjury in the past, or use his past testimony to show that his immunized testimony created

dictates is off-limits in any future prosecution, save for perjury, obstruction of justice, or contempt, obviously includes all of the witness's testimony at trial, including cross-examination.

an irreconcilable inconsistency with his previous statements.⁶ “The law is settled that a grant of immunity precludes the use of immunized testimony in a prosecution for past perjury (though affording no protection against future perjury).” *United States v. Cintolo*, 818 F.2d 980, 988 n.5 (1st Cir. 1987). Indeed, the State will be “precluded from relying upon any contradiction which may appear as between [Porter’s] new testimony and his past testimony.” *Kronick v. United States*, 343 F.2d 436, 441 (9th Cir. 1965). *Accord United States v. Doe*, 819 F.2d 11, 12 (1st Cir. 1987) (immunized grand jury testimony could not be used to prove witness perjured himself in his previous grand jury testimony).

The Seventh Circuit confronted this issue in *United States v. Patrick*, 542 F.2d 381 (7th Cir. 1976). There, Patrick refused to testify even after receiving statutory immunity because, he argued, if his trial testimony was inconsistent with his testimony before the grand jury, he could be prosecuted under 18 U.S.C.

⁶ To be clear, the State can charge Porter with perjuring himself at his first trial. It just cannot use his immunized testimony as evidence of that perjury.

§ 1623 for making “inconsistent declarations.”⁷ *Id.* at 385. The Seventh Circuit assured him that he could not. While Patrick’s “immunized testimony may be used to establish the fact that he committed perjury in the giving of such testimony,” the Court held that his testimony “could not also be used to establish the corpus delicti of an inconsistent declarations prosecution.” *Id.* The perjury exception was intended to cover only “future” perjury, and to allow immunized testimony to prove a crime that occurred prior to the granting of immunity would be giving the perjury exception too broad a reading. *Id.*

The Fifth Circuit came to a similar conclusion in *In re Grand Jury Proceedings Appeal of Frank Derek Greentree*, 644 F.2d 348, 350 (5th Cir. 1981). After testifying in his own defense at trial, Greentree was convicted of several drug offenses. *Id.* at 349. While Greentree’s convictions were pending appeal, he was compelled to testify before a grand jury about the same events for which he was

⁷ 18 U.S.C. §1623 punishes making “irreconcilably contradictory declarations material to the point in question” in a proceeding before a court or grand jury. There is no obligation for the prosecution to prove which statement was false. 18 U.S.C. § 1623 (2015).

convicted. *Id.* at 350. Greentree refused to testify, claiming that “if he testifie[d] truthfully to the grand jury under immunity, the answers to the questions asked will be inconsistent with the answers he earlier gave at his criminal trial[,]” and he would be subject to perjury charges.

The court held that Greentree’s fears were unfounded. The immunity statute, the court held, “forecloses the government from prosecuting an immunized witness for perjury based upon prior false statements.” *Id.* Moreover, the court said, “[n]ot only could he not be prosecuted for perjury on the ground the prior statements were false[,]” but “the prior statements could not be used as prior inconsistent statements to prove perjury in the testimony before the grand jury.” *Id.*

The court went on to explain that the immunity statute “is not a license to commit perjury before the grand jury but is a direction that he tell the truth. If telling the truth creates inconsistency with [Greentree’s] prior testimony at his criminal trial, the prior testimony is not admissible . . . to prove him guilty of perjury.” *Id.* at 350-51. The “sole purpose” of the contempt powers of the immunity statute “is to force [a witness] to tell the

truth[.]” *Id.* at 351. If he or she does so, there is “nothing further to fear” from any earlier inconsistent statements under oath. *Id.* The witness “cannot be prosecuted for perjury for those prior statements” nor can he be prosecuted for perjury for his immunized testimony “solely because of his inconsistent prior statements.” *Id.* See also *In re Bonk*, 527 F.2d 120, 125 (2d Cir. 1975) (an immunized witness “can presumably avoid a perjury indictment by answering . . . questions truthfully” whether or not the answers are inconsistent with previous testimony).

Porter’s claim that “it is well-established in federal courts that the privilege against self-incrimination can properly be invoked based on a fear of a perjury prosecution arising out of conflict between statements sought to be compelled and prior sworn testimony[.]” is technically correct, but misleading. (Brief of Appellant at 27 (quoting *Johnson v. Fabian*, 735 N.W.2d 295, 310-11 (Minn. 2007)). Porter cites this quotation as support for his argument that § 9-123 immunity is insufficient to protect his Fifth Amendment privilege because he could still face a perjury prosecution. But *Johnson*, the case Porter cites, was discussing the scope of the Fifth Amendment privilege generally. 735 N.W.2d

at 310-11. It was not discussing a witness's remaining privilege *after being granted immunity*. In fact, the *Johnson* case has nothing to do with immunity at all.

If the State called Porter as a witness without providing him immunity pursuant to § 9-123, there is no question that Porter could invoke his Fifth Amendment privilege and refuse to testify. That is not the issue in this case. Porter has been provided use and derivative use immunity in exchange for his compelled testimony. His testimony at Goodson's trial cannot be used to prove his prior testimony was false. His prior testimony cannot be used to prove that his testimony at Goodson's trial was false. Porter puts himself at risk of a perjury prosecution only if he lies at Goodson's trial. He will be convicted of that perjury only if the State can prove it without relying on Porter's previous testimony. If that situation occurs, Porter cannot look to the Fifth Amendment for help.

3. *Immunity provided under § 9-123 protects Porter from federal prosecution*

While Porter never expressly argues that he believes § 9-123 fails to protect him against a federal prosecution, he discusses the "federal investigation" into the death of Gray in his statement of

facts,⁸ and has a section in his argument entitled “Porter has not been immunized federally.” (Brief of Appellant at 11, 33). To the extent that Porter contends that his immunized testimony could be used against him in a federal prosecution, he is wrong.

“[A] state witness may not be compelled to give testimony which may be incriminating under federal law unless the compelled testimony and its fruits may not be used in any manner by federal officials in connection with a criminal prosecution against him.” *Murphy v. Waterfront Comm’n of New York Harbor*, 378 U.S. 52, 79 (1964) *abrogated on other grounds by United States v. Balsys*, 524 U.S. 666 (1998). “Once a defendant demonstrates that he has testified, under a state grant of immunity, to matters related to the federal prosecution, the federal authorities have the burden of showing that their evidence is not tainted by establishing that they had an independent, legitimate source for the disputed evidence.” *Id.* at 79 n.18. *Accord United States v. Jones*, 542 F.2d 186, 198 (4th Cir. 1976); *United States v. Hampton*,

⁸ It is worth noting that none of the facts set forth in this section are in the record.

775 F.2d 1479, 1485 (11th Cir. 1985). The federal government will not be able to use Porter's immunized testimony against him.

4. *Porter's complaints about the lack of a "taint team" can be resolved, if necessary, prior to his retrial.*

Finally, Porter claims that if he is compelled to testify at Goodson's (or anyone's) trial, it will prevent him from getting a fair trial at his later criminal proceedings. (Brief of Appellant at 27-29, 34-37). Potential jurors, he argues, will be aware of his compelled testimony and could use it against him. (Brief of Appellant at 27-28). Moreover, he says, the prosecution has failed to create a "taint team," and, as such, "indelible taint" has been created that should preclude Porter from being compelled to testify at Goodson's (or anyone's) trial. (Brief of Appellant at 35).

Neither of these concerns, to the extent they are legitimate, should prevent Porter from being compelled to testify. Both of these issues can be litigated prior to Porter's retrial. The circuit court successfully voir dired a venire panel and selected a jury prior to Porter's first trial, there is no reason that the same procedures will not be effective at his second trial.

Furthermore, Porter's allegations regarding the prosecution's handling of the immunized testimony have no support in the record or anywhere else. Porter is not privy to the State's handling of his retrial, and has no idea whether "walls will be erected around [his immunized] testimony[.]" (Brief of Appellant at 34). When the State is called upon to fulfill its "affirmative duty" "to show that its evidence is not tainted by the [Porter's immunized] testimony," and to "prove that the evidence it proposes to use is derived from a legitimate source wholly independent of the compelled testimony[.]" *Hubbell*, 530 U.S. at 40 (quotations omitted), then the State will have to show the steps it took to prevent taint and Porter is free to argue that whatever steps were taken were insufficient.

Porter's argument that "this Court must disallow" him to be called as a witness because "the State fail[ed] to Chinese wall the different prosecutions" is putting the cart before the horse. Even if his allegations were based on something other than speculation, the remedy for the State's failure, to the extent Porter is entitled to one, is not to prevent him from testifying against Goodson, but

to find that the State failed to prove that its evidence at retrial stems from a source independent of Porter's immunized testimony.

Porter's hand-wringing about the way in which the State is handling his subsequent prosecution is unfounded and premature. The State shoulders the heavy burden of proving that it is not making use or derivative use of Porter's immunized testimony at any subsequent trial. Porter will have ample opportunity, at that point, to argue that the State's handling of his immunized testimony and subsequent prosecution was improper and created an "indelible taint" that makes exclusion of the State's evidence necessary. Now, however, is not the time for such complaints.

D. Ordering Porter to testify under § 9-123 does not violate his rights under Article 22 of the Maryland Declaration of Rights

Finally, Porter contends that even if compelling him to testify after providing him with use and derivative use immunity does not violate the Fifth Amendment, it does violate Article 22 of the Maryland Declaration of Rights. (Brief of Appellant at 38-40). With regard to the scope of a witness's ability to refuse to testify, however, this Court has said that Article 22 provides protection

identical to that of its federal counterpart. Section 9-123 does not infringe Porter's Article 22 rights.

Generally speaking, this Court and the Court of Appeals have interpreted Article 22 *in pari materia* to the Fifth Amendment. *See, e.g., Marshall v. State*, 415 Md. 248, 259 (2010); *Choi v. State*, 316 Md. 529, 535 n.5 (1989) *Adkins v. State*, 316 Md. 1, 6 n.5 (1989); *Ellison v. State*, 310 Md. 244, 259 n.4 (1987). Article 22 is, however, an independent constitutional provision and has, on limited occasions, been construed as providing broader protections than the Fifth Amendment. *See Marshall*, 415 Md. at 259 (noting that on occasion Article 22 has been found to offer broader protections than the Fifth Amendment); *Crosby v. State*, 366 Md. 518, 528 (2001) (same); *Choi*, 316 Md. at 535 n.5 (identifying two discrete circumstances, not relevant here, where the appellate courts have found broader Article 22 protection).

Notwithstanding the rare occasions when Article 22 has been found to offer more protection than the Fifth Amendment, with regard to when a witness can invoke his or her right against self-incrimination when called to testify, the Court of Appeals has said that the Fifth Amendment and Article 22 are one and the

same. This was explained by the Court in *Ellison v. State*, 310 Md. 244 (1987). In *Ellison*, the Court considered whether a witness who had been convicted, but whose direct appeal rights had not yet been exhausted, could be compelled to testify about the facts that supported his conviction. 310 Md. at 249. This Court had held that once a witness is sentenced, the risk of incrimination becomes too “remote” to be protected by the Fifth Amendment. *Id.* at 248. The Court of Appeals reversed the decision, and held that a witness retains his or her Fifth Amendment privilege through the appellate process. *Id.* at 257-28.

In so doing, the Court took the opportunity to correct what it perceived as a misunderstanding by this Court. In footnote four of the opinion, the Court noted that in an earlier case, *Smith v. State*, 283 Md. 187 (1978), it distinguished another opinion as inapposite “because it was concerned with the self-incrimination privilege under the Maryland Declaration of Rights,” while *Smith* “relied solely on the self-incrimination privilege under the Fifth Amendment to the federal constitution.” *Ellison*, 310 Md. at 259 n.4. This “unfortunate” statement, the Court said, led this Court to conclude that the Maryland Declaration of Rights should be

viewed “one way and the Fifth Amendment a different way.” *Id.* This is wrong, the Court said. With respect to the scope of the privilege against self-incrimination the Court of Appeals said it “perceive[d] no difference between Article 22 of the Declaration of Rights and the Fifth Amendment’s Self-Incrimination Clause.” *Id.*

The order compelling Porter to testify does not violate his federal or state constitutional right of self-incrimination. Like its federal counterpart, Courts & Judicial Proceedings, § 9-123 adequately safeguards Porter’s rights by granting him use and derivative use immunity before compelling him to testify. Pursuant to this immunity, the State will be obligated to prove that any evidence it intends to use against Porter is independent from Porter’s immunized testimony. Moreover, while § 9-123 is not a license to commit perjury, the State will not be able to use Porter’s immunized testimony to prove past perjury, and will not be able to use past testimony to prove that Porter committed perjury while immunized.

Porter is no different than any of the countless witnesses over the centuries to whom the government granted immunity in exchange for their compelled testimony. He is not a “whipping

boy[,]” and the State is not seeking to alter the history of Anglo-Saxon jurisprudence. The reality is far more mundane — the State has chosen to use one of the many tools in its toolbox to prosecute the officers charged in the death of Freddie Gray. It has granted a witness immunity and sought to compel his testimony. The State has done nothing unusual and nothing wrong. This Court should affirm the order compelling Porter to testify.

CONCLUSION

The State respectfully asks the Court to affirm the judgment of the Circuit Court for Baltimore City.

Dated: February 10, 2016

Respectfully submitted,

BRIAN E. FROSH
Attorney General of Maryland

CARRIE J. WILLIAMS
Assistant Attorney General

Counsel for Appellee

PERTINENT PROVISIONS

West's Annotated Code of Maryland
Courts and Judicial Proceedings
Title 9. Witnesses (Refs & Annos)
Subtitle 1. Competence, Compellability, and Privilege (Refs & Annos)

MD Code, Courts and Judicial Proceedings, § 9-123

§ 9-123. Privilege against self-incrimination

Effective: October 1, 2014

Currentness

Definitions

(a)(1) In this section the following words have the meanings indicated.

(2) "Other information" includes any book, paper, document, record, recording, or other material.

(3) "Prosecutor" means:

(i) The State's Attorney for a county;

(ii) A Deputy State's Attorney;

(iii) The Attorney General of the State;

(iv) A Deputy Attorney General or designated Assistant Attorney General; or

(v) The State Prosecutor or Deputy State Prosecutor.

Order requiring testimony or information in a criminal prosecution or proceeding

(b)(1) If a witness refuses, on the basis of the privilege against self-incrimination, to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, and the court issues an order to testify or provide other information under subsection (c) of this section, the witness may not refuse to comply with the order on the basis of the privilege against self-incrimination.

(2) No testimony or other information compelled under the order, and no information directly or indirectly derived from the testimony or other information, may be used against the witness in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with the order.

Order requiring testimony or information in grand jury proceedings

(c)(1) If an individual has been, or may be, called to testify or provide other information in a criminal prosecution or a proceeding before a grand jury of the State, the court in which the proceeding is or may be held shall issue, on the request of the prosecutor made in accordance with subsection (d) of this section, an order requiring the individual to give testimony or provide other information which the individual has refused to give or provide on the basis of the individual's privilege against self-incrimination.

(2) The order shall have the effect provided under subsection (b) of this section.

Motion to compel individual to testify or provide information

(d) If a prosecutor seeks to compel an individual to testify or provide other information, the prosecutor shall request, by written motion, the court to issue an order under subsection (c) of this section when the prosecutor determines that:

(1) The testimony or other information from the individual may be necessary to the public interest; and

(2) The individual has refused or is likely to refuse to testify or provide other information on the basis of the individual's privilege against self-incrimination.

Refusal to testify or provide information as contempt

(e) If a witness refuses to comply with an order issued under subsection (c) of this section, on written motion of the prosecutor and on admission into evidence of the transcript of the refusal, if the refusal was before a grand jury, the court shall treat the refusal as a direct contempt, notwithstanding any law to the contrary, and proceed in accordance with Title 15, Chapter 200 of the Maryland Rules.

Credits

Added by Acts 1989, c. 288, § 1; Acts 1989, c. 289, § 1. Amended by Acts 1998, c. 21, § 1, eff. April 14, 1998; Acts 2014, c. 224, § 1, eff. Oct. 1, 2014.

MD Code, Courts and Judicial Proceedings, § 9-123, MD CTS & JUD PRO § 9-123

Current through the 2015 Regular Session of the General Assembly

APPENDIX

CAESAR GOODSON,

Appellant,

v.

STATE OF MARYLAND,

Appellee.

IN THE

COURT OF SPECIAL APPEALS


OF MARYLAND

September Term, 2015

No. 2308

CERTIFICATE OF SERVICE

I certify that on this day, February 10, 2016, three copies of the Brief of Appellee were delivered electronically and mailed by first-class U.S. Postal Service, postage prepaid, to Gary E. Proctor, 8 East Mulberry Street, Baltimore, Maryland 21202, and delivered via electronic mail to Joseph Murtha, 1301 York Road, Suite 200, Lutherville, Maryland 21093.


CARRIE J. WILLIAMS
Assistant Attorney General

Office of the Attorney General
Criminal Appeals Division
200 Saint Paul Place
Baltimore, Maryland 21202
(410) 576-6422
cwilliams@oag.state.md.us

Counsel for Appellee



September 15, 2015

VIA HAND DELIVERY

The Honorable Barry G. Williams
Associate Judge
Circuit Court for Baltimore City
534 Courthouse East
Baltimore, MD 21202

Re: State v. Goodson, et al.,
Case Nos.: 115141032-37

Dear Judge Williams,

I write as directed concerning the order and anticipated length of trials. The anticipated length of trial does not include the time for hearing and resolving pretrial motions, the time for jury selection, nor the length of the defense cases. Because the State has not yet received discovery from any of the Defendants, the anticipated length of trial also does not include possible additional time in the State's case from meeting anticipated defenses. The State would call the cases in the following order.

- First: William Porter, No. 115141037 Five days
- Second: Caesar Goodson, No. 115141032 Five days
- Third: Alicia White, No. 115141036 Four days
- Fourth: Garrett Miller, No. 115141034 Three days
- Fifth: Edward Nero, No. 115141033 Three days
- Sixth: Brian Rice, No. 115141035 Four days.

Defendant Porter is a necessary and material witness in the cases against Defendants Goodson and White, so it is imperative that Mr. Porter's trial takes place before their trials. Defendant Porter's counsel has known this since before the grand jury returned indictments in these cases. On July 24, 2015, counsel for Defendants Porter and Rice were advised by the State that Porter's case would be called first, either with Defendant Rice or without him, depending on the Court's ruling on the joinder sought by the State. Presumably, counsel for Defendants Porter and Rice so advised counsel for the other defendants. In any event, counsel for all Defendants were notified that the State intended to call the Porter case first during the chambers conference with the court on September 2, 2015.

