

STATE OF MARYLAND

Plaintiff

v.

ALICIA WHITE

Defendant

* IN THE
* CIRCUIT COURT
* FOR
* BALTIMORE CITY
* Case No. 115141036

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CIRCUIT COURT FOR
BALTIMORE CITY
2016 JAN 15 P 4:28
CRIMINAL DIVISION

* * * * *

MOTION FOR SUMMONS OF OUT OF STATE WITNESS

The Defendant, by undersigned counsel, moves this Honorable Court to issue the attached order, pursuant to MD Code Courts and Judicial Proceedings § 9-303 and Title 42 Pa.C.S.A Judiciary and Judicial Procedure § 5974 (a), certifying that the DONTA ALLEN is material witness in the Defendant's case and that his presence as a witness is required at trial and states in support of:

1. That the Defendant is charged with Manslaughter, 2nd Degree Assault, Misconduct in Office and Reckless Endangerment as a result of his alleged involvement in the arrest and subsequent death of Freddie Gray.
2. That it is alleged that the victim, Freddie Gray, sustained injuries during his transport in a police transport van.
3. That the requested witness, Donta Allen, was a passenger in the same transport vehicle as the victim during the ride that allegedly caused Mr. Gray's injuries.
4. That the requested witness, Donta Allen, gave statements to police investigators regarding his observation of Mr. Gray's actions during the transportation.
5. That the requested witness' observations of Mr. Gray' during his transportation and his subsequent statements to investigators regarding those observations

make him a material witness in this matter.

6. That the requested witness is currently being held in York County Prison in York, Pennsylvania and his offender number is 213834.
7. That the Commonwealth of Pennsylvania allows that upon certification by a judge of another state court that a person confined within the Commonwealth who may be a material witness in a criminal proceeding and whose presence will be required during a specified time a court having jurisdiction over the person confined and upon notice to the Bureau of Correction, the court shall fix a time and place for a hearing and shall make an order directed to the person having custody of the prisoner requiring that the prisoner be produced before it at the hearing. 42 Pa.C.S.A. § 5974.

WHEREFORE, the Defendant respectfully requests that this court grant the attached order certifying that Mr. Donta Allen is a material witness in this matter and that his presence is required for trial so that the certification can be presented to the District Court for the Commonwealth of Pennsylvania, County of York in order for a hearing to be granted to request an order directing the York County Prison to produce Mr. Donta Allen, ID # 213834 on or before November 30, 2015 and every day following until a verdict or a judgment has been reached in this matter.

