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CIRCUIT COURT FOR
BALTIMORE CITY

STATE OF MARYLAND

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CRIMINAL * DIVISION
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IN THE
CIRCUIT COURT FOR
BALTIMORE CITY
CASE No. 115141035

v.

BRIAN RICE

* * * * *

STATE'S MOTION TO STAY PROCEEDINGS PENDING APPEAL

Now comes the State of Maryland, by and through Marilyn J. Mosby, the State's Attorney for Baltimore City; Michael Schatzow, Chief Deputy State's Attorney for Baltimore City; Janice L. Bledsoe, Deputy State's Attorney for Baltimore City; and Matthew Pillion, Assistant State's Attorney for Baltimore City; and pursuant to the Court's inherent power requests that this Court issue a stay of the above-captioned proceedings pending resolution of the appeal filed by the State on February 4, 2016, from the final judgment of this Court entered on January 20, 2016, denying the State's Motion to Compel a Witness to Testify Pursuant to Section 9-123 of the Courts and Judicial Proceedings Article ("CJP" hereinafter).

I. Summary of Argument

Despite the Court's good intentions in seeking to avoid delay of the Defendant's trial, the Court's denial of the State's Motion to Compel Officer William Porter's testimony ran contrary to the plain language of CJP § 9-123 and to the Legislature's intent in enacting the immunity statute. It also violated separation of powers principles by appropriating to the Judiciary a discretionary power granted to the Executive Branch. The State is now appealing these errors given their ramifications on the State's ability to prosecute this and other cases here and throughout the State. As outlined below and previously argued, this Court had no authority to engage in judicial review of the State's Attorney's vested exercise of lawful discretion in determining that Officer Porter's testimony may be necessary to the public interest in the State's prosecution of the Defendant for his role in the fatal arrest and custodial transportation of Mr.