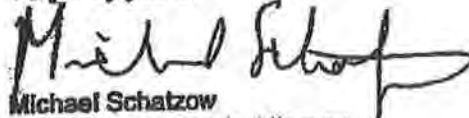
The trial date of October 13, 2015 was ordered on June 19, 2015, based on the availability of the court and all counsel. As Judge Pierson requested, we had cleared that date with Dr. Carol Allan, the Assistant Medical Examiner who conducted the autopsy. We were advised by Dr. Allan this morning that she will be out of Maryland from November 16 through November 30. The State will be ready to begin the case against Mr. Porter on October 13. Counsel for Mr. Porter has expressed his intent to seek a continuance. The State informed counsel for Mr. Porter over the past weekend that it had no objection to a continuance of Mr. Porter's case of up to three weeks, provided that his remains the first case to be tried. However, given Dr. Allan's schedule,

the State now believes that it cannot consent to a continuance beyond October 26. Given that no other Defendant is required to be ready for trial on October 13 (and the State has not received any discovery from any Defendant 30 days before October 13), a two week continuance would not unduly delay the time by which all six cases could be resolved. However, if the consequence of a continuance for Mr. Porter would be forcing the State to try a different Defendant first, then the State would vigorously oppose a continuance for Mr. Porter. Mr. Porter's counsel has been aware of the October 13 trial date for almost three months, and has known with certainty that Mr. Porter's case would be tried first for at least six weeks. In light of the long scheduled and agreed upon trial date, and the other background referenced above, Mr. Porter has no legitimate basis for a continuance, particularly one that would impact the State's traditional right to call cases in the order it chooses.

Finally, the Court directed the State to provide an alternative order in the event that Mr. Porter's case is not tried first. Without prejudice to the State's position that, in light of the facts of this case and the information in this letter, it should be able to call the cases in the order expressed above, the State's alternative order would be to try Mr. Miller first, and then, in order, Mr. Porter, Mr. Goodson, Ms. White, Mr. Nero and Mr. Rice. Without listing all the possible permutations, the State essentially seeks to have Mr. Porter tried before Mr. Goodson and Ms. White, to have Mr. Miller tried before Mr. Nero, and to have Mr. Miller and Mr. Nero tried before Mr. Rice.

Thank you for your consideration of these requests. Pursuant to your instructions, I have enclosed the transcript of each defendant's statement. I trust that this letter is clear and responsive to your direction. If you have any questions or think that a chambers conference would be useful, the State is available at the convenience of the Court.

Very truly yours,



Michael Schatzow
Chief Deputy State's Attorney
Baltimore City State's Attorney's Office

MS/ter

Enclosures

Cc: Without Enclosures

Matthew B. Fraling, III, Esquire, Via Email
Marc L. Zayon, Esquire, Via Hand Delivery
Catherine Flynn, Esquire, Via Hand Delivery
Joseph Murtha, Esquire, Via Email
Ivan Bates, Esquire, Via Hand Delivery
Michael Belsky, Esquire, Via Hand Delivery
Andrew Jay Graham, Esquire, Via Hand Delivery
Gary Proctor, Esquire, Via Hand Delivery



CIRCUIT COURT FOR BALTIMORE CITY
 100 N. Calvert Street, Baltimore, Maryland 21202
 Phone: (410) 333-3722 Maryland Relay call: 711

Case No. 115141032

STATE OF MARYLAND
 or

vs. Caesar Goodson

Plaintiff

Defendant

TO: William Porter

Issue Date: November 20, 2015

Service Deadline: 60 days after Issue Date.

Name
242 West 29th Street

SUBPOENA

Address
Baltimore, MD 21211

City, County, State, Zip

You are hereby compelled to appear at a court proceeding deposition at the following location:

100 North Calvert Street, Part 31, Room 550
 Address of court or other location

On 01/06/2016

at 8:30

a.m. or p.m.

Baltimore, Maryland 21202

City, State, Zip

To testify in the above case, and/or

To produce the following documents, items, and information, not privileged: _____

To produce, permit inspection and copying of the following documents or other tangible items: _____

Deputy State's Attorney Janice Bledsoe

requested issuance of this subpoena. Questions should be referred to:

Requested by
Janice Bledsoe

120 East Baltimore Street, 10th Floor

Name
(443) 985-6000

Address

Baltimore, Maryland 21202

Phone

City, State, Zip

Special Message: _____

If this subpoena compels the production of financial information, or information derived from financial records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Fin. Inst. §1-304 and any other applicable law.

If this subpoena compels the production of medical records, the requestor of this subpoena hereby certifies having taken all necessary steps to comply with the requirements of Md. Code Ann., Health Gen. §4-206 and any other applicable law.

Lavinia G. Alexander, Clerk
 Circuit Court for Baltimore City

NOTICE:

1. YOU ARE LIABLE TO BODY ATTACHMENT AND/OR FINE FOR FAILURE TO OBEY THIS SUBPOENA.
2. This subpoena is effective for the date and time stated and any subsequent dates as directed by the court.
3. If this subpoena is for attendance at a deposition and the party served is an organization, notice is hereby given that the organization must designate one or more persons who will testify on its behalf, pursuant to Rule 2-412(d).
4. Serving or attempting to serve a subpoena more than 60 days after the date of issuance is prohibited.

RETURN OF SERVICE

I certify that I delivered the original of this Subpoena to the following person(s): William Porter
 on the following date: 12/11/2015 by the following method (specified as required by Rule 2-126):
In Hand

Wayne Williams
 Signature
WAYNE WILLIAMS
 Printed Name

CC-004 (Rev. 07/01/2015)

STATE OF MARYLAND

v.

CAESAR GOODSON

* * * * *

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
CASE No. 115141032

STATE'S MOTION TO COMPEL A WITNESS TO TESTIFY PURSUANT TO SECTION 9-123 OF THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE

Now comes the State of Maryland, by and through Marilyn J. Mosby, the State's Attorney for Baltimore City, and pursuant to Section 9-123 of the Courts and Judicial Proceedings Article moves this Court to issue an order requiring Officer William Porter, D.O.B. 6/26/1989, in the above-captioned case to give testimony which he has refused to give on the basis of his privilege against self-incrimination. In support of this Motion, the State avers the following:

1. The State has subpoenaed and called Officer William Porter to testify as a witness in the above-captioned criminal proceeding being held before this Court.
2. The State's Attorney for Baltimore City has determined that the testimony of Officer William Porter in the above-captioned case may be necessary to the public interest.
3. Officer William Porter has refused to testify in the above-captioned case on the basis of his privilege against self-incrimination.
4. The State's Attorney for Baltimore City seeks to compel Officer William Porter to testify in the above-captioned case.

Wherefore, the State requests that this Court issue an order requiring Officer William Porter in the above-captioned case to give testimony which he has refused to give on the basis of his privilege against self-incrimination.

Respectfully submitted,

Marilyn J. Mosby



Marilyn J. Mosby (#589290)
State's Attorney for Baltimore City
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6000 (telephone)
(443) 984-6256 (facsimile)
mail@statattorney.org

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of January, 2016, a copy of the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings article was mailed and e-mailed to:

Matthew B. Fraling, III
Sean Malone
Harris Jones & Malone, LLC
2423 Maryland Avenue, Suite 100
Baltimore, MD 21218
(410) 366-1500
matthew.fraling@mdlobbyist.com
Attorneys for Officer Caesar Goodson

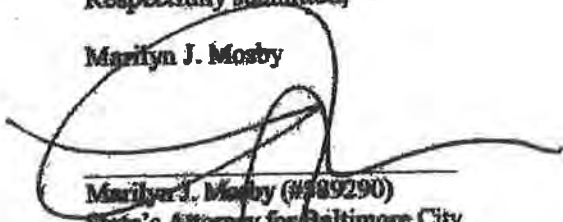
Joseph Murtha
Murtha, Psoras & Lanasa, LLC
1301 York Road, Suite 200
Lutherville, Maryland 21093
(410) 583-6969
jmurtha@mollawyers.com
Attorney for Officer William Porter

Andrew Jay Graham
Amy E. Askew
Kramon & Graham, P.A.
1 South Street, Suite 2600
Baltimore, MD 21202
410-752-6030
A.Graham@kg-law.com
Attorney for Officer Caesar Goodson

Gary Proctor
Gary E. Proctor, LLC
8 E. Midberry St.
Baltimore, MD 21202
410-444-1500
garyproctor@gmail.com
Attorney for Officer William Porter

Respectfully submitted,

Marilyn J. Mosby



Marilyn J. Mosby (#989290)
State's Attorney for Baltimore City
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6000 (telephone)
(443) 984-6236 (facsimile)
mosby@attorney.org

STATE OF MARYLAND

v.

CAESAR GOODSON

* * * * *

ORDER

IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
CASE No. 115141032

Having reviewed the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article, in which the State's Attorney for Baltimore City seeks to compel Officer William Porter, D.O.B. 6/26/1989, to testify in the above-captioned criminal proceeding; finding that Officer William Porter has been called by the State as a witness to testify in the above-captioned criminal proceeding but that Officer William Porter has refused to testify on the basis of his privilege against self-incrimination; and further finding that the State's Motion to Compel Officer William Porter's testimony complies with the requirements of Section 9-123 of the Courts and Judicial Proceedings Article, it is this ____ day of January, 2016, by the Circuit Court for Baltimore City

ORDERED that the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article be and hereby is **GRANTED**; and it is further

ORDERED that Officer William Porter, D.O.B. 6/26/1989, shall testify as a witness for the State in the above-captioned criminal proceeding and may not refuse to comply with this Order on the basis of his privilege against self-incrimination; and it is further

ORDERED that no testimony of Officer William Porter, D.O.B. 6/26/1989, compelled pursuant to this Order and no information directly or indirectly derived from the testimony of Officer William Porter compelled pursuant to this Order may be used against Officer William Porter in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with this Order.

Judge
Circuit Court for Baltimore City

RECEIVED FOR RECORD
CIRCUIT COURT FOR
BALTIMORE CITY

STATE OF MARYLAND

* IN THE 2016 JAN -6 P 4:22

* CIRCUIT COURT FOR BAL DIVISION

v.

* BALTIMORE CITY

CAESAR GOODSON

* Case No. 115141032

* * * * *
ORDER

On January 6, 2016, during a pre-trial motions hearing for the above-captioned case, the State presented this Court with its written Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article. During this hearing, counsel for the Defendant incorporated their arguments from their Motion to Quash Trial Subpoena of Officer William Porter.

Based on the motions, arguments, and testimony presented during the hearing, this Court finds that Officer William Porter, D.O.B. 6/29/1989, has been called by the State as a witness to testify in the above-captioned case but that Officer Porter has refused to testify on the basis of his privilege against self-incrimination. This Court further finds that the State's Motion to Compel Officer Porter's testimony complies with the requirements of Section 9-123 of the Courts and Judicial Proceedings Article. For these reasons, it is this 6th day of January, 2016, by the Circuit Court for Baltimore City, hereby

ORDERED that the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article is **GRANTED**, and further

ORDERED that Officer William Porter, D.O.B. 6/26/1989, shall testify as a witness for the State in the above-captioned case and may not refuse to comply with this Order on the basis of his privilege against self-incrimination, and further

ORDERED that no testimony of Officer William Porter, D.O.B. 6/26/1989, compelled pursuant to this Order, and no information directly or indirectly derived from the testimony of Officer Porter compelled pursuant to this Order, may be used against Officer Porter in any criminal case, except in a prosecution for perjury, obstruction of justice, or otherwise failing to comply with this Order.

Judge Barry G. Williams
Circuit Court for Baltimore City
Signature appears on the original document

BARRY G. WILLIAMS
JUDGE, CIRCUIT COURT FOR
BALTIMORE CITY

**TRUE COPY
TEST**



RAVINIA G. ALEXANDER, CLERK



Clerk, please mail copies to the following:
Joseph Murtha, Attorney for William Porter
Janice Bledsoe, Deputy State's Attorney, Office of the State's Attorney for Baltimore City

POSITION PAPER
WITNESS IMMUNITY

From
76's
office

I. INTRODUCTION

A. The Problem

There are basically two types of immunity: transactional and use and derivative use immunity (hereinafter "use immunity"). Transactional immunity means that once a witness has been compelled to testify about an incident, he may never be prosecuted for offenses arising out of that transaction even if independent evidence of the offense(s) -- from a source other than the witness -- comes to light. Use immunity, a shorthand term for use and derivative use immunity, means that once a witness has been compelled to testify about an offense, neither that testimony nor any evidence derived from that testimony may be used against the witness. If independent evidence is discovered, or has been preserved, the witness theoretically may still be prosecuted for the offense.

Obviously, in situations in which insider information about criminal activity is necessary in order to prosecute criminal activity, the prosecutor is faced with untenable alternatives when only transactional immunity is available.

For example, assume a scenario in which a narcotics network is functioning effectively with a hierarchy in which the first echelon leader is a prosperous, "white collar" professional who has never been convicted of a crime. That individual, who we can refer to as "Kingpin", provides the capital necessary to purchase the narcotics which is distributed to users. He never has his hand on the narcotics and enters only into cash transactions. Kingpin, however, relies upon a certified public accountant ("A") and an individual who monitors the actual narcotics distribution network ("B").

Kingpin may never be successfully prosecuted without information from "A" or "B". There may not be enough evidence against "A" or "B" to prosecute them for their role in the

conspiracy.

A resourceful prosecutor, who could be investigating Kingpin for narcotics violations or criminal violations of the income tax code would subpoena "A" or "B" before the grand jury at which time "A" and "B" would invoke their privilege against self-incrimination. Under the present law, the prosecutor would then face the dilemma of having to give "A" or "B" transactional immunity or a total exemption from liability for their misdeeds. "A" or "B", then, could conceivably not be prosecuted for their role in the conspiracy on either the state or federal level. If granted transactional immunity, they also conceivably may not incur civil liability for their involvement. "A" or "B" conceivably may not incur civil tax liability in the form of penalties and "A" conceivably may not face professional discipline in the form of license suspension or revocation by his professional licensing authority. To permit "A" or "B" to walk away from their misdeeds would truly be a miscarriage of justice.

B. The Resolution

The resolution of the dilemma is to provide the prosecutor with use immunity to permit the prosecutor to build a tax prosecution case against Kingpin by immunizing "A" from the use of "A's" testimony against him, or a narcotics case by immunizing "B" from the use of his testimony against him. "A" and "B" could still be prosecuted for their involvement in the conspiracy, could still be forced to pay civil tax penalties and "A" could still be subject to discipline on a professional basis. Certainly, consideration of appropriate sanctions against "A" and "B" should and must include all possibilities given the magnitude of their involvement in the crime.

II. PROPOSED GENERAL IMMUNITY STATUTE

The proposed statute is based substantially on the federal immunity statutes: 18 U.S.C. §§6001-04 (1985). Changes made in the language are primarily those required by the differences

between the organizational structure of law enforcement agencies in the federal and state systems.

The proposed general immunity statute differs substantively from existing Maryland statutes in three ways:

1. It provides for use and derivative use instead of transactional immunity;
2. It is generally available rather than limited to specific crimes;
3. It has built-in procedural safeguards which must be complied with prior to its utilization. Generally, the present statutes operate automatically.

The proposed immunity statute would replace the immunity provisions for specific crimes. Presently, Maryland has separate immunity provisions for the following crimes: Article 27, §23, Bribery of Public Officials;^{1/} Article 27, §24, Bribery of Athletic Participants; Article 27, §39, Conspiracy to Commit Bribery;^{2/} Gambling or Lottery Violations; Article 27, §298, Controlled Dangerous Substances; Article 27, §262, Gambling; Article 27, §371, Lottery Violations; Article 27, §400, Selling Liquor to Minors; Article 27, §540, Sabotage Prevention; Article 33, §26-16, Election Irregularities; Financial Institutions §9-

^{1/}Article III, §50 of the Constitution of Maryland requires the General Assembly to adopt a bribery statute conferring transactional immunity. Article 27, §§23 and 39 are the response to the mandate. Consequently, absent a constitutional amendment, immunity for bribery must continue to be "transactional" as opposed to the more limited "use and derivative use" immunity.

^{2/}Transactional immunity for conspiracy to commit bribery also would not be affected since it has constitutional overtones.

III. BASES FOR USE IMMUNITY

A. Legal Basis for Use Immunity

In 1892, the Supreme Court held unconstitutional a federal immunity statute which barred the introduction of compelled testimony but permitted it to be used to locate other evidence.^{4/} The Court reasoned -- correctly -- that such derivative use of the tainted evidence rendered the immunity meaningless. But rather than simply stating that the Constitution required derivative use immunity; i.e., immunity from both the introduction of compelled testimony and exploitation of the testimony to find leads, the opinion spoke in broad language which seemed to require transactional immunity. Consequently, Congress enacted a transactional immunity statute which was upheld by the Supreme Court,^{5/} and which became the model for state legislation. In 1970, Congress repealed the transactional immunity statutes and enacted a new use immunity statute, 18 U.S.C. §§6001-04 (1970). When the Supreme Court reviewed the new statute, it held that the transactional immunity language in Counselman which had been relied on for almost one hundred years was dicta. Thus, the Court held that the new statute which bars the use and derivative use of information obtained under a grant of immunity provides the protection required by the Fifth Amendment.^{6/}

Maryland's transactional immunity statutes, like the federal

^{3/} Immunity in the savings and loan situation would remain the same since the duration of the immunity accorded to the investigation of the pending matters would be limited to one more extension of the sunset provisions.

^{4/} Counselman v. Hitchcock, 142 U.S. 547 (1892).

^{5/} Brown v. Walker, 161 U.S. 591 (1896).

^{6/} Kastigar v. United States, 406 U.S. 441 (1972).

immunity statutes repealed in 1970, are based upon an incorrect interpretation of the 1892 decision. It is now clear that use immunity will meet constitutional requirements. Maryland's laws are, therefore, outdated.

B. Practical Bases for Use Immunity

In addition to providing the possibility that a witness given use immunity may be subject to subsequent prosecution for his criminal activity, i.e., the Oliver North prosecution, and would be subject to collateral consequences, use immunity provides for more complete disclosure of evidence than transactional immunity. As Professor G. Robert Blakely stated at the 1974 Seminar of the National Associations of Attorneys General:

With transactional immunity all the witness has to do is mention the transaction; he does not have to fill in the details. So his attorney can tell him to just mention it, and then say, "I don't remember." But with a "use" statute, a smart attorney advises his client to tell all he knows, because the more he tells, the less can be later used against him. So "use" statutes encourage fuller disclosure by witnesses, and that is what they are really all about.

As a result, individuals testifying under a grant of use immunity have greater reason to disclose their involvement.^{7/}

Further, a general immunity statute, instead of the present patchwork quilt of immunity statutes for particular crimes, would likewise be more conducive to full disclosure of evidence by an immunized witness. Often testimony about a drug transaction will encompass other crimes, such as violations of criminal tax statutes. Under the present system, a witness subpoenaed to testify pursuant to the immunity provisions of Article 27, §298

^{7/}Whether transactional or use witness immunity does not preclude prosecution for perjury or making false statements under oath.

(Controlled Dangerous Substances) may not refuse to testify because testimony regarding the controlled dangerous substances transaction would simultaneously implicate him in the commission of other crimes, e.g., tax perjury.^{8/} Yet this circumstance presents the possibility of a trap for the unwary prosecutor inquiring into drug violations and inadvertently granting transactional immunity for some previously unknown criminal activity.

Further, there are no procedural safeguards in the present immunity statutes and consequently their operation is triggered haphazardly, without identification of when a witness begins to receive immunity. The statutes also provide an "automatic immunity bath". Across the nation,^{9/} witnesses subpoenaed before the grand jury must either assert the privilege against self-incrimination or else notify the prosecutor that it is their intention to do so. The prosecutor then asks the court to order testimony and certifies that the immunity conferred thereby is in the public interest. This is the procedure set out in this proposed statute and is the procedure incorporated in the recently adopted savings and loan immunity legislation. In sharp contrast, most present Maryland statutes immunize everyone who answers questions in the grand jury.^{10/} No assertion of the privilege is required, nor is there any requirement of a certification that the immunity is in the public interest. The uncertainty of when the statute is applicable, coupled with the blanket automatic transactional immunity bath, makes Maryland immunity statutes both haphazard and dangerous. Unless a

^{8/} In re: Criminal Investigation No. 1-162, 307 Md. 622 (1987).

^{9/} Witness Immunity, National Association of Attorneys General, August, 1978.

^{10/} State v. Panagoulis, 253 Md. 699 (1969) (Witness who appeared voluntarily before grand jury to make statement and was then asked questions was "compelled" to testify within meaning of bribery immunity statutes).

prosecutor is very conversant in the vagaries of investigative grand jury law, he or she accidentally may immunize potential targets. As a consequence of the risks arising from the broad automatic immunity received by anyone subpoenaed before a grand jury investigating drugs, gambling and election laws, the grand jury frequently becomes unusable as an investigative tool in these areas. The result is that the financial aspects of large drug operations cannot be investigated by Maryland grand juries.

Finally, despite the broad brush immunization the present statutes provide, they may ironically deprive potential defendants of the opportunity to provide exculpatory evidence to a grand jury. A prosecutor who might otherwise consent to the appearance of a defendant who want to testify before an investigative grand jury or -- the more common occurrence -- a prosecutor who is willing to call a witness supportive of the defense, may decline to do so because he fears automatic immunization. There are no immunity waiver statutes and the question of whether the automatic immunity can be waived has yet to be resolved by the appellate courts.

IV. PROPOSED STATUTE

The proposed statute substitutes use for transactional immunity^{11/} because of the additional fact-finding utility that use immunity provides. It would automatically bring the Maryland law into accord with the Supreme Court's current view of the breadth of the Fifth Amendment.

The proposed statute is made generally applicable primarily for two reasons. It assures the compellability of the testimony regarding a transaction which may involve a variety of interrelated crimes and thus circumvents any constitutional

^{11/} Transactional immunity for the crime of bribery is retained because of its constitutional underpinning and for the savings and loan investigation because of its limited duration.

problem which may presently exist.^{12/} Secondly, it is now apparent that a grand jury may be an inappropriate forum for the investigation of a variety of crimes, particularly large scale drug operations, money laundering, and tax perjury. The existence of a generally available but limited immunity statute would remedy the dual problems of no immunity for most crimes and too much immunity for drugs, gambling and elections offenses.

By far the most significant changes provided by the proposed statute are procedural. Immunity would no longer be conferred automatically or accidentally, but rather only through court order. To ensure coordinated, responsible requests for immunity, the decision to seek a court order requires approval by the State's Attorney, Attorney General or State Prosecutor. The State's Attorney, the Attorney General or State Prosecutor will thereby have central control and ultimate responsibility for the issuance of grants of immunity.

The judicial role under this statute is ministerial. The Judge verifies that:

1. The State's Attorney, the Attorney General, or State Prosecutor has approved the request for an immunity order;
2. The witness has refused or is likely to refuse to testify;
3. The prosecutor has determined that the witness's testimony may be necessary to be the public interest.

Once the judge concludes these three requirements are met, he issues a court order compelling testimony and immunizing the witness.

The Judge will not himself determine whether the witness'

^{12/} Cf. In re Criminal Investigation No. 1-162, supra. n.6, (witness must reasonably fear prosecution for one of enumerated offenses).

testimony may be necessary to the public interest. To do so would transform the Judge into a prosecutor and require him to make delicate prosecutorial judgments which are inappropriate. Furthermore, a particular immunity grant may be a very small aspect to a large scale investigation, making it impossible for the judge to make any meaningful evaluation of the public interest.

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 DCM TRACK C DATE 090215 FELONY DRUG INIT
CASE 115141032 STATUS A DATE 052115 PREV ST CODEF NO CHANGE 020316
DEF GOODSON, CAESAR R OFC ID A32384 SID 004207138 R: B S: M DOB 072669
ADDRESS 242 W 29TH ST BALTIMORE MD 21211
DOA 000000 CMPL 71504000 PHYS LOC CASE LOC BAL 050115
DOF 052115 TRACK NO 15-1001-24326-0 DIST CASE 6B02294452 WAR 00 CJIS RI 1
001 000 A USER MUR05 CODE 1 0999 MURDER-2ND DEGREE DISP
ARREST/CITATION NO 0

	PLEA	DATE	VERDICT	DATE	
SENTENCE	TYPE	DATE	TIME	BEG	SUSP
	PROBATION	TIME	TYPE	COST	FINE
002 000 A USER MANS1 CODE 1 0910			MANSLAUGHTER		DISP
ARREST/CITATION NO 0					

	PLEA	DATE	VERDICT	DATE	
SENTENCE	TYPE	DATE	TIME	BEG	SUSP
	PROBATION	TIME	TYPE	COST	FINE
003 000 A USER ASLT2 CODE 1 1415			ASSAULT-SEC DEGREE		DISP
ARREST/CITATION NO 0					

	PLEA	DATE	VERDICT	DATE	
SENTENCE	TYPE	DATE	TIME	BEG	SUSP
	PROBATION	TIME	TYPE	COST	FINE

NEXT PAGE

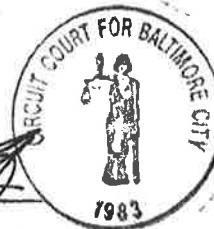
P/N

PAGE 001

TRUE COPY
TEST

[Handwritten Signature]
2-8-16

LAVINIA G. ALEXANDER, CLERK



02/08/16 CRIMINAL COURT OF BALTIMORE
CASE 115141032 ST A GOODSON, CAESAR R OFC
004 000 A USER MANS2 CODE 1 0909
ARREST/CITATION NO 0

CASE INQUIRY 09:14

A32384 COD N DCM C 090215

MANSLAUGHTER AUTO/BOAT DISP

PLEA DATE
SENTENCE TYPE DATE
PROBATION TIME
005 000 A USER MANS CODE 1 1611
ARREST/CITATION NO 0

VERDICT DATE
BEG SUSP
COST FINE
TYPE
CR NEG MANSLGHTR VEH/V DISP

PLEA DATE
SENTENCE TYPE DATE
PROBATION TIME
006 000 A USER MISC CODE 2 0645
ARREST/CITATION NO 0

VERDICT DATE
BEG SUSP
COST FINE
TYPE
MISCONDUCT IN OFFICE DISP

PLEA DATE
SENTENCE TYPE DATE
PROBATION TIME
007 000 A USER RECKL CODE 1 1425
ARREST/CITATION NO 0

VERDICT DATE
BEG SUSP
COST FINE
TYPE
RECKLESS ENDANGERMENT DISP

PLEA DATE
SENTENCE TYPE DATE
PROBATION TIME

VERDICT DATE
BEG SUSP
COST FINE
TYPE

NEXT PAGE

P/N

PAGE 002

9:14:53 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
101315 P31 09:30 528 PMOT
101415 P31 09:30 528 PMOT
CASI 052115 CKW CASE ADDED THROUGH ON-LINE ON THIS DATE 20150522
COMM 052115 CKW INDICTMENT FLD
COMM 052115 CKW FILED ASA - BLEDSOE, JANICE L , ESQ 68776
COMM 052115 SCB CC# 7150400000
COMM 052715 SBT JOINT MOTION TO DISMISS FOR PROSECUTORIAL MISCONDUCT, OR IN
COMM 052715 SBT THE ALTERNATIVE, FOR SANCTIONS FILED BY MATTHEW FRALING
COMM 052715 SBT MOTION FOR REMOVAL & REQUEST FOR A HEARING FILED BY MATTHEW
COMM 052715 SBT FRALING CC:JUDGE PETERS
COMM 052715 SBT JOINT MOTION FOR RECUSAL OF BALTIMORE CITY STATE ATTORNEY'S
COMM 052715 SBT OFFICE FILED BY MATTHEW FRALING CC:JUDGE PETERS
MOTF 052715 SBT MOTION FOR SPEEDY TRIAL
MOTF 052715 SBT MOTION TO PRODUCE DOCUMENTS
MOTF 052715 SBT REQUEST FOR DISCOVERY
MOTF 052715 SBT MOTION TO SUPPRESS PURSUANT TO MD 4-252 AND 4-253
MOTF 052715 SBT MOTION FOR GRAND JURY TESTIMONY
MOTF 052715 SBT DEMAND FOR CHEMIST
COMM 052715 SBT MEMORANDUM IN SUPPORT OF MOTION FOR REMOVAL & REQUEST FOR A

NEXT PAGE

P/N

PAGE 003

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE CPER PART TIME ROOM REAS / EVENT COMMENT
COMM 052715 S8T HEARING FILED BY MATTHEW FRALING CC: JUDGE PETERS
COMM 052715 S8T APPENDIX TO DEFENDANT'S MEMORANDUM IN SUPPORT OF MOTION FOR
COMM 052715 S8T REMOVAL & REQUEST FOR A HEARING FILED BY MATTHEW FRALING CC
COMM 052715 S8T JUDGE PETERS
COMM 052915 S8T DEFENDANT'S DEMAND FOR BILL OF PARTICULARS FILED
COMM 052915 CHH CSET ARRG; P08; 07/02/15; CHH
COMM 060115 SCB STATE'S MOTION TO EXTEND TIME REQUIREMENTS TO RESPOND TO
COMM 060115 SCB DEF'S MOTIONS FILED; CC: JUDGE PETERS
COMM 060315 SCB DEF'S JOINT RESPONSE IN OPPOSITION TO STATE'S MOTION
COMM 060315 SCB FOR EXTENSION OF TIME FLD (DISK INCLUDED); CC: JUDGE PETERS
COMM 060315 SCY DEF'S JOINT RESPONSE IN OPPOSITION TO STATE'S MOTION
COMM 060315 SCY FOR EXTENSION OF TIME FLD (DISK INCLUDED); CC: JUDGE PETERS
COMM 060415 SCY DATE STAMPED & ORDERED 6/4/15, STATE'S MOTION TO EXTEND TIME
COMM 060415 SCY REQUIREMENTS TO RESPOND TO DEFT'S MOTIONS, & THE DEFT'S JOINT
COMM 060415 SCY RESPONSE IN OPPOSITION TO STATE'S MOTION FOR EXTENSION OF
COMM 060415 SCY TIME, & HAVING FOUND CAUSE AS REQUIRED BY RULE 1-204(A), IT
COMM 060415 SCY IS ORDERED THAT THE STATE SHALL RESPOND TO DEFT'S MOTION FOR
COMM 060415 SCY REMOVAL, JOINT MOTION FOR RECUSAL OF BALTIMORE CITY STATE'S
COMM 060415 SCY ATTY'S OFFICE, & JOINT MOTION TO DISMISS FOR PROSECUTORIAL

NEXT PAGE

P/N

PAGE 004

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 060415 SCY MISCONDUCT OR, IN THE ALTERNATIVE, FOR SANCTIONS BY JUNE 26,

COMM 060415 SCY 2015; & IT IS FURTHER ORDERED THAT THE DEFT MAY FILE THE

COMM 060415 SCY MANDATORY MOTIONS SET FORTH IN RULE 4-252(A) WITHIN 45 DAYS

COMM 060415 SCY AFTER THE EARLIER OF THE APPEARANCE OF COUNSEL OR THE FIRST

COMM 060415 SCY APPEARANCE OF THE DEFT BEFORE THE COURT PURSUANT TO RULE

COMM 060415 SCY 4-213(C). PETERS, J (COPIES SENT BY CHAMBERS)

COMM 060515 CPR DEFENDANT'S PRELIMINARY RESPONSE TO THE STATE'S MOTION FOR

COMM 060515 CPR ISSUANCE BANNING EXTRAJUDICIAL STATEMENTS AND DEFENDANTS

COMM 060515 CPR RESPONSE TO THE NEWS MEDIA INTERVENORS MOTION TO INTERVENE

COMM 060515 CPR AND OPPOSE THE STATE'S MOTION FOR ISSUANCE OF ORDER

COMM 060515 CPR BARRING EXTRAJUDICIAL STATEMENTS; CC: JUDGE PETERS

COMM 060815 SCB STATE'S RESPONSE TO DEF'S DEMAND FOR BILL OF PARTICULARS FLD

COMM 060915 SCB CC: JUDGE PETERS

COMM 060915 SCY SUPPLEMENTAL TO DEFENDANT'S JOINT MOTION FOR RECUSAL OF

COMM 060915 SCY BALTIMORE CITY STATE'S ATTORNEY'S OFFICE CC: PETERS, J

COMM 061115 S8T STATE'S RESPONSE TO DEFENDANT'S OMNIBUS MOTIONS FILED

COMM 061515 CKW STATE'S MOTION FOR PROTECTIVE ORDER PURSUANT TO RULE 4-263

COMM 061515 CKW (M), MEMORANDUM IN SUPPORT THEREOF, AND REQUEST FOR

COMM 061515 CKW EXPEDITED HEARING FILE

NEXT PAGE

P/N

PAGE 005

3:14:54 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ET A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

MPRO 061515 CKW MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150703
FILE 061515 CPR FILED ADF - GRAHAM, ANDREW JAY , ESQ 322413
COMM 061715 CKW FILED ASA - SCHATZOW, MICHAEL , ESQ 717676
COMM 061715 CKW OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY'S
COMM 061715 CKW OPPOSITION TO DEFS JOINT MOTION FOR RECUSAL OF BALTIMORE
COMM 061715 CKW CITY STATE'S ATTORNEY'S OFFICE FLD
COMM 061815 lqj DEFENDANT'S EXCEPTIONS TO STATE'S BILL OF PARTICULARS
FILE 061815 lqj FILED ADF - FRALING, MATTHEW , ESQ 270545
COMM 062215 CMS ORDER OF COURT DATE STAMPED 6-22-15, THE COURT
COMM 062215 CMS HAVING DETERMINED THAT THE ASSIGNMENT OF THESE CASES TO
COMM 062215 CMS SINGLE JUDGE IS APPROPRIATE, IT IS THIS 19TH DAY OF
COMM 062215 CMS JUNE, 2015, ORDERED THAT THESE CASES ARE ASSIGNED TO
COMM 062215 CMS JUDGE BARRY WILLIAMS FOR ALL FURTHER PROCEEDINGS. COPIES
COMM 062215 CMS OF ALL PAPERS FILED WITH THE CLERK SHOULD BE SIMULTANEOUSLY
COMM 062215 CMS SENT TO JUDGE WILLIAMS' CHAMBERS. W. MICHEL PIERSON J.
COMM 062215 CMS ORDER OF COURT DATE STAMPED 6-22-15, UPON CONSULTATION
COMM 062215 CMS WITH THE PARTIES TO THE ABOVE-CAPTIONED CASES THROUGH
COMM 062215 CMS COUNSEL, IT IS THIS 19TH DAY OF JUNE, 2015, ORDERED THAT
COMM 062215 CMS A MOTIONS HEARING IS SCHEDULED FOR SEPTEMBER 2, 2015, AT

NEXT PAGE

P/N

PAGE 006

9:14.54 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE
CASE 115141032 ST A GOODSON, CAESAR R OFC

CASE INQUIRY 09:14
A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 062215 CMS 9:30 A.M. AND FURTHER ORDERED THAT THE TRIALS IN EACH OF
COMM 062215 CMS THE ABOVE-CAPTIONED CASES ARE SCHEDULED FOR OCTOBER 13,
COMM 062215 CMS 2015, AND FURTHER ORDERED THAT THE ARRAIGNMENTS SCHEDULED
COMM 062215 CMS FOR JULY 2, 2015 SHALL BE CANCELLED UPON THE ENTRY BY
COMM 062215 CMS EACH DEFENDANT OF A PLEA OF NOT GUILTY IN WRITING PURSUANT
COMM 062215 CMS TO RULE 4-242(B) ON OR BEFORE JUNE 26, 2015.
COMM 062215 CMS W. MICHEL PIERSON J.
COMM 062215 CMS COPY OF ORDERS MAILED TO ALL COUNSEL
COMM 062215 CNM PLEA AND REQUEST FOR JURY TRIAL FILED
COMM 062315 CKW SUPPLEMENT TO OFFICE OF THE STATE'S ATTORNEY FOR
COMM 062315 CKW BALTIMORE CITY'S OPPOSITION TO DEFS JOINT MOTION FOR
COMM 062315 CKW RECUSAL OF BALTIMORE CITY STATE'S ATTORNEY'S OFFICE FLD;
COMM 062315 CKW CC: JUDGE WILLIAMS
COMM 062315 CKW OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY'S
COMM 062315 CKW OPPOSITION TO DEFS JOINT MOTION TO DISMISS FOR
COMM 062315 CKW PROSECUTORIAL MISCONDUCT, OR IN THE ALTERNATIVE, FOR
COMM 062315 CKW SANCTIONS FLD
COMM 062415 SCY DATE STAMPED & ORDERED 6/24/15, THIS COURT IS IN RECEIPT OF
COMM 062415 SCY STATE'S MOTION FOR PROTECTIVE ORDER PURSUANT TO RULE 4-263

NEXT PAGE

P/N

PAGE 007

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 062415 SCY (M) FILED ON JUNE 15, 2015. PURSUANT TO RULE 1-203(C) AND
COMM 062415 SC: 4-252(F), ANY DEFENSE RESPONSE IS DUE ON OR BEFORE JULY 6,
COMM 062415 SCY 2015. THIS COURT NOTES THAT IN THE MOTION THE STATE
COMM 062415 SCY REQUESTED AN EXPEDITED HEARING BUT FAILED TO COMPLY WITH
COMM 062415 SCY RULE 1-204(A), WHICH PERMITS A COURT TO SHORTEN TIME FOR
COMM 062415 SCY A RESPONSE. HAVING FAILED TO SHOW THIS COURT THAT THE
COMM 062415 SCY CONDITION UNDER WHICH A MOTION TO SHORTEN TIME SHOULD BE
COMM 062415 SCY GRANTED, & IS HEREBY ORDERED THAT THE STATE'S REQUEST FOR
COMM 062415 SCY AN EXPEDITED HEARING, OR IN THE ALTERNATIVE, TO SHORTEN
COMM 062415 SCY THE TIME FOR RESPONSE, IS DENIED. WILLIAMS, J (COPIES
COMM 062415 SCY SENT BY CHAMBERS)
COMM 062415 1g) SUPPLEMENT TO OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE
COMM 062415 1g) CITY'S MOTION FOR PROTECTIVE ORDER
COMM 062415 1g) FILED ASA - BLEDSOE, JANICE L , ESQ 68776
COMM 062515 IDM CASE REMOVED FROM 7/2/15 APP. DOCKET AS PER JUDGE PETERS
COMM 062615 CKW STATE'S RESPONSE TO DEFS MOTION FOR REMOVAL FLD
COMM 062615 SCB STATE'S MOTION FOR JOINT TRIAL OF DEFENDANTS FLD
COMM 062615 SCB STATE'S INITIAL DISCLOSURES, NOTICES, AND MOTIONS FLD
COMM 062615 SCB STATE'S INDEX OF INFORMATION PRODUCED IN DISCOVERY FLD

NEXT PAGE

P/N

PAGE 008

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 063015 CZC DEF'S JOINT MOTION IN OPPOSITION TO STATE'S MOTION FOR
COMM 063015 CZC PROTECTIVE ORDER PURSUANT TO RULE 4-263 (M), MEMORANDUM
COMM 063015 CZC IN SUPPORT , AND REQUEST FOR EXPEDITED HEARING FLD.
HCAL 070215 1DM P08;0930;509 ;ARRG; ;POST;OTH;PETERS, CHARLES;8E3
HCAL 070215 SCB P08;0930;509 ;ARRG; ;OTHR; ;SFEKAS, STEPHEN;8E4
COMM 070215 SCB SET IN ERROR; NO FILE IN COURT
HCAL 070215 1DM P08;0930;509 ;APRG; ;TSET, ;WILLIAMS, BARRY;8C9
COMM 070615 CKW DEFS REPLY TO STATE'S RESPONSE TO DEFS MOTION FOR REMOVAL
COMM 070615 CKW AND REQUEST FOR HEARING FLD; CC: JUDGE WILLIAMS
COMM 070715 SCB CSET ARRG; P08; 07/02/15; SCB
COMM 070815 CZC DEFENDANT'S JOINT MOTION IN OPPOSITION TO STATE'S MOTION
COMM 070815 CZC FOR PROTECTIVE ORDER PURSUANT TO RULE 4-263(M),
COMM 070815 CZC MEMORANDUM IN SUPPORT, AND REQUEST FOR EXPEDITED HEARING
COMM 070815 CZC WHICH WAS FLD. 6-30-15, HAND DELIVERED TO JUDGE WILLIAMS'
COMM 070815 CZC CHAMBERS.
COMM 070815 CZC STATE'S RESPONSE TO DEFENDANTS' JOINT MOTION IN OPPOSITION
COMM 070815 CZC TO STATE'S MOTION FOR PROTECTIVE ORDER STATE'S RENEWED
COMM 070815 CZC REQUEST FOR HEARING FLD.
COMM 070915 CZC STATE'S RESPONSE TO DEFENDANTS' JOINT MOTION IN OPPOSITION

NEXT PAGE

P/N

PAGE 009

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 070915 CZC TO STATE'S MOTION FOP PROTECTIVE ORDER STATE'S RENEWED
COMM 070915 CZC REQUEST FOR HEARING HAND DELIVERED TO JUDGE WILLIAMS'
COMM 070915 CZC CHAMBERS
MTAN 070915 1jj MOTION FOR SUBPOENA / TANGIBLE EVID; TICKLE DATE= 20150717
COMM 071315 SC1 STATE'S APPENDIX OF EVIDENCE IN SUPPORT OF MOTION FOP
COMM 071315 SCY PROTECTIVE ORDER PURUSANT TO RULE 4-263(M) CC: WILLIAMS, J
COMM 071315 SCY FILED ASA - MILLION, MATTHEW , ESQ 653491
COMM 071315 SCB DEF'S MOTION TO SUPPRESS THE SEARCH AND SEIZURE OF DEFENDANTS
COMM 071315 SCB DEPARTMENTAL CELL PHONES AND REQUEST FOR FRANKS HEARING FLD
MPRO 071615 CNN MOTION FOR PROTECTIVE ORDER ; TICKLE DATE= 20150803
COMM 071615 CNN STATE'S MOTION TO QUASH TRIAL SUBPOENA BASED ON ABUSE OF
COMM 071615 CNN PROCESS (COPY DELIVERED TO JUDGE WILLIAMS CHAMBERS PER
COMM 071615 CNN PER LAW CLERK)
COMM 071615 CPF STATE'S RESPONSE TO DEFENDANT'S MOTION FOR SUBPOENA FOR
COMM 071615 CPP TANGIBLE EVIDENCE(COPY DELIVERED TO JUDGE WILLIAMS CHAMBERS
COMM 071615 CPR PER LAW CLERK)
COMM 071715 SCB STATE'S SUPPLEMENTAL DISCLOSURE FLD
COMM 071715 SCB ORDER DATED AND DATE STAMPED JULY 17, 2015; THAT THE STATE'S
COMM 071715 SCB MOTION FOR PROTECTIVE ORDER PURSUANT TO RULE 4-263(M) IS

NEXT PAGE

P/11

PAGE 010

9:14:56 Monday, February 08, 2016

02/03/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE QFER PART TIME ROOM PEAS / EVENT COMMENT
COMM 071715 SCB DENIED; B. WILLIAMS, J
COMM 072115 1g) STATE'S OPPOSITION TO DEFENDANT'S JOINT MOTION TO SUPPRESS
COMM 072115 1g) THE SEARCH AND SEIZURE OF DEFENDANT'S DEPARTMENTAL CELL
COMM 072115 1g) PHONES AND REQUEST FOR FRANKS HEARING
COMM 072315 CKW REPLY TO STATE'S RESPONSE TO DEFS MOTION FOR SUBPOENA
COMM 072315 CKW FOR TANGIBLE EVIDENCE FLD; COPY DELIVERED TO JUDGE
COMM 072315 CKW WILLIAMS PER LAW CLERK
COMM 072415 1T2 WAITING ON RETURN CALL FROM JUDGE, WILLIAMS SEC.
COMM 072415 1T2 BEFORE SCHEDULING/NO TRIAL SUMMARY/7-22-15...TJ
COMM 072415 1g) STATE'S SUPPLEMENTAL DISCLOSURE
COMM 072415 1g) FILED ASA - BLEDEOE, JANICE L , ESQ 68776
COMM 072915 CPR REPLY TO STATE'S OPPOSITION TO MOTION TO SUPPRESS THE SEARCH
COMM 072915 CPR AND SEIZURE OF DEFENDANTS' DEPARTMENTAL CELL PHONES AND
COMM 072915 CPR REQUEST FOR FRANKS HEARING
COMM 073015 1g) MOTION TO COMPEL DISCOVERY ;TICKLE DATE= 20150807
COMM 073015 1g) COPIES DELIVERED TO JUDGE WILLIAM'S CHAMBERS OER L.C.
COMM 073115 SBT RESPONSE TO STATE'S MOTION TO QUASH TRIAL SUBPOENA BASED ON
COMM 073115 SBT ABUSE OF PROCESS FILED CC:JUDGE WILLIAMS
COMM 080415 CKW LINE FILED; COPY DELIVERED TO JUDGE WILLIAMS PER ATTORNEY

NEXT PAGE

P/N

PAGE 011

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 080615 SCB STATE'S SUPPLEMENTAL DISCLOSURE FLD
COMM 080615 SCB DEF'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF JOINT MOTION
COMM 080615 SCB FOR RECUSAL OF THE BALTIMORE CITY STATE'S ATTORNEY'S OFFICE
COMM 080615 SCB COPY DELIVERED TO JUDGE WILLIAMS' CHAMBERS
COMM 080615 SCB STATE'S MOTION TO SANCTION THE DEF'S ATTORNEYS FOR
COMM 080615 SCB UNPROFESSIONAL CONDUCT AND ABUSE OF COMPULSORY PROCESS FLD
COMM 080615 SCB STATE'S MOTION TO STRIKE AS A SANCTION FOR DEF'S VIOLATION
COMM 080615 SCB OF RULE 4-263(I) OR, ALTERNATIVELY, STATE'S RESPONSE TO
COMM 080615 SCB DEF'S JOINTLY FILED MOTION TO COMPEL AND FOR SANCTIONS FLD
COMM 081015 SCJ TIME STAMPED 8/10/15 - ORDER DATED 9/10/15 THAT UPON
COMM 081015 SCJ CONSIDERATION OF DEFENDANT'S EXCEPTIONS TO STATE'S BILL OF
COMM 081015 SCJ PARTICULARS AND HAVING FOUND THAT THE STATE'S RESPONSE TO
COMM 081015 SCJ DEFENDANT'S DEMAND FOR BILL OF PARTICULARS IS SUFFICIENT
COMM 081015 SCJ ORDERED THAT DEFENDANT'S REQUEST FOR FURTHER RESPONSE BY
COMM 081015 SCJ THE STATE IS DENIED PER JUDGE WILLIAMS, FD - COPIES SENT
COMM 081015 SCJ TO ALL PARTIES
COMM 081115 CKW DEFENDANTS WAIVER OF APPEARANCE FLD
COMM 081415 CPR STATE'S MOTION TO QUASH HEARING SUBPOENA REQUESTED BY
COMM 081415 CPR CATHERINE FLYNN AND SERVED ON ASSISTANT STATE'S ATTORNEY

NEXT PAGE

P/N

PAGE 012

9:14:57 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A JOXDSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 081415 CPR ALBERT PEISINGER
COMM 081415 CPR STATE'S MOTION TO QUASH HEARING SUBPOENA SERVED ON WAYNE
COMM 081415 CPR WILLIAMS
COMM 081415 CPR STATE'S MOTION TO QUASH HEARING SUBPOENA SERVED ON AVON
COMM 081415 CPR MACKEL
COMM 081415 CKW STATE'S MOTION TO QUASH HEARING SUBPOENA REQUESTED BY
COMM 081415 CKW CATHERINE FLYNN AND SERVED ON DEPUTY STATE'S ATTORNEY
COMM 081415 CKW ANTONIO GIOIA
MPRO 081415 CKW MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
MPRO 081415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
MPRO 081415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
MPRO 081415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
MPRO 081415 SBT MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
COMM 081415 SBT STATE'S MOTION TO QUASH HEARING SUBPOENA REQUESTED BY
COMM 081415 SBT CATHERINE FLYNN & SERVED ON STATE'S ATTORNEY MARILYN
COMM 081415 SBT MOSBY FILED
MPRO 081415 CNN MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
COMM 081415 CNN STATE'S MOTION TO QUASH HEARING SUBPOENA REQUESTED BY
COMM 081415 CNN CATHERINE FLYNN AND SERVED ON DR CAROL ALLEN

NEXT PAGE

2/11

PAGE 013

9 14:57 Monday, February 08, 2016

02/08/16 CPINIAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

MPRO 081415 19j MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
COMM 081415 19j STATE'S MOTION TO QUASH HEARING SUBPOENA REQUESTED BY
COMM 081415 19j CATHERINE FLYNN AND SERVED ON ASSISTANT STATE'S ATTORNEY
COMM 081415 19j LISA GOLDBERG
COMM 081415 SCB STATE'S MOTION TO QUASH HEARING SUBPOENA REQUESTED BY
COMM 081415 SCB BY CATHERINE FLYNN AND SERVED ON DEPUTY STATE'S ATTORNEY
COMM 081415 SCB JANICE BLEDSOE FLD
MPRO 081415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
COMM 081415 SCB STATE'S MOTION TO QUASH HEARING SUBPOENA REQUESTED BY
COMM 081415 SCB CATHERINE FLYNN AND SERVED ON CHIEF DEPUTY STATE'S
COMM 081415 SCB ATTORNEY MICHAEL SCHATZOW FLD
MPRO 081415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150901
COMM 081815 SCY DATE STAMPED & ORDERED 7/17/15, FINDING MS. FLYNN'S ISSUANCE
COMM 081815 SCY OF A SUBPOENA FOR THE SEPTEMBER 2, 2015 HEARING TO BE IN-
COMM 081815 SCY CONSISTENT WITH THIS COURT'S RULING, IT IS THEI S
COMM 081815 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 081815 SCY HEARING SUBPOENA REQUESTED BY CATHERINE FLYNN AND SERVED
COMM 081815 SCY ON DR. CAROL ALLEN. ORDERED THAT THE HEARING SUBPOENA
COMM 081815 SCY SERVED ON DR. CAROL ALLEN FOR THE SEPTEMBER 2, 2015.

NEXT PAGE

P/N

PAGE 014

9:14:58 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 081815 SCY HEARING IS QUASHED. (SEE OPDER) WILLIAMS, J (CC: ALL
COMM 081815 SCY COUNSEL OF RECORD)
COMM 081915 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 081915 SCY HEARING SUBPOENA REQUESTED BY CATHERINE FLYNN AND SERVED
COMM 081915 SCY ON ASSISTANT STATE'S ATTORNEY, ALBERT PEISINGER. ORDERED,
COMM 081915 SCY THAT THE HEARING SUBPOENA SERVED ON ALBERT PEISINGER FOR
COMM 081915 SCY THE SEPTEMBER 2, 2015 HEARING IS QUASHED. WILLIAMS, J
COMM 081915 SCY (CC: ALL COUNSEL OF RECORD)
COMM 081915 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 081915 SCY HEARING SUBPOENA REQUESTED BY CATHERINE FLYNN AND SERVED
COMM 081915 SCY ON ASSISTANT STATE'S ATTORNEY LISA GOLDBERG. ORDERED,
COMM 081915 SCY THAT THE HEARING SUBPOENA SERVED ON LISA GOLDBERG FOR THE
COMM 081915 SCY SEPTEMBER 2, 2015 HEARING IS QUASHED. WILLIAMS, J (CC: ALL
COMM 081915 SCY COUNSEL OF RECORD)
COMM 081915 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 081915 SCY HEARING SUBPOENA REQUESTED BY CATHERINE FLYNN AND SERVED
COMM 081915 SCY ON WAYNE WILLIAMS. ORDERED, THAT THE HEARING SUBPOENA
COMM 081915 SCY SERVED ON WAYNE WILLIAMS FOR THE SEPTEMBER 2, 2015 HEARING
COMM 081915 SCY IS QUASHED. WILLIAMS, J (CC: ALL COUNSEL OF RECORD)

NEXT PAGE

P/N

PAGE 015

9:14:58 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 081915 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 081915 SCY HEARING SUBPOENA REQUESTED BY CATHERINE FLYNN AND SERVED
COMM 081915 SCY ON AVON MACKEL. ORDERED, THAT THE HEARING SUBPOENA SERVED
COMM 081915 SCY ON AVON MACKEL FOR THE SEPTEMBER 2, 2015 HEARING IS QUASHED.
COMM 081915 SCY (CC: ALL COUNSEL OF RECORD)
COMM 081915 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 081915 SCY HEARING SUBFOENA REQUESTED BY CATHERINE FLYNN AND SERVED
COMM 081915 SCY ON CHIEF DEPUTY STATE'S ATTORNEY MICHAEL SCHATZOW. ORDERED,
COMM 081915 SCY THAT THE HEARING SUBPOENA SERVED ON MICHAEL SCHATZOW FOR THE
COMM 081915 SCY SEPTEMBER 2, 2015 HEARING IS QUASHED. WILLIAMS, J (CC: ALL
COMM 081915 SCY COUNSEL OF RECORD)
COMM 081915 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 081915 SCY HEARING SUBPOENA REQUESTED BY CATHERINE FLYNN AND SERVED
COMM 081915 SCY ON STATE'S ATTORNEY MARILYN MOSBY. ORDERED, THAT THE
COMM 081915 SCY HEARING SUBFOENA SERVED ON MARILYN MOSBY FOR THE SEPTEMBER
COMM 081915 SCY 2, 2015 HEARING IS QUASHED. WILLIAMS, J (CC: ALL COUNSEL
COMM 081915 SCY OF RECORD)
COMM 081915 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 081915 SCY HEARING SUBFOENA REQUESTED BY CATHERINE FLYNN AND SERVED

NEXT PAGE

P/N

PAGE 016

9:14:58 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 081915 SCY ON DEPUTY STATE'S ATTORNEY JANICE BLEDSOE. ORDERED, THAT
COMM 081915 SCY THE HEARING SUBPOENA SERVED ON JANICE BLEDSOE FOR THE
COMM 081915 SCY SEPTEMBER 2, 2015 HEARING IS QUASHED. WILLIAMS, J (CC: ALL
COMM 081915 SCY COUNSEL OF RECORD)
COMM 081915 SCY DATE STAMPED & ORDERED 8/17/15, STATE'S MOTION TO QUASH
COMM 061915 SCY HEARING SUBPOENA REQUESTED BY CATHERINE FLYNN AND SERVED
COMM 081915 SCY ON DEPUTY STATE'S ATTORNEY ANTONIO GIOIA. ORDERED, THAT
COMM 081915 SCY THE HEARING SUBPOENA SERVED ON ANTONIO GIOIA FOR THE
COMM 081915 SCY SEPTEMBER 2, 2015 HEARING IS QUASHED. WILLIAMS, J (CC: ALL
COMM 081915 SCY COUNSEL OF RECORD)
COMM 061915 CPP STATE'S SUPPLEMENTAL DISCLOSURE
COMM 082415 SCB STATE'S MOTION TO QUASH HEARING SUBPOENA SERVED ON
COMM 082415 SCB DETECTIVE DAWNYELL TAYLOR FLD
MPRO 082415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150911
COMM 082415 SCB STATE'S MOTION TO QUASH HEARING SUBPOENA SERVED ON
COMM 082415 SCB MAJOR SAM COGAN FLD
MPPO 082415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150911
COMM 082415 SCB STATE'S MOTION TO QUASH HEARING SUBPOENA SERVED ON THE
COMM 082415 SCB CUSTODIAN OF RECORDS FOR THE OFFICE OF THE CHIEF MEDICAL

NEXT PAGE

P/N

PAGE 017

9:14:59 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 082415 SCB EXAMINER FLD
MPRO 082415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150911
MPRO 082415 SCB MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150911
COMM 082415 SCB STATE'S RESPONSE TO DEF'S SUPPLEMENTAL MEMORANDUM IN
COMM 082415 SCB SUPPORT OF JOINT MOTION FOR RECUSAL OF BALTIMORE CITY
COMM 082415 SCB STATE'S ATTORNEY OFFICE FLD
MPRO 082515 CKW MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150912
COMM 082615 CMS ORDER OF COURT DATED AUGUST 26, 2015, SECURITY/MEDIA
COMM 082615 CMS PROTOCOL ORDER FILED. ORDER IS SUBJECT TO MODIFICATION
COMM 082615 CMS BY THE COURT AT ANY TIME. W. MICHEL PIERSON J
COMM 082615 CMS COPIES MAILED TO ALL COUNSEL
COMM 082615 SCB ORDER DATED AUGUST 25, 2015 AND DATE STAMPED AUGUST 26, 2015
COMM 082615 SCB THAT THE SUBPOENA SERVED ON DETECTIVE DAWNYELL TAYLOR FOR
COMM 082615 SCB THE SEPTEMBER 2, 2015 HEARING IS QUASHED; WILLIAMS, J
COMM 082615 CKW DATE STAMPED AND ORDERED AUGUST 25TH 2015 THAT THE HEARING
COMM 082615 CKW SUBPOENA SERVED ON MAJOR SAM COGAN FOR THE SEPTEMBER 2 2015
COMM 082615 CKW HEARING IS QUASHED
COMM 082615 SCB ORDER DATED AUGUST 25, 2015 AND DATE STAMPED AUGUST 26, 2015
COMM 082615 SCB THAT THE HEARING SUBPOENA SERVED ON THE CUSTODIAN OF RECORDS

NEXT PAGE

P/N

PAGE 018

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 CUD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 082615 SCB FOP THE OFFICE OF THE CHIEF MEDICAL EXAMINER FOR THE
COMM 082615 SCB SEPTEMBER 2, 2015 HEARING IS QUASHED FLD; WILLIAMS, J
COMM 082615 CKW STATE'S MOTION TO QUASH HEARING SUBPOENA SERVED ON
COMM 082615 CKW COLONEL STANLEY BRANFORD FLD
MPRO 082615 CKW MOTION FOR PROTECTIVE ORDER ;TICKLE DATE= 20150913
COMM 082615 CKW STATE'S MOTION TO QUASH ALL HEARING SUBPOENAS ISSUED BY
COMM 082615 CKW THE DEFENSE FOR THE SEPTEMBER 2, 2015, MOTIONS HEARING FLD
COMM 082715 CPR ORDER DATE STAMPED 8/27/15; ORDERED THIS 26TH DAY OF AUGUST
COMM 082715 CPR 2015 THAT THE HEARING SUBPOENA SERVED ON COLONEL STANLEY
COMM 082715 CPR BRANFORD FOR THE SEPTEMBER 2, 2015 HEARING IS QUASHED
COMM 082715 CPP JUDGE B. WILLIAMS
COMM 082715 CPR COPY MAILED TO STATE ATTORNEY(S) AND DEFENSE ATTORNEY(S)
COMM 082715 1g) SECOND REQUEST FOR AN EVIDENTIARY HEARING ON THE
COMM 082715 1g) SUPPLEMENTAL MEMORANDUM IN SUPPORT OF JOINT MOTION FOR
COMM 082715 1g) RECUSAL OF THE BALTIMORE CITY STATE'S ATTORNEY'S OFFICE
COMM 083115 1T2 CSET PMOT; P31; 09/02/15; 1T2 (PER COMPUTER/ORDER)
COMM 083115 SBT STATE'S RESPONSE TO DEFENDANT'S "SECOND REQUEST FOR AN
COMM 083115 SBT EVIDENTIARY HEARING ON THE SUPPLEMENTAL MEMORANDUM IN
COMM 083115 SBT SUPPORT OF JOINT MOTION FOR RECUSAL OF THE BALTIMORE CITY

NEXT PAGE

P/N

PAGE 019

9:15:00 Monday, February 08, 2016

02/08/16 CRIMINAL COUPT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 083115 SBT STATE'S ATTORNEY'S OFFICE" FILED BY MICHAEL SCHATZOW
COMM 083115 SBT STATE'S SUPPLEMENTAL DISCLOSURE FILED BY JANICE BLEDSOE
COMM 090215 1DM CSET ARRG, P08; 07/02/15; 1DM
COMM 090215 1DM CSET JT ; P31; 10/13/15; 1DM
TRAK 090215 1DM ASSIGNED TO TRACK C - 120 DAYS ON 09/02/2015
COMM 090215 1T2 CONSENT WAIVER OF PRESENCE OF DEFT'S "GRANTED" (JUDGE
COMM 090215 1T2 WILLIAMS)
COMM 090215 1T2 JOINT MOTION TO DISMISS ON JUDICIAL STATEMENTS HEARD AND
COMM 090215 1T2 "DENIED" (JUDGE WILLIAMS)
COMM 090215 1T2 JOINT MOTION FOR SANCTIONS HEARD AND "DENIED" (JUDGE
COMM 090215 1T2 WILLIAMS)
COMM 090215 1T2 DEFT'S REQUEST FOR EVIDENTIARY HEARING HEARD AND
COMM 090215 1T2 "DENIED" (JUDGE WILLIAMS)
COMM 090215 1T2 JOINT MOTION TO RECUSE BALTIMORE CITY ASA AND OFFICE
COMM 090215 1T2 HEARD AND "DENIED" (JUDGE WILLIAMS)
COMM 090215 1T2 STATE'S MOTION FOR JOINT TRIAL OF DEFT (GOODSON)
COMM 090215 1T2 HEARD AND "DENIED" (JUDGE WILLIAMS)
HCAL 090215 SCT P31;0930;528 ;PMOT; ;OTHR; ;WILLIAMS, BARRY;8C9
COMM 090215 S8M STATE'S MOTION FOR JOINT TRIAL OF DEFENDANTS CD'S SEALED

NEXT PAGE

P/N

PAGE 020

4:15:00 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09-14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 090815 1gj DEFENDANT'S SUPPLEMENTAL MEMORANDUM TO DEFENDANT'S MOTION
COMM 090815 1gj FOR REMOVAL
COMM 090915 S8T STATE'S SUPPLEMENTAL DISCLOSURE FILED B/ JANICE BLEDSOE
COMM 091015 CPR FILED ASA - MOSBY, MARILYN J , ESQ 589290
HCAL 091015 1 CPR P31;0930;528 ;HEAR;HR;DENI; ;WILLIAMS, BARRY;8C9
COMM 091015 CPR CSET HEAR; P31; 09/10/15; CPR
COMM 091015 CPR DEFENSE MOTION TO TRANSFER VENUE IS HEPEBY HEARD & "DENIED"
HCAL 091015 SCB P31;0930;528 ;HEAR; ;OTHR; ;WILLIAMS, BARRY;8C9
COMM 091015 SCB CSET HEAR; P31; 09/10/15; SCB
COMM 091015 SCB DEF'S MOTION FOR SUBPEONA TO TANGIBLE RECORDS OF POLICE DEPT
COMM 091015 SCB TRAINING RECORDS AT THE ACADEMY HEARD AND IS HEREBY DENIED
COMM 091015 SCB WITH LEAVE TO REFILE; DEF'S MOTION FOR SUBPEONA TO
COMM 091015 SCB TANGIBLE RECORDS OF CHIEF MEDICAL EXAMINERS OFFICE
COMM 091015 SCB WITHDRAWN; DEF'S MOTION FOR SUBPEONA TO TANGIBLE RECORDS
COMM 091015 SCB OF CENTRAL BOOKING FOR FREDDIE GRAY WITHDRAWN; DEF'S MOTION
COMM 091015 SCB FOR SUBPEONA TO TANGIBLE RECORDS FOR JANUARY 1, 2012 TO
COMM 091015 SCB APRIL 2012 OF POLICE ACADEMY TRAINING ON LEGAL ISSUES HEARD
COMM 091015 SCB AND DENIED; DEF'S MOTION FOR SUBPEONA TO TANGIBLE RECORDS
COMM 091015 SCB OF STATE'S ATTY'S OFFICE INVESTIGATION RECORDS FOR

NEXT PAGE

P/N

PAGE 021

9:15:00 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 091015 SCB APRIL 12, 2015 THRU MAY 1, 2015 HEARD AND DENIED
COMM 091115 SCB STATE'S SUPPLEMENTAL DISCLOSURE FLD
COMM 091615 SCB STATE'S NOTICE OF INTENT TO USE DNA FLD
COMM 091615 SCB STATE'S SUPPLEMENTAL DISCLOSURE FLD
COMM 091815 19J DEFENDANTS' JOINT MOTION FOR RECORDATION OF
COMM 091815 19J SEPTEMBER 24, 2015 SCHEDULING CONFERENCE
COMM 091815 19J STATE'S SUPPLEMENTAL DISCLOSURE OF EXPERT WITNESS
MCOM 092115 CNN MOTION TO COMPEL DISCOVERY ;TICKLE DATE= 20150929
COMM 092115 CNN MOTION TO PRODUCE RECORDS REGARDING DNA ANALYSIS
COMM 092215 CKW STATE'S SUPPLEMENTAL DISCLOSURE FLD
COMM 092315 SCY DATE STAMPED & ORDERED 9/22/15, THAT THE DEFT'S REQUEST FOR
COMM 092315 SCY SEPTEMBER 24, 2015 SCHEDULING CONFERENCE TO TAKE PLACE ON
COMM 092315 SCY THE RECORD, IS DENIED. WILLIAMS, J (CC: MATTHEW FRALING,
COMM 092315 SCY ATTORNEY FOR DEFT, JANICE BLEDSOE, DEPUTY STATE'S ATTORNEY,
COMM 092315 SCY OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY)
MCOM 092315 CPR MOTION TO COMPEL DISCOVERY ;TICKLE DATE= 20151001
COMM 092315 CPR STATE'S MOTION TO COMPEL DISCOVERY
COMM 092315 CPR STATE'S SUPPLEMENTAL DISCLOSURE
COMM 092315 CNN STATE'S RESPONSE TO DEFENDANT'S MOTION TO PRODUCE RECORDS

NEXT PAGE

P/N

PAGE 022

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR P OFC

A32384 COD D DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 092315 CNN REGARDING DNA ANALYSIS

FILE 092415 CPR FILED ADF - ASKEW, AMY E , ESQ 24075

COMM 092815 1T2 CSET HEAR; P31; 09/29/15; 1T2 (ADD-ON/PER LAW CLK/JUDGE

COMM 092815 1T2 WILLIAMS CALLING PT. 46 DKT IN RM. 234 EAST)

COMM 092815 SCY DATE STAMPED 9/28/15, & ORDERED 9/25/15, THAT ALL PROVISIONS

COMM 092815 SCY OF THE SECURITY/MEDIA PROTOCOL ORDER DATED AUGUST 26, 2015

COMM 092815 SCY SHALL APPLY TO THIS HEARING. IN ADDITION, FOR THIS HEARING,

COMM 092815 SCY MEMBERS OF THE MEDIA SHOULD ARRIVE AT THE COURTHOUSE AT 1:00

COMM 092815 SCY P.M. PIERSON, J

COMM 092915 CYH CSET JT ; P31; 01/06/16; CYH

HCAL 092915 SCB P31;0200;528 ;HEAR; ;POST;CAN;WILLIAMS, BARRY;8C9

COMM 092915 SCB POSTPONED TIL 1/6/2016 PART 31 AT 9:30AM; DEF SERVED

COMM 092915 S8T DEFENDANT'S MOTION FOR RECONSIDERATION OF THE DENIAL OF

COMM 092915 S8T MOTION FOR REMOVAL & REQUEST FOR HEARING FILED

COMM 092915 S8T SUPPLEMENT TO DEFENDANT'S JOINT MOTION TO COMPEL AND FOR

COMM 092915 S8T SANCTIONS FILED

HWNO 092915 S8T POSTPONEMENT FORM FILED; HICKS (MD RULE 4-271) NOT WAIVED

COMM 093015 SCY DATE STAMPED & ORDERED 9/30/15, DEFT'S REQUEST FOR THE

COMM 093015 SCY SUPPRESSION OF THE SEARCH AND SEIZURE OF DEFT'S DEPARTMENTAL

NEXT PAGE

P/N

PAGE 023

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 093015 SCY CELL PHONES AND FOR A FRANKS HEARING IS DENTED. WILLIAMS, J
COMM 093015 SCY (CC: MATTHEW FRALING, III., ATTORNEY FOR CAESAR GOODSON,
COMM 093015 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTORNEY, OFFICE OF STATE'S
COMM 093015 SCY ATTORNEY FOR BALTO. CITY)
COMM 093015 CNN STATE'S SUPPLEMENTAL DISCLOSURE
COMM 100215 SCY DATE STAMPED & ORDERED 10/2/15, THAT DEFT'S REQUEST FOR
COMM 100215 SCY RECONSIDERATION OF THE DENIAL OF MOTION FOR REMOVAL AND
COMM 100215 SCY DEFT'S REQUEST FOR A HEARING IS DENIED. WILLIAMS, J
COMM 100215 SCY (CC: MATTHEW FRALING, III., ATTORNEY FOR CAESAR GOODSON,
COMM 100215 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTORNEY, OFFICE OF THE
COMM 100215 SCY STATE'S ATTORNEY FOR BALTO. CITY)
COMM 100515 SCY DATE STAMPED 10/5/15, & ORDERED 10/2/15, UPON CONSULTATION
COMM 100515 SCY WITH THE PARTIES TO THE ABOVE-CAPTIONED CASE THROUGH COUNSEL
COMM 100515 SCY ORDERED THAT A MOTIONS HEARING IS SCHEDULED FOR OCTOBER 13,
COMM 100515 SCY 2015 AT 9:30 A.M., AND FURTHER ORDERED THAT A MOTION HEARING
COMM 100515 SCY IS SCHEDULED FOR OCTOBER 14, 2015 AT 9:30 A.M. WILLIAMS, J
COMM 100515 SCY (CC: MATTHEW FRALING, ATTORNEY FOR CAESAR GOODSON, JANICE
COMM 100515 SCY BLEDSOE, DEPUTY STATE'S ATTORNEY, OFFICE OF THE STATE'S
COMM 100515 SCY ATTORNEY FOR BALTO. CITY)

NEXT PAGE

P/N

PAGE 024

9:15:02 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 100515 SCY DATE STAMPED 10/5/15, & ORDERED 10/2/15, UPON CONSIDERATION
COMM 100515 SCY OF THE MOTION AND RESPONSE IN THIS INSTANCE, & HAVING FOUND
COMM 100515 SCY THE STATE'S RESPONSE IN PARAGRAPHS C, D, E, I, AND P IS
COMM 100515 SCY INSUFFICIENT, IT IS ORDERED THAT THE STATE DISCLOSE THE
COMM 100515 SCY DOCUMENTS REQUESTED BY THE DEFENDANT IN PARAGRAPHS C, D, E,
COMM 100515 SCY I, AND P. (SEE ORDER FOR DETAILS) WILLIAMS, J
COMM 100515 SCY (CC: MATTHEW FRALING, ATTORNEY FOR CAESAR GOODSON, JANICE
COMM 100515 SCY BLEDSOE, DEPUTY STATE'S ATTORNEY, OFFICE OF THE STATE'S
COMM 100515 SCY ATTORNEY FOR BALTO. CITY)
COMM 100515 SCY STATE'S SUPPLEMENTAL DISCLOSURE FLD
COMM 100815 VGI CSET PMOT; P31; 10/14/15; VGI (FR ADD ON PER LW CK GI)
COMM 100815 VGI CSET PMOT; P31; 10/13/15; VGI (FR ADD ON PER LW CK GI)
COMM 100815 SCY DATE STAMPED & ORDERED 10/8/15, HEARING UPON PRE-TRIAL
COMM 100815 SCY MOTIONS IN THESE CASES IS SCHEDULED TO OCCUR ON OCTOBER 13,
COMM 100815 SCY AND OCTOBER 14, 2015 AT 9:30 A.M. IT IS ORDERED, THAT ALL
COMM 100815 SCY PROVISIONS OF THE SECURITY/MEDIA PROTOCOL ORDER DATED AUGUST
COMM 100815 SCY 26, 2015 SHALL APPLY TO THIS HEARING. PIERSON, J
COMM 100815 SCY STATE'S SUPPLEMENTAL DISCLOSURE FILED BY JANICE BLEDSOE
COMM 100915 CNH STATE'S RESPONSE TO DEFENDANT'S SUPPLEMENT TO DEFENDANTS'

NEXT PAGE

P/N

PAGE 025

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 100915 CNM JOINT MOTION TO COMPEL AND FOR SANCTIONS

HCAL 101315 CYH F31;0900;528 ;JT ; ;POST;PWU;WILLIAMS, BARRY;8C9

COMM 101415 1gj DATE STAMPED AND ORDERED ON 10/14/15 THAT IN CONSIDERATION

COMM 101415 1gj OF DEFENDANT'S 07/30/15 JOINT MOTION TO COMPEL AND FOR

COMM 101415 1gj SANCTIONS, THE COURT HAVING FOUND THAT THE STATE HAS FAILED

COMM 101415 1gj TO PRODUCE INFORMATION THIS COURT DEEMS EXCULPATORY, IT IS

COMM 101415 1gj THIS 14TH DAY OF OCTOBER 2015 HEREBY ORDERED THAT DEF'S

COMM 101415 1gj MOTIONS IS GRANTED IN PART AND HEREBY ORDERED THAT THE STATE

COMM 101415 1gj ON OR BEFORE 10/28/15 PROVIDE COUNSEL FOR DEFENDANT'S WITH

COMM 101415 1gj COPIES OF ANY AND ALL DOCUMENTS PERTAINING TO THE

COMM 101415 1gj INVESTIGATION AND PROSECUTION OF DEFENDANTS; ALL OTHER

COMM 101415 1gj REQUEST BY THE STATE AND THE DEFENDANTS FOR SANCTIONS ARE

COMM 101415 1gj HEREBY DENIED PER JUDGE BARRY G.WILLIAMS (SEE ORDER) CC:

COMM 101415 1gj ADF MATTHEW FRALING III AND ASA JANICE BLEDSOE

COMM 101515 SCY DATE STAMPED & ORDERED 10/14/15, ON MAY 14, 2015, THIS COURT

COMM 101515 SCY RECEIVED THE STATE'S MOTION FOR ISSUANCE OF ORDER BARRING

COMM 101515 SCY EXTRAJUDICIAL STATEMENTS. ON SEPTEMBER 29, 2015, THIS COURT

COMM 101515 SCY RECEIVED THE DEFT'S MOTION FOR RECONSIDERATION OF THE DENIAL

COMM 101515 SCY OF MOTION FOR REMOVAL & REQUEST FOR HEARING. THE DEFT'S

NEXT PAGE

P/N

PAGE 026

9.15.02 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09.14

CASE 11514103 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OFER PART TIME ROOM REAS / EVENT COMMENT

COMM 101515 SCY MOTION NOTED HIS CONCERN FOR THE ACCUMULATION OF PRETRIAL
COMM 101515 SCY PUBLICITY, INCLUDING THE DISCLOSURE OF EVIDENCE NOT IN THE
COMM 101515 SCY PUBLIC RECORD, & THE EFFECT OF SUCH ON THE VIOLATION OF THE PROCESS
COMM 101515 SCY & HIS RIGHT TO A FAIR TRIAL. ACCORDINGLY, IT IS HEREBY
COMM 101515 SCY ORDERED THAT: 1.) THIS ORDER IS BINDING ON THE DEFT, ALL
COMM 101515 SCY ATTORNEYS FOR THE DEFT & THE STATE, & ON ALL EMPLOYEES,
COMM 101515 SCY REPRESENTATIVES, OR AGENTS OF SUCH ATTORNEYS. IT SHALL
COMM 101515 SCY REMAIN IN FORCE UNTIL THE CONCLUSION OF THIS CASE OR UNTIL
COMM 101515 SCY FURTHER ORDER OF THIS COURT. 2.) NO PERSON COVERED BY THIS
COMM 101515 SCY ORDER SHALL MAKE OR ISSUE ANY EXTRAJUDICIAL STATEMENT,
COMM 101515 SCY WRITTEN OR ORAL, CONCERNING THIS CASE FOR DISSEMINATION BY
COMM 101515 SCY MEANS OF PUBLIC COMMUNICATION. 3.) COUNSEL ARE REMINDED OF
COMM 101515 SCY THEIR ETHICAL DUTIES & OBLIGATIONS AS SET FORTH IN THE
COMM 101515 SCY MD RULES OF PROFESSIONAL CONDUCT, RULE 3.6, TRIAL PUBLICITY.
COMM 101515 SCY 4.) NO PERSON COVERED BY THIS ORDER SHALL AVOID OR
COMM 101515 SCY CIRCUMVENT ITS EFFECT BY ACTIONS THAT INDIRECTLY, BUT
COMM 101515 SCY DELIBERATELY, BRING ABOUT A VIOLATION OF THIS ORDER. 5.)
COMM 101515 SCY IF ANY PERSON BELIEVES THAT EVENTS HAVE OCCURRED THAT SHOULD
COMM 101515 SCY RESULT IN A MODIFICATION OF THIS ORDER, SUCH PERSON MAY SEEK

NEXT PAGE

P/N

PAGE 027

02/08/16 CRIMINAL COURT OF BALTIMORE
CASE 115141032 ST A GOODSON, CAESAR R OFC

CASE INQUIRY 09:14
A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 101515 SCY RELIEF FROM THE COURT. 6.) THE PROHIBITION ON MAKING EXTRA
 COMM 101515 SCY JUDICIAL STATEMENTS APPLIES TO THE REPOSTING OR REPUBLICA-
 COMM 101515 SCY TION OF ANY STATEMENTS MADE PRIOR TO THE ENTRY OF THIS ORDER
 COMM 101515 SCY THAT WOULD NOW CONSTITUTE A VIOLATION OF THIS ORDER. & 7)
 COMM 101515 SCY NOTHING IN THIS ORDER SHALL BE CONSTRUED TO LIMIT ANY RIGHTS
 COMM 101515 SCY OF THE MEDIA OR THE PUBLIC PURSUANT TO THE FIRST AMENDMENT
 COMM 101515 SCY OR TO LIMIT PUBLIC ACCESS TO COURT PROCEEDINGS AS ALLOWED
 COMM 101515 SCY BY STATUTE, RULE OR COURT ORDER. WILLIAMS, J (CC: MATTHEW
 COMM 101515 SCY FPALING, ATTORNEY FOR CAESAR GOODSOM, JANICE BLEDSOE, DEPUTY
 COMM 101515 SCY STATE'S ATTORNEY, OFFICE OF THE STATE'S ATTORNEY FOR BALTO.
 COMM 101515 SCY CITY) (SEE ORDER FOR GOOD CAUSE SHOWN)
 COMM 102115 SCB STATE'S SUPPLEMENTAL DISCLOSURE FLD
 COMM 120715 CKW DEFS DISCOVERY DISCLOSURES FLD (TIME STAMP 3:51PM 12/7/15)
 COMM 121415 SCY ATTY FOR BALTO. CITY)
 COMM 121515 SCY STATE'S MOTION IN LIMINE TO ALLOW JURORS TO VIEW AND EXAMINE
 COMM 121515 SCY THE POLICE WAGON THAT TRANSPORTED THE VICTIM FLD
 COMM 121515 SCY STATE'S MOTION IN LIMINE TO PRECLUDE EVIDENCE OF, ARGUMENT
 COMM 121515 SCY ABOUT, OR REFERENCE TO CERTAIN INFORMATION REGARDING THE
 COMM 121515 SCY VICTIM FLD

NEXT PAGE

9/11

PAGE 028

9:15:03 Monday, February 08, 2016

02/08/16 CPIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:11

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32364 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 121515 SCY STATE'S MOTION IN LIMINE TO PRECLUDE THE DEFENDANT FROM
COMM 121515 SCY ATTEMPTING TO CALL PROSECUTORS IN THIS CASE AS TRIAL
COMM 121515 SCY WITNESSES AND FROM ATTEMPTING TO CONTROVERT CERTAIN
COMM 121515 SCY ASPECTS OF CR TO RAISE BASELESS ACCUSATIONS ABOUT THE
COMM 121515 SCY STATE'S ATTORNEY'S PRE-INDICTMENT ACTIONS IN THIS CASE FLD
COMM 121515 SCY MOTION TO SEAL DEFT'S SECOND MOTION FOR RECONSIDERATIONS OF
COMM 121515 SCY OF MOTION FOR REMOVAL AND REQUEST FOR HEARING FLD
COMM 121515 SCY DEFT'S SECOND MOTION FOR RECONSIDERATION OF THE DENIAL OF
COMM 121515 SCY THE DENIAL OF MOTION FOR REMOVAL FLD
COMM 121515 SCY DEFT'S MOTION IN LIMINE REGARDING JUROR ISSUES FLD
COMM 121515 SCY MOTION TO SEAL DEFT'S MOTION IN LIMINE REGARDING JUROR
COMM 121515 SCY ISSUES FLD
COMM 121515 SCY WITNESS FLD
COMM 121515 SCY MOTION TO SEAL DEFT'S MOTION FOR SUMMONS OF OUT OF STATE
COMM 121515 SCY MOTION FOR SUMMONS OF OUT OF STATE WITNESS FLD
COMM 121515 SCY DEFT'S MOTION FOR SUBPOENA FOR TANGIBLE EVIDENCE REGARDING
COMM 121515 SCY RECORDS OF INCARCERATION FLD
COMM 121515 SCY MOTION TO SEAL DEFENDANT'S MOTION FOR SUBPOENA FLD
COMM 121515 SCY MOTION TO SEAL DEFT'S MOTION IN LIMINE TO PPECLUDE TESTIMONY

NEXT PAGE

P/N

PAGE 029

9:15:04 Monday, February 08, 2016

02/08/16 CRIMINAL COUPT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PAPT TIME ROOM REAS / EVENT COMMENT
COMM 121515 SCY CONCERNING BALTO. POLICE DEPART. GENERAL ORDERS & POLICIES
COMM 121515 SCY RELATED TO THE USE OF SEATBELTS IN POLICE VEHICLES FLD
COMM 121515 SCY MOTION IN LIMINE TO PRECLUDE TESTIMONY AND EVIDENCE
COMM 121515 SCY AND EVIDENCE CONCERNING BALTO. POLICE DEPT. GENERAL ORDERS
COMM 121515 SCY AND POLICIES RELATED TO THE USE USE OF SEATBELTS IN POLICE
COMM 121515 SCY VEHICLES FLD
COMM 121515 SCY DEFENTANT'S MOTION FOR SUBPOENA FOR TANGIBLE EVIDENCE
COMM 121515 SCY REGARDING MEDICAL RECORDS FLD
COMM 121515 CSJ MOTION TO SEAL DEFENDANT'S MOTION FOR SUBPOENA FLD
COMM 121515 SCY DEFT'S MOTION 12/15/15 FILED UNDER SEAL
COMM 121515 SCY DEFT'S MOTION 12/15/15 FILED UNDER SEAL
COMM 121515 SCY DEFT'S MOTION 12/15/15 FILED UNDER SEAL
COMM 121515 SCY STATE'S MOTION 12/15/15 FILED UNDER SEAL
COMM 121515 SCY STATE'S MOTION 12/15/15 FILED UNDER SEAL
COMM 121515 SCY STATE'S MOTION 12/15/15 FILED UNDER SEAL
COMM 121715 SCY DATE STAMPED & ORDERED 12/17/15, DEF'S MOTION TO SEAL DEF'S
COMM 121715 SCY SECOND MOTION FOR RECONSIDERATION OF THE DENIAL OF MOTION
COMM 121715 SCY FOR REMOVAL IS DENIED. WILLIAMS, J (CC: MATTHEW FRALING,
COMM 121715 SCY ATTY FOR CAESAR GOODSON, JANICE BLEDSOE, DEPUTY STATE'S

NEXT PAGE

P/N

PAGE 030

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115:41032 ST A GOODSON, CAESAR R OFC

A32384 COD H DCM C 090215

EVENT DATE	OPER	PART	TIME	ROOM	REAS /	EVENT COMMENT
COMM 121715	SCY					OFFICE OF THE STATE'S ATTY FOR BALTO. CITY)
COMM 121815	SCY					DATE STAMPED & ORDERED 12/17/15, DEFT'S MOTION TO SEAL
COMM 121815	SCY					DEFT'S MOTION IN LIMINE REGARDING JUROR ISSUES IS DENIED.
COMM 121815	SCY					WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 121815	SCY					JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 121815	SCY					ATTY FOR BALTO. CITY)
COMM 121815	SCY					DATE STAMPED & ORDERED 12/17/15, DEFT'S MOTION TO SEAL
COMM 121815	SCY					DEFT'S MOTION FOR SUMMONS OF OUT OF STATE WITNESS IS DENIED.
COMM 121815	SCY					WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON,
COMM 121815	SCY					JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 121815	SCY					ATTY FOR BALTO. CITY)
COMM 121815	SCY					DATE STAMPED & ORDERED 12/17/15, DEFT'S MOTION TO SEAL
COMM 121815	SCY					DEFT'S MOTION FOR SUBPOENA IS DENIED. WILLIAMS, J
COMM 121815	SCY					(CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON, JANICE
COMM 121815	SCY					BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S ATTY
COMM 121815	SCY					FOR BALTO. CITY)
COMM 121815	SCY					DATE STAMPED & ORDERED 12/17/15, DEFT'S MOTION TO SEAL
COMM 121815	SCY					DEFT'S MOTION IN LIMINE TO PRECLUDE TESTIMONY AND EVIDENCE
COMM 121815	SCY					CONCERNING BALTIMORE POLICE DEPARTMENT GENERAL ORDERS

NEXT PAGE

P/N

PAGE 031

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE	OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 121815	SCY AND POLICIES RELATED TO THE USE OF SEATBELTS IN POLICE
COMM 121815	SCY VEHICLES IS DENIED. WILLIAMS, J (CC: MATTHEW FRALING,
COMM 121815	SCY ATTY FOR CAESAR GOODSON, JANICE BLEDSOE DEPUTY STATE'S
COMM 121815	SCY ATTY, OFFICE OF THE STATES'S ATTY FOR BALTO. CITY)
COMM 121815	SCY DATE STAMPED & ORDERED 12/17/15, DEFT'S MOTION TO SEAL THE
COMM 121815	SCY DEFT'S MOTION FOR SUBFOENA IS DENIED. WILLIAMS, J
COMM 121815	SCY (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON, JANICE
COMM 121815	SCY BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S ATTY
COMM 121815	SCY FOR BALTO. CITY)
COMM 122115	SCY STATE'S PETITION TO SECURE THE ATTENDANCE OF PRISONER
COMM 122115	SCY WITNESS FROM THE COMMONWEALTH OF PENNSYLVANIA TO TESTIFY
COMM 122115	SCY IN THE STATE OF MD. PURSUANT TO MD. COURTS AND JUDICIAL
COMM 122115	SCY PROCEEDINGS 9-303 TO COMPLY WITH PENNSYLVANIA STAATUTES
COMM 122115	SCY ANN, 42 PA.C.S.5971-79 FLD
COMM 122115	SCY CERTIFICATE OF JUDGE UNDER THE SEAL OF THE COURT DETERMINING
COMM 122115	SCY THE NAMED WITNESS AS A MATERIAL WITNESS FLD
COMM 122215	SCY DATE STAMPED & ORDERED 12/18/15, THAT THE DEFT'S REQUEST
COMM 122215	SCY FOR A SUBPOENA FOR TANGIBLE EVIDENCE IS GRANTED IN PART;
COMM 122215	SCY AND FURTHER ORDERED, PURSUANT TO MD. RULE 4-264, THAT THE

NEXT PAGE

P/N

PAGE 032

9:15:05 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115111032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 122215 SCY CLERK OF THE COURT IS DIRECTED TO ISSUE THE THREE (3)
COMM 122215 SCY ATTACHED SUBPOENAS. WILLIAMS, J (CC: MATTHEW FRALING,
COMM 122215 SCY ATTY FOR CAESAR GOODSON, JANICE BLEDSOE, DEPUTY STATE'S
COMM 122215 SCY ATTY, OFFICE OF THE STATE'S ATTY FOR BALTO. CITY)
COMM 122215 SCY (ORDER/SUBPOENA GIVEN TO SUMMONS DEPT FOR PROCESSING)
COMM 122215 SCY DATE STAMPED & ORDERED 12/18/15, THAT THE DEFT'S REQUEST FOR
COMM 122215 SCY SUBPOENA FOR TANGIBLE EVIDENCE IS GRANTED IN PART; & FURTHER
COMM 122215 SCY ORDERED, PURSUANT TO MD. RULE 4-264, THAT THE CLERK OF THE
COMM 122215 SCY COURT IS DIRECTED TO ISSUE THE ATTACHED SUBPOENA. WILLIAMS, J
COMM 122215 SCY (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON, JANICE
COMM 122215 SCY BLEDSOE, DEPUTY STATES' ATTY, OFFICE OF THE STATE'S ATTY,
COMM 122215 SCY FOR BALTO. CITY)
COMM 122215 SCY (ORDER/SUBPOENA GIVEN TO SUMMONS DEPT FOR PROCESSING)
COMM 122315 CNN STATE'S PETITION TO SECURE THE ATTENDANCE OF PRISONER
COMM 122315 CNN WITNESS FROM THE COMMONWEALTH OF PENNSYLVANIA TO
COMM 122315 CNN TESTIFY IN THE STATE OF MARYLAND PURSUANT TO MARYLAND
COMM 122315 SCY COURT AND JUDICIAL PROCEEDINGS 9-303 TO COMPLY WITH
COMM 122315 SCY PENNSYLVANIA STATUTES ANN. 42 PA.C.S.5971-79 FLD
COMM 122315 SCY DATE STAMPED & ORDERED 12/21/15, IT IS HEREBY ORDERED THAT

NEXT PAGE

P/N

PAGE 033

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 122315 SCY THE CERTIFICATE ATTESTING TO THE MATERIALITY OF SAID WITNESS
COMM 122315 SCY WHO IS NEEDED FOR TRIAL WEDNESDAY, JANUARY 6, 2016 THROUGH
COMM 122315 SCY FRIDAY, JANUARY 22, 2016, SHALL ISSUE AND IT IS THEREFORE
COMM 122315 SCY ORDERED THAT THE CERTIFICATE MAY BE PRESENTED TO THE YORK
COMM 122315 SCY PENNSYLVANIA OFFICE OF THE DISTRICT ATTORNEY, WHO SHALL FIX
COMM 122315 SCY A TIME AND PLACE FOR A HEARING TO DETERMINE WHETHER THE SAID
COMM 122315 SCY WITNESS, YORK COUNTY PRISON, IS, IN FACT A MATERIAL WITNESS
COMM 122315 SCY IN THE ABOVE-CAPTIONED CASE, PURSUANT TO THE PROVISIONS OF
COMM 122315 SCY STATUTES ANN. 42 PA.C.S.5971-70. WILLIAMS, J
COMM 122315 SCY DEFT'S MOTION FOR REVISED SUBPOENAS FOR TANGIBLE EVIDENCE
COMM 122315 SCY REGARDING RECORDS OF INCARCERATION FLD
COMM 122315 SCY MOTION TO SEAL DEFT'S MOTION FOR REVISED SUBPOENAS FLD
COMM 122415 SCY DATE STAMPED & ORDERED 12/17/15, ORDER FILED UNDER SEAL
COMM 122415 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 122415 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 122415 SCY DATE STAMPED & ORDERED 12/18/15, ORDER FILED UNDER SEAL
COMM 122415 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 122415 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 122415 SCY DATE STAMPED & ORDERED 12/17/15, ORDER FILED UNDER SEAL

NEXT PAGE

P/N

PAGE 034

9.15:06 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09.14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPEF PART TIME ROOM REAS / EVENT COMMENT
COMM 122415 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 122415 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 122415 SCY DATE STAMPED & ORDERED 12/17/15, ORDER FILED UNDER SEAL
COMM 122415 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 122415 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 122415 SCY DATE STAMPED & ORDERED 12/17/15, ORDER FILED UNDER SEAL
COMM 122415 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 122415 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 122815 SCY DATE STAMPED 12/28/15, & ORDERED 12/24/15, (SECURITY/MEDIA
COMM 122815 SCY PROTOCOL ORDER (TRIAL PROCEEDINGS). THIS ORDER APPLIES
COMM 122815 SCY TO ALL TRIAL PROCEEDINGS OTHER THAN SELECTION OF A JURY,
COMM 122815 SCY INCLUDING MOTIONS HEARINGS THIS ORDER IS SUBJECT TO
COMM 122815 SCY MODIFICATION BY THE COURT AT ANY TIME. PIERSON, J (SEE ORDER
COMM 122815 SCY FOR ADDITIONAL INSTRUCTIONS) (CC: MATTHEW FRALING ATTY FOR
COMM 122815 SCY CAESAR GOODSON, JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE
COMM 122815 SCY OF THE STATE'S ATTY FOR BALTO. CITY)
COMM 122815 SCY DATE STAMPED 12/28/15, & ORDERED 12/24/15, (SECURITY/MEDIA
COMM 122815 SCY PROTOCOL ORDER (JURY SELECTION) THIS ORDER APPLIES TO THE
COMM 122815 SCY PROCEEDINGS RELATING TO SELECTION OF A JURY. A SEPERATE

NEXT PAGE

F/N

PAGE 035

9.15:06 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD II DCM C 090215

EVENT DATE	OPER	PAPT	TIME	ROOM	REAS / EVENT	COMMENT
COMM 122815	SCY	ORDER	WILL	GOVERN	ALL TRIAL	PROCEEDINGS OTHER THAN SELECTION
COMM 122815	SCY	OF THE	JURY.	THIS	ORDER	IS SUBJECT TO MODIFICATION BY THE
COMM 122815	SCY	COURT	AT ANY	TIME.	PIERSON,	J (SEE ORDER FOR ADDITIONAL
COMM 122815	SCY	INSTRUCTION)	(CC:	MATTHEW	FRALING	ATTY FOR CAESAR GOODSON,
COMM 122815	SCY	JANICE	BLEDSON,	DEPUTY	STATE'S	ATTY, FOR BALTO. CITY)
COMM 122915	SCY	DATE	STAMPED	&	ORDERED	12/29/15, THAT THE DEFT'S MOTION
COMM 122915	SCY	TO SEAL	DEFT'S	MOTION	FOR	REVISED SUBPOENAS IS DENIED.
COMM 122915	SCY	WILLIAMS,	J	(CC:	ANDREW	GRAHAM, ATTY FOR CAESAR GOODSON
COMM 122915	SCY	JANICE	BLEDSON,	DEPUTY	STATE'S	ATTY, OFFICE OF THE STATE'S
COMM 122915	SCY	FOR	BALTO.	CITY)		
COMM 122915	SCY	DATE	STAMPED	&	ORDERED	12/29/15, THAT THE DEFT'S REQUEST
COMM 122915	SCY	FOR	A	SUBPOENA	FOR	TANGIBLE EVIDENCE IS GRANTED IN PART;
COMM 122915	SCY	AND	FURTHER	ORDERED,	PURSUANT	TO MD. RULE 4-264, THAT THE
COMM 122915	SCY	CLERK	OF	THE	COURT	IS DIRECTED TO ISSUE THE ATTACHED
COMM 122915	SCY	SUBPOENAS.	WILLIAMS,	J	(CC:	ANDREW GRAHAM, ATTY FOR CAESAR
COMM 122915	SCY	GOODSON,	JANICE	BLEDSON,	DEPUTY	STATE'S ATTY OFFICE OF THE
COMM 122915	SCY	STATE'S	ATTY	FOR	BALTO.	CITY)
COMM 122915	SCY	STATE'S	MOTION	TO	QUASH	SUBPOENAS FLD
COMM 122915	SCY	MOTION	TO	SEAL	DEFT'S	MOTION TO STRIKE STATE'S EXPERT

NEXT PAGE

P/N

PAGE 036

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09-14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD II DCM C 090215

EVENT DATE	OPER	PART	TIME	ROOM	REAS / EVENT COMMENT
COMM 122915	SCY	STANFORD	O'NEILL	FRANKLIN	FLD
COMM 122915	SCY	DEFT'S	MOTION	TO	STRIKE THE STATE'S EXPERT STANFORD O'NEILL
COMM 122915	SCY	FRANKLIN	AND	REQUEST	FOR HEARING FLD
COMM 122915	SCY	DEFT'S	MOTION	12/29/15	FILED UNDER SEAL
COMM 122915	SCY	DEFT'S	MOTION	12/29/15	FILED UNDER SEAL
COMM 122915	CNN	DEFENDANT'S	MOTION	TO	UNSEAL BENCH CONFERENCE
COMM 123015	SBT	DEFENSE	RESPONSE	TO	STATE'S MOTION TO QUASH SUBPOENAS,
COMM 123015	SBT	DEFENSE	RESPONSE	TO	STATE'S MOTION IN LIMINE TO PRECLUDE
COMM 123015	SBT	EVIDENCE	OF,	OR	ARGUMENT ABOUT, OR REFERENCE TO CERTAIN
COMM 123015	SBT	INFORMATION	REGARDING	THE	VICTIM
COMM 123015	SCY	DEFT'S	RESPONSE	TO	STATE'S MOTION IN LIMINE TO PRECLUDE
COMM 123015	SCY	DEFT	FROM	ATTEMPTING	TO CALL PROSECUTORS IN THIS CASE
COMM 123015	SCY	AS	TRIAL	WITNESSES	AND FROM ATTEMPTING TO CONTROVERT
COMM 123015	SCY	CERTAIN	ASPECTS	OF	OR TO RAISE BASELESS ACCUSATIONS
COMM 123015	SCY	ABOUT	THE	STATE'S	ATTORNEY'S PRE-INDICTMENT ACTIONS
COMM 123015	SCY	IN	THIS	CASE	FLD
COMM 123015	SCY	STATE'S	RESPONSE	TO	DEFT'S MOTION IN LIMINE TO PRECLUDE
COMM 123015	SCY	TESTIMONY	AND	EVIDENCE	CONCERNING BALTIMORE POLICE DEPART-
COMM 123015	SCY	MENT	GENERAL	ORDERS	AND POLICIES RELATED TO THE USE OF

NEXT PAGE

P/N

PAGE 037

9:15:07 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 123015 SCY SEATBELTS IN POLICE VEHICLES FLD
COMM 123015 SCY STATE'S RESPONSE TO DEFT'S MOTION IN LIMINE REGARDING
COMM 123015 SCY JUROR ISSUES FLD
COMM 123015 SCY STATE'S MOTION TO SEAL; 12/30/15, FILED UNDER SEAL
COMM 123015 SCY STATE'S RESPONSE TO DEFT'S MOTION 12/30/15 FILED UNDER SEAL
COMM 123015 SCY STATES' RESPONSE TO DEFT'S MOTION 12/30/15 FILED UNDER SEAL
COMM 123015 SCY DEFT'S RESPONSE TO STATE'S MOTION 12/30/15 FILED UNDER SEAL
COMM 123015 SCY DEFT'S MOTION TO SEAL DEFT'S RESPONSE 12/30/15 FD UNDER SEAL
COMM 123015 SCY MOTION TO SEAL DEFT'S RESPONSE TO STATE'S MOTION 12/30/15
COMM 123015 SCY FILED UNDER SEAL
COMM 123015 SCY DEFT'S RESPONSE TO STATE'S MOTION 12/30/15 FLD UNDER SEAL
COMM 123115 SCY NOTICE OF APPEARANCE OF JUSTIN A. REDD AS ADDITIONAL
COMM 123115 SCY COUNSEL FOR DEFT CAESAR GOODSON FLD
FILE 123115 SCY FILED ADF - REDD, JUSTIN A , ESQ 682551
COMM 010416 lgj MOTION TO QUASH TRIAL SUBPOENA OF OFFICER WILLIAM PORTER
COMM 010416 SCY DATE STAMPED & ORDERED 1/4/16, DEFT'S MOTION TO SEAL DEFT'S
COMM 010416 SCY MOTION TO STRIKE THE STATE'S EXPERT STANFORD O'NEILL
COMM 010416 SCY FRANKLIN IS DENIED. WILLIAMS, J (CC: MATTHEW FRALING, ASA)
COMM 010416 SCY DATE STAMPED & ORDERED 1/4/16, ORDER FILED UNDER SEAL.

NEXT PAGE

P/N

PAGE 038

9:15:07 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A33384 COD N DCM C 090215
EVENT DATE OFER PART TIME ROOM REAS / EVENT COMMENT
COMM 010416 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 010416 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 010416 SCY ATTY FOR BALTO. CITY)
COMM 010416 CNN STATE'S MOTION IN LIMINE TO FRECLUDE AS IRRELEVANT CERTAIN
COMM 010416 CNN EVIDENCE CONTAINED IN THE DEFENDANT'S DECEMBER 24, 2015,
COMM 010416 CNN SUPPLEMENTAL DISCLOSURE ABOUT AN UNRELATED ARREST THAT
COMM 010416 CNN OCCURRED ON MAY 3, 2015 FILED
COMM 010416 CNN STATE'S RESPONSE TO DEFENDANT'S MOTION TO STRIKE THE
COMM 010416 CNN STATE'S EXPERT STANFORD O'NEIL FRANKLIN AND REQUEST
COMM 010416 CNN FOR HEARING FILED
COMM 010416 SCY (1) STATE'S RESPONSE 12/29/15 FILED UNDER SEAL
COMM 010416 SCY (2) STATE'S RESPONSE TO DEFT'S MOTION 12/29/15 FILED UNDER
COMM 010416 SCY SEAL
COMM 010416 SCY (3) STATES' MOTION 12/29/15 FILED UNDER SEAL
COMM 010516 SCY DATE STAMPED & ORDERED 1/4/16, ORDER FILED UNDER SEAL.
COMM 010516 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 010516 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 010516 SCY ATTY FOR BALTO. CITY)
COMM 010516 SCY DATE STAMPED & ORDERED 1/4/16, ORDER FILED UNDER SEAL.

NEXT PAGE

P/N

PAGE 039

9:15:08 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32364 COD N DCM C 090215

EVENT DATE OPEP FART TIME ROOM REAS / EVENT COMMENT

COMM 010516 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 010516 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 010516 SCY ATTY FOR BALTO. CITY)
COMM 010516 SCY (2) - STATE'S MOTION 1/5/16 FILED UNDER SEAL
COMM 010516 SCY MOTION TO INTERVENE TO SEEK ACCESS TO COURT RECORDS AND
COMM 010516 SCY PROCEEDINGS AND REQUEST FOR HEARING FLD
COMM 010516 SCY STATE'S MOTION IN LIMINE TO PROHIBIT THE TESTIMONY OF
COMM 010516 SCY CHARLES G. RUSSELL OR IN THE ALTERNATIVE, LIMIT TESTIMONY
COMM 010516 SCY TO ACCIDENT RECONSTRUCTION FLD
COMM 010516 SCY STATE'S MOTION TO SEAL: STATE'S MOTION IN LIMINE TO PROHIBIT
COMM 010516 SCY THE TESTIMONY OF CHARLES G. RUSSELL, OR IN THE ALTERNATIVE,
COMM 010516 SCY LIMIT HIS TESTIMONY TO ACCIDENT RECONSTRUCTION FLD
COMM 010516 SCY DATE STAMPED & ORDERED 1/5/16, ORDER FILED UNDER SEAL.
COMM 010516 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON
COMM 010516 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF THE STATE'S
COMM 010516 SCY ATTY FOR BALTO. CITY)
COMM 010616 SCY DATE STAMPED & ORDERED 1/5/16, THAT THE STATE'S MOTION TO
COMM 010616 SCY SEAL STATE'S MOTION IN LIMINE TO PROHIBIT THE TESTIMONY
COMM 010616 SCY OF CHARLES G. RUSSELL, OR IN THE ALTERNATIVE, LIMIT HIS

NEXT PAGE

F/N

PAGE 040

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09.14

CASE 115141032 ST A GOODSON, CAESAP R OFC

A32384 COD II DCM C 09C215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 010616 SCY TESTIMONY TO ACCIDENT RECONSTRUCTION IS DENIED. WILLIAMS, J
 COMM 010616 SCY (CC: MATTHEW FRALING, ATTY FOR DEFT, JANICE BLEDSOE, DEPUTY
 COMM 010616 SCY STATE'S ATTY, OFFICE OF THE STATE'S ATTY FOR BALTO. CITY)
 COMM 010616 SCB STATE'S RESPONSE TO MOTION TO QUASH TRIAL SUBPOENA OF
 COMM 010616 SCB OFFICER WILLIAM PORTER FLD
 COMM 010616 SCY DEFT'S OPPOSITION TO STATE'S MOTION IN LIMINE TO PROHIBIT
 COMM 010616 SCY THE TESTIMONY OF CHARLES G. RUSSELL, OR IN THE ALTERNATIVE,
 COMM 010616 SCY LIMIT HIS TESTIMONY TO ACCIDENT RECONSTRUCTION FLD
 COMM 010616 SCY DATE STAMPED & ORDERED 1/6/16, THAT THE JURORS ARE TO
 COMM 010616 SCY REMAIN ANONYMOUS AND THEIR NAMES ARE NOT TO BE DISCLOSED
 COMM 010616 SCY TO ANYONE OTHER THAN THE JUDGE, COURT STAFF, COUNSEL, AND
 COMM 010616 SCY THE DEFT UNTIL FURTHER ORDER FROM THE COURT. WILLIAMS, J
 COMM 010616 SCY (CC: JOSEPH MURTHA, ATTY FOR DEFT, JANICE BLEDSOE, DEPUTY
 COMM 010616 SCY STATE'S ATTY, OFFICE OF THE STATES'S ATTY FOR BALTO. CITY)
 HCAL 010616 1 1g) P31;093C;528 ;JT ; ;CONT; ;WILLIAMS, BARRY;8C9
 COMM 010616 1g) 1)STATE'S MOTION FOR ALTERNATING CHALLENGES IS HEREBY HEARD
 COMM 010616 1g) AND GRANTED; 2)STATE'S MOTION IN LIMINE TO ALLOW JURORS TO
 COMM 010616 1g) VIEW THE TRANSPORT WAGON IS HEREBY HEARD AND GRANTED;
 COMM 010616 1g) STATE MOTION IN LIMINE TO PRECLUDE THE DEFENDANT FROM

NEXT PAGE

P/N

PAGE 041

02/08/16 CRIMINAL COURT OF BALTIMORE
CASE 115141032 ST A GOODSON, CAESAR R OFC

CASE INQUIRY 09:14
A32384 COD N DCM C 090215

EVENT DATE	OPER	PART	TIME	ROOM	REAS /	EVENT COMMENT
COMM 010616	1g	3)	ATTEMPTING TO CALL PROSECUTOR AS TRIAL WITNESSES AND FROM			
COMM 010616	1g	FROM ATTEMPTING TO CONTROVERT IRRELEVANT ASPECTS OF OR RAISE				
COMM 010616	1g	BASELESS ACCUSATIONS ABOUT THE STATE'S ATTORNEY'S				
COMM 010616	1g	PRE-INDICTMENT ACTION IN THIS CASE IS GRANTED IN PART AND				
COMM 010616	1g	DENIED IN PART; 3A)GRANTED WITHOUT OBJECTION CONCERNING THE				
COMM 010616	1g	RELATIONSHIP BETWEEN PROSECUTORS AND THEIR FRIENDS, PARTNERS,				
COMM 010616	1g	OR SPOUSES; 3B)GRANTED WITHOUT OBJECTION CONCERNING				
COMM 010616	1g	CIVIL ACTION AGAINST THE PROSECUTORS INVOLVING THE				
COMM 010616	1g	UNDEPLYING EVENTS OF THE CASE; 3C)GRANTED WITHOUT OBJECTION				
COMM 010616	1g	CONCERNING PROSECUTOR PAST COORDINATION WITH POLICE TO				
COMM 010616	1g	ADDRESS CRIME IN CERTAIN NEIGHBORHOODS; 3D)GRANTED WITHOUT				
COMM 010616	1g	OBJECTION CONCERNING PROSECUTORS INVOLVMENT IN OBTAINING				
COMM 010616	1g	SEARCH & SEIZURE WAPRANTS IN THIS CASE; 3E)THE COURT GRANTS				
COMM 010616	1g	THE REQUEST TO PRECLUDE INQUIRY INTO THE DRAFTING/EDITING OF				
COMM 010616	1g	THE STATEMENT OF PROBABLE CAUSE FOR THE MATTER FINDING THAT				
COMM 010616	1g	EVEN THOUGH THE STATE ACTED AS AN INDEPENDENT INVESTIGATOR				
COMM 010616	1g	WOULD NOT BE APPROPRIATE TO ALLOW INQUIRY THROUGH PROCESS OF				
COMM 010616	1g	THE LAWYERS CONCERNING THE DRAFTS OF THE STATEMENT; 3F)THE				
COMM 010616	1g	COURT WILL DENY THE REQUEST TO DISALLOW INQUIRY INTO THE USE				

NEXT PAGE

P/N

PAGE 042

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 CCD N DCM C 090215

EVENT DATE	OPER	PART TIME ROOM REAS / EVENT COMMENT
COMM 010616	19j	OF S.A.O. EMPLOYEES CONCERNING INVESTIGATION; 3G)THE COURT
COMM 010616	19j	WILL DENY THE REQUEST TO DISALLOW INQUIRY INTO PPROSECUTORS
COMM 010616	19j	INVOLVMENT IN COORDINATING OR PRIORITIZING ASPECTS OF THE
COMM 010616	19j	POLICE INVESTIGATION INTO THE DEATH OF MR.GRAY; 3H)THE COURT
COMM 010616	19j	WILL DENY THE REQUEST TO DISALLOW INQUIRY INTO THE
COMM 010616	19j	PROSECUTORS COORDINATION WITH THE OFFICE OF CHIEF MEDICAL
COMM 010616	19j	EXAMINER CONCERNING THIS CASE. 4)STATE'S MOTION IN LIMINE TO
COMM 010616	19j	PRECLUDE EVIDENCE OF ARGUMENT ABOUT OR REFERENCE TO CERTAIN
COMM 010616	19j	INFORMATION REGARDING THE VICTIM IS HEREBY HEARD AND
COMM 010616	19j	DENIED; 5)DEFENSE MOTION IN LIMINE TO PRECLUDE THE TESTIMONY
COMM 010616	19j	OF DOCTOR CAROL ALLAD IS HEREBY HEARD AND DENIED; 6)DEFENSE
COMM 010616	19j	MOTION IN LIMINE REGARDING JURORS IS 6A)GRANTED CONCERNING
COMM 010616	19j	ANONYMOUS JURORS 6B)DENIED FOR FULL SEQUESTION OF JUROR,
COMM 010616	19j	6C)DENIED FINDING THAT IT IS NOT AN APPROPRIATE IN LIMINE
COMM 010616	19j	MOTION (ESCORT TO AND FROM COUPT HOUSE); 7)SECOND MOTION FOR
COMM 010616	19j	RECONSIDERATION OF DENIED OF MOTION FOR REMOVAL FILED
COMM 010616	19j	12/15/15 IS DENIED;8)MOTION TO LIMINE TESTIMONY AND EVIDENCE
COMM 010616	19j	CONCERNING BALTIMORE POLICE DEPARTMENT; GENERAL ORDERS AND
COMM 010616	19j	POLICIES INVOLVING SEAT BELTS IN POLICE VEHICLE IS DENIED;

NEXT PAGE

P/N

PAGE 043

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32364 COD N DCM C 090215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 010616 1gj 9) MOTION TO STRIKE STATE'S EXPERT STANFORD O'NEIL FRANKLIN
 COMM 010616 1gj AND REQUEST FOR A HEARING AND SEALING MOTION IS DENIED;
 COMM 010616 1gj 10) STATE MOTION TO PRECLUDE AN IRRELEVANT CERTAIN EVIDENCE
 COMM 010616 1gj ABOUT ARREST ON 05/03/15 WAS WITHDRAWN; 11) MOTION TO QUASH
 COMM 010616 1gj TRIAL SUBPOENA OF OFFICER WILLIAM PORTER IS DENIED;
 COMM 010616 1gj 12) IMMUNITY MOTION GRANTED; CONTINUED TO 01/11/16 IN
 COMM 010616 1gj PART 31 AT 9:30AM; CC: JUDGE B.WILLIAMS
 COMM 010716 SCY DATE STAMPED & ORDERED 1/6/16, THAT THE STATES' MOTION TO
 COMM 010716 SCY COMPEL A WITNESS TO TESTIFY PURSUANT TO SECTION 9-123 OF
 COMM 010716 SCY THE COURTS AND JUDICIAL PROCEEDINGS ARTICLE IS GRANTED,
 COMM 010716 SCY AND FURTHER ORDERED THAT OFFICER WILLIAM PORTER, D.O.B.
 COMM 010716 SCY 6/26/89, SHALL TESTIFY AS A WITNESS FOR THE STATE IN THE
 COMM 010716 SCY ABOVE-CAPTIONED CASE AND MAY NOT REFUSE TO COMPLY WITH
 COMM 010716 SCY THIS ORDER ON THE BASIS OF HIS PRIVILEGE AGAINST SELF-
 COMM 010716 SCY INCRIMINATION, AND FURTHER ORDERED THAT NO TESTIMONY
 COMM 010716 SCY OF OFFICER WILLIAM PORTER, D.O.B, 6/26/89, COMPELLED
 COMM 010716 SCY PURSUANT TO THIS ORDER, AND NO INFORMATION DIRECTLY OR
 COMM 010716 SCY INDIRECTLY DERIVED FROM THE TESTIMONY OF OFFICER PORTER
 COMM 010716 SCY COMPELLED PURSUANT TO THIS ORDER, MAY BE USED AGAINST

NEXT PAGE

P/N

PAGE 044

9:15:10 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32364 COD N DCM C 090215

EVENT DATE C:PER PART TIME ROOM REAS / EVENT COMMENT

COMM 010716 SCY OFFICER PORTER IN ANY CRIMINAL CASE, EXCEPT IN A PROSECUTION
COMM 010716 SCY FOR PERJURY, OBSTRUCTION OF JUSTICE, OR OTHERWISE FAILING TO
COMM 010716 SCY COMPLY WITH THIS ORDER. WILLIAMS, J (CC: JOSEPH MURTHA,
COMM 010716 SCY ATTY FOR WILLIAM PORTER, MATTHEW FRALING, ATTY FOR CAESAR
COMM 010716 SCY GOODSON, JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF
COMM 010716 SCY THE STATE'S ATTY FOR BALTO. CITY)
COMM 010716 CSU NOTICE OF INTERLOCUTORY APPEAL BY WITNESS WILLIAM PORTER
COMM 010716 CSU FLD. PER GARY PROCTOR & JOSEPH MURTHA ATTORNEYS CK. #13968
COMM 010716 CSU FOR \$121.00. DUE TO TRANSMIT 3-7-16. ****ASSIGNED TO LMH****
COMM 010716 CSU WITNESS WILLIAM PORTER'S MOTION FOR INJUNCTION PENDING
COMM 010716 CSU APPEAL FLD. PER ATTYS. JOSEPH MURTHA & GARY PROCTOR.
COMM 010716 CSU WAS HAND DELIVERED TO JUDGE WILLIAMS.
COMM 010716 SCY DATE STAMPED & ORDERED 1/7/16, THAT WILLIAM PORTER'S MOTION
COMM 010716 SCY FOR INJUNCTION PENDING APPEAL IS DENIED. WILLIAMS, J
COMM 010716 SCY (CC: JOSEPH MURTHA, ATTY FOR WILLIAM PORTER, MATTHEW
COMM 010716 SCY FRALING, ATTY FOR CAESAR GOODSON, JANICE BLEDSOE, DEPUTY
COMM 010716 SCY STATE'S ATTY, OFFICE OF THE STATE'S ATTY FOR BALTO. CITY)
COMM 010816 SCY DATE STAMPED & ORDERD 1/5/16, ORDER FILED UNDER SEAL
COMM 010816 SCY WILLIAMS, J (CC: MATTHEW FRALING, ATTY FOR CAESAR GOODSON,

NEXT PAGE

P/N

PAGE 045

9:15:10 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 010816 SCY JANICE BLEDSOE, DEPUTY STATE'S ATTY, OFFICE OF STATE'S
COMM 010816 SCY ATTY FOR BALTO CITY)
COMM 010816 CKW STATE'S MOTION FOR CONTINUANCE PENDING RESOLUTION BY THE
COMM 010816 CKW COURT OF SPECIAL APPEALS OF THE MOTION FOR INJUNCTION
COMM 010816 CKW PENDING APPEAL BY OFFICER WILLIAM PORTER GR, IN THE
COMM 010816 CKW ALTERNATIVE, TO RETRY OFFICER WILLIAM PORTER'S PENDING
COMM 010816 CKW CRIMINAL CASE PRIOR TO THE TRIALS OF THOSE CASES IN WHICH
COMM 010816 CKW HE IS A SUBPOENAED WITNESS FLD
COMM 011116 SCY DEFT'S OPPOSITION TO THE STATE'S MOTION FOR CONTINUANCE FLD
COMM 011116 CKW DEF CAESAR GOODSON'S OPPOSITION TO THE STATE'S MOTION FOR
COMM 011116 CKW CONTINUANCE FLD
HCAL 011116 1 S8T P31,0900;528 ;JT ; ;CONT; ;WILLIAMS, BARRY;8C9
COMM 011116 S8T CSET JT ; P31; 01/11/16; S8T
COMM 011116 S8C STATE'S MOTION FOR CONTINUANCE WAS "MOOT" POINT CONSIDERING
COMM 011116 S8T THE RULING BY COURT OF SPECIAL APPEALS ON PORTER'S TESTIMONY
COMM 011116 S8T TO BE RESET BY THE COURT
COMM 011516 SCB DEF'S OBJECTION TO APPELLATE COURT'S ORDER AND RESULTANT
COMM 011516 SCB POSTPONEMENT OF OFFICER GOODSON'S TRIAL FLD
COMM 012016 CSU ORIGINAL PAPERS FORWARDED TO COSA VIA FED EX TRACKING #8099-

NEXT PAGE

P/N

PAGE 046

02/08/16 CPIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 012016 CSU 2019-6865. (1) BINDER, NO EXHIBITS, AND NO TRANSCRIPTS.
COMM 012016 SCY DATE STAMPED & ORDERED 1/19/16, DEFT'S DISCOVERY DISCLOSURES
COMM 012016 SCY TIME-STAMPED 3:52, BE REMOVED FROM THE COURT FILE, AND
COMM 012016 SCY DEFT'S DISCOVERY DISCLOSURES, TIME-STAMPED 3:52, BE
COMM 012016 SCY RETURNED TO COUNSEL, & DEFT'S DISCOVERY DISCLOSURES,
COMM 012016 SCY TIME-STAMPED 3:52, BE REMOVED FROM PUBLIC ACCESS,
COMM 012016 SCY INCLUDING, BUT NOT LIMITED TO, THE CIRCUIT COURT FOR
COMM 012016 SCY BALTO CITY'S WEBSITE. WILLIAMS, J (CC: MATTHEW FRALING,
COMM 012016 SCY ATTY FOR CAESAR GOODSON, JANICE BLEDOSE, DEPUTY STATE'S
COMM 012016 SCY ATTY, OFFICE OF THE STATE'S ATTY FOR BALTO CITY)
COMM 012816 CPR STATE'S SUPPLEMENTAL DISCLOSURE
COMM 012916 CSU ORDER: IT IS HEREBY ORDERED THIS 19TH DAY OF JANUARY, 2016
COMM 012916 CSU BY THE COURT OF SPECIAL APPEALS, THAT SUBJECT TO FURTHER
COMM 012916 CSU ORDER OF THIS COURT, THE RECORD ON APPEAL SHALL CONSIST OF
COMM 012916 CSU CERTIFIED COPIES OF DOCKET ENTRIES; THE TRANSCRIPT OF THE
COMM 012916 CSU AFTERNOON PROCEEDINGS IN THE CIRCUIT COURT ON 01-06-16;
COMM 012916 CSU APPELLANT'S 01-04-16 MOTION TO QUASH THE SUBPOENA FOR HIS
COMM 012916 CSU TESTIMONY; THE STATE OF MARYLAND'S 01-06-16 RESPONSE TO
COMM 012916 CSU THE MOTION TO QUASH; THE STATE OF MARYLAND'S MOTION TO

NEXT PAGE

P/N

PAGE 047

9:15:11 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE

CASE INQUIRY 09:14

CASE 115141032 ST A GOODSON, CAESAR R OFC

A32384 COD N DCM C 020215

EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT

COMM 012916 CSU COMPEL WILLIAM PORTER'S TESTIMONY AND THE ATTACHED DRAFT
 COMM 012916 CSU ORDER; AND THE CIRCUIT COURT'S 01-06-16 ORDER COMPELLING
 COMM 012916 CSU APPELLANT WILLIAM PORTER TO TESTIFY; ORDERED THAT CIRCUIT
 COMM 012916 CSU COURT SHALL TRANSMIT THE RECORD TO THIS COURT ON OR BEFORE
 COMM 012916 CSU 01-25-16; AND IT IS FURTHER ORDERED THAT THE PARTIES MAY,
 COMM 012916 CSU BY APPROPRIATE MOTION, REQUEST THE CORRECTION OF THE RECORD
 COMM 012916 CSU ON APPEAL PURSUANT TO RULE 8-414 PER CHIEF JUDGE PETER B
 COMM 012916 CSU KRAUSEP.

CONT FULL NAME/PHONE NUMBER

IDENT ADD/FILE STREET/CITY STATE ZIPCODE V/W
052715

AKA GOODSON, CAESAR ROMEO JR

ADF ASKEW, AMY E
410-752-6030

24075 092415 1 SOUTH ST 26THFLR
092415 BALTIMORE MD 21202

ADF FRALING, MATTHEW
410-366-1500

270545 060115 2423 MARYLAND AVE, SUITE 10C
061815 BALTIMORE MD 21218

ADF GRAHAM, ANDREW JAY

322413 061615 ONE SOUTH STREET #2600
061515 BALTIMORE MD 21202

ADF REDD, JUSTIN A
410-752-6030

682551 010716 1 SOUTH ST., STE 2600
123115 BALTIMORE MD 21202

NEXT PAGE

P/N

PAGE 048

9:15:11 Monday, February 08, 2016

CON FULL NAME/PHONE NUMBER	IDENT	ADD/FILE	STREET/CITY STATE	ZIPCODE	V/W
02/08/16 CRIMINAL COURT OF BALTIMORE					CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC				A32384	COD N DCM C 090215
ASA MOSBY, MARILYN J	589240	091015	120 E BALTIMORE ST		
		091015	BALTIMORE MD 21202		
ASA PILLION, MATTHEW	653491	071415	120 E BALTIMORE STREET		
		071315	BALTIMORE MD 21202		
ASA BLEDSOE, JANICE L	68776	052215	120 E BALTIMORE ST 10TH FL		
443-984-2966		072415	BALTIMORE MD 21202		
ASA SCHATZOW, MICHAEL	717876	061815	120 E BALTIMORE ST 10TH FL		
		061715	BALTIMORE MD 21202		
PO TAYLOR, DAWNYELL S	G932	052215	DET DIV HOMICIDE SECTION		

NEXT PAGE

P/N

PAGE 049

9:15:12 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE
CASE 115141032 ST A GOODSON, CAESAR R OFC
BAIL TYPE S

CASE INQUIRY 09:14
A32384 COD N DCM C 090215
UPDATED ON 05/22/15 BY CKW 001

AMOUNT 350000 TOTAL 0 PROPERTY VAL. 0 MORTGAGE 0
DATE POSTED 050115 BAIL NO FCS1000-1500223 LOC DC GR RENT
DATE FORFEIT JUDGE IDENT
FORFEIT COMMENT
DATE EXTENDED DAYS EXTENDED 000 JUDGE IDENT
DATE JUDGEMENT
DATE CLOSED REASON JUDGE IDENT

BONDSMAN1 HEAVENS, NICHOLAS H IDENT TELEPHONE
ADDRESS 1101 NORTH POINT BLVD STE 121 CITY BALTIMORE ST MD ZIP 21224

BONDSMAN2
ADDRESS CITY ST ZIP
COMP/PROPERTY *FINANCIAL CASUALTY & SURETY IDENT 35

END OF DATA

P/1

PAGE 050

9:15:11 Monday, February 08, 2016

02/08/16 CPIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 012016 CSU 2219-6865. (1) BINDER, NO EXHIBITS, AND NO TRANSCRIPTS.
COMM 012016 SCY DATE STAMPED & ORDERED 1/19/16, DEFT'S DISCOVERY DISCLOSURES
COMM 012016 SCY TIME-STAMPED 3:52, BE REMOVED FROM THE COURT FILE, AND
COMM 012016 SCY DEFT'S DISCOVERY DISCLOSURES, TIME-STAMPED 3:52, BE
COMM 012016 SCY RETURNED TO COUNSEL, & DEFT'S DISCOVERY DISCLOSURES,
COMM 012016 SCY TIME-STAMPED 3:52, BE REMOVED FROM PUBLIC ACCESS,
COMM 012016 SCY INCLUDING, BUT NOT LIMITED TO, THE CIRCUIT COURT FOR
COMM 012016 SCY BALTO CITY'S WEBSITE. WILLIAMS, J (CC: MATTHEW FRALING,
COMM 012016 SCY ATTY FOR CAESAR GOODSON, JANICE BLEDOSE, DEPUTY STATE'S
COMM 012016 SCY ATTY, OFFICE OF THE STATE'S ATTY FOR BALTO CITY)
COMM 012816 CPR STATE'S SUPPLEMENTAL DISCLOSURE
COMM 012916 CSU ORDER: IT IS HEREBY ORDERED THIS 19TH DAY OF JANUARY, 2016
COMM 012916 CSU BY THE COURT OF SPECIAL APPEALS, THAT SUBJECT TO FURTHER
COMM 012916 CSU ORDER OF THIS COURT, THE RECORD ON APPEAL SHALL CONSIST OF
COMM 012916 CSU CERTIFIED COPIES OF DOCKET ENTRIES; THE TRANSCRIPT OF THE
COMM 012916 CSU AFTERNOON PROCEEDINGS IN THE CIRCUIT COURT ON 01-06-16;
COMM 012916 CSU APPELLANT'S 01-04-16 MOTION TO QUASH THE SUBPOENA FOR HIS
COMM 012916 CSU TESTIMONY; THE STATE OF MARYLAND'S 01-06-16 RESPONSE TO
COMM 012916 CSU THE MOTION TO QUASH; THE STATE OF MARYLAND'S MOTION TO

NEXT PAGE

P/N

PAGE 047

9:15:11 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC A32384 COD N DCM C 090215
EVENT DATE OPER PART TIME ROOM REAS / EVENT COMMENT
COMM 012916 CSU COMPEL WILLIAM PORTER'S TESTIMONY AND THE ATTACHED DRAFT
COMM 012916 CSU ORDER; AND THE CIRCUIT COURT'S 01-06-16 ORDER COMPELLING
COMM 012916 CSU APPELLANT WILLIAM PORTER TO TESTIFY; ORDERED THAT CIRCUIT
COMM 012916 CSU COURT SHALL TRANSMIT THE RECORD TO THIS COURT ON OR BEFORE
COMM 012916 CSU 01-25-16; AND IT IS FURTHER ORDERED THAT THE PARTIES MAY,
COMM 012916 CSU BY APPROPRIATE MOTION, REQUEST THE CORRECTION OF THE RECORD
COMM 012916 CSU ON APPEAL PURSUANT TO RULE 8-414 PER CHIEF JUDGE PETER B
COMM 012916 CSU KRAUSEP.
CON FULL NAME/PHONE NUMBER IDENT ADD/FILE STREET/CITY STATE ZIPCODE V/W
AKA GOODSON, CAESAR ROMEPO JR 052715

ADF ASKEW, AMY E 410-752-6030	24075 092415 1 SOUTH ST 26THFLR 092415 BALTIMORE MD 21202
ADF FRALING, MATTHEW 410-366-1500	270545 060115 2423 MARYLAND AVE, SUITE 10C 061815 BALTIMORE MD 21218
ADF GRAHAM, ANDREW JAY	322413 061615 ONE SOUTH STREET #2600 061515 BALTIMORE MD 21202
ADF REDD, JUSTIN A 410-752-6030	682551 010716 1 SOUTH ST., STE 2600 123115 BALTIMORE MD 21202

NEXT PAGE

P/N

PAGE 048

9:15:11 Monday, February 08, 2016

CON FULL NAME/PHONE NUMBER	IDENT	ADD/FILE	STREET/CITY STATE	ZIPCODE	V/W
02/08/16 CRIMINAL COURT OF BALTIMORE					CASE INQUIRY 09:14
CASE 115141032 ST A GOODSON, CAESAR R OFC				A32384	COO N DCM C 090215
ASA MOSBY, MARILYN J	589240	091015	120 E BALTIMORE ST		
		091015	BALTIMORE MD	21202	
ASA PILLION, MATTHEW	653491	071415	120 E BALTIMORE STREET		
		071315	BALTIMORE MD	21202	
ASA BLEDSOE, JANICE L	68776	052215	120 E BALTIMORE ST 10TH FL		
443-984-2966		072415	BALTIMORE MD	21202	
ASA SCHATZOW, MICHAEL	717876	061815	120 E BALTIMORE ST 10TH FL		
		061715	BALTIMORE MD	21202	
PO TAYLOR, DAWNYELL S	6932	052215	DET DIV HOMICIDE SECTION		

NEXT PAGE

P/N

PAGE 049

9:15:12 Monday, February 08, 2016

02/08/16 CRIMINAL COURT OF BALTIMORE
CASE 115141032 ST A GOODSON, CAESAR R OFC
BAIL TYPE S

CASE INQUIRY 09:14
A32384 COD N DCM C 090215
UPDATED ON 05/20/15 BY CKW 001

AMOUNT 350000 TOTAL 0 PROPERTY VAL. 0 MORTGAGE 0
DATE POSTED 05/15 BAIL NO FCS1000-1500223 LOC DC GR RENT
DATE FORFEIT JUDGE IDENT
FORFEIT COMMENT
DATE EXTENDED DAYS EXTENDED 000 JUDGE IDENT
DATE JUDGEMENT
DATE CLOSED REASON JUDGE IDENT
BONDSMAN1 HEAVENS, NICHOLAS H IDENT TELEPHONE
ADDRESS 1101 NORTH POINT BLVD STE 121 CITY BALTIMORE ST MD ZIP 21224
BONDSMAN2
ADDRESS CITY ST ZIP
COMP/PROPERTY *FINANCIAL CASUALTY & SURETY IDENT 35

END OF DATA

P/1

PAGE 050