STATE OF MARYLAND	*	IN THE
	*	CIRCUIT COURT FOR
v.	*	BALTIMORE CITY
	*	
ALICIA WHITE	*	CASE No. 115141036
	*	

* * * * * * * * * * * * *

STATE'S MOTION TO COMPEL DISCOVERY

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 Rule 4-263(i) moves this Court to compel the Defendant to comply with the defense discovery obligations under Rule 4-263. In support of this Motion, the State avers the following:

1. Rule 4-263(h)(2) requires that the defense provide the State with any discovery no later than 30 days before the first scheduled trial date. On June 22, 2015, the Clerk mailed to all counsel Judge Pierson's Order scheduling the Defendant's trial date for October 13, 2015. That scheduled trial date is now less than 30 days away, but the Defendant has provided the State with none of the disclosures listed in Rule 4-263(e).

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2. The State recognizes, of course, that this Court previously indicated that the trial date and associated discovery deadline might change given the circumstances of severance and defense counsel's schedule. Rule 4-263(i), however, requires the State to file a motion to compel within ten days after the discovery was due. Because the trial date has not yet been formally changed, because it is possible that one trial may begin on October 13 or shortly thereafter, and because the ten-day deadline will likely pass prior to any postponements that emerge from the upcoming scheduling conference, the State is filing this Motion in an abundance of caution.

Wherefore, the State requests that this Court grant the State's Motion to Compel Discovery. The State respectfully reserves the right to supplement or withdraw this Motion pending future developments.

Respectfully submitted,

Marilyn J. Mosby

Michael Schatzow (#717876)
Chief Deputy State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6011 (telephone)
(443) 984-6256 (facsimile)
mschatzow@stattorney.org

Janice L. Bledsoe (#68776)
Deputy State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6012 (telephone)
(443) 984-6256 (facsimile)
jbledsoe@stattorney.org

Matthew Pillion (#653491)
Assistant State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6045 (telephone)
(443) 984-6252 (facsimile)
mpillion@stattorney.org

CERTIFICATE OF GOOD FAITH

The State hereby files with the Motion to Compel this Certificate describing as follows the State's good faith attempts to discuss with the opposing party the resolution of the discovery dispute:

1. On September 10, 2015, at approximately 3:30 p.m., the State, counsel for the defense, and this Court met for a scheduling conference, at which the Parties discussed the date of the Defendant's trial in light of severance and any requested postponements. Defense counsel inquired whether defense discovery was due based on the existing October 13, 2015, trial date or, instead, would be due based on the anticipated new trial date. The Court indicated the discovery deadline might be based on the new trial date. That date, however, was not then selected, and no alternate discovery deadline was ordered.

2. On September 22, 2015, at approximately 3:55 p.m., the State followed up with defense counsel via an emailed and mailed letter (attached as State's Exhibit 1) regarding defense disclosure obligations in light of the unchanged October 13 trial date. The State requested that counsel comply with Rule 4-263 and provide the disclosure required therein. The State also offered to be available anytime this week to discuss a resolution to this issue. As of this writing, the State has not received a reply or phone call from the Defendant's counsel.

Accordingly, the State hereby certifies that the Parties are unable to reach agreement on the disputed issue, which in this situation is simply the due date for defense disclosures.

Respectfully submitted,

Marilyn J. Mosby

Michael Schatzow (#717876)
Chief Deputy State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6011 (telephone)
(443) 984-6256 (facsimile)
mschatzow@stattorney.org

Janice L. Bledsoe (#68776)
Deputy State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6012 (telephone)
(443) 984-6256 (facsimile)
jbledsoe@stattorney.org

Matthew Pillion (#653491)
Assistant State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6045 (telephone)
(443) 984-6252 (facsimile)
mpillion@stattorney.org

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of September, 2015, a copy of the State's Motion to Compel Discovery was delivered to Defendant's counsel as specified below:

By mail and email 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

By mail and email to: Andrew Jay Graham
Kramon & Graham, P.A.
1 South Street, Suite 2600
Baltimore, MD 21202
410-752-6030
AGraham@kg-law.com
Attorney for Officer Caesar Goodson

By mail and email to: Catherine Flynn
Mead, Flynn & Gray, P.A.
One North Charles Street, Suite 2470
Baltimore, MD 21201
(410) 727-6400
cflynn@meadandflynn.com
Attorney for Officer Garrett Miller

By mail and email to: Marc L. Zayon
Roland Walker & Marc L. Zayon, P.A.
201 N. Charles Street, Suite 1700
Baltimore, Maryland 21201
(410) 727-3710
mzayon@walkerzayon.com
Attorney for Officer Edward Nero

By mail and email to: Joseph Murtha
Murtha, Psoras & Lanasa, LLC
1301 York Road, Suite 200
Lutherville, Maryland 21093
(410) 583-6969
jmurtha@mpllawyers.com
Attorney for Officer William Porter

By mail and email to: Gary Proctor
Gary E. Proctor, LLC
8 E. Mulberry St.
Baltimore, MD 21202
410-444-1500
garyeproctor@gmail.com
Attorney for Officer William Porter

By mail and email to: Michael Belsky
Chaz Ball
Schlachman, Belsky & Weiner, P.A.
300 East Lombard Street, Suite 1100
Baltimore, MD 21202
(410) 497-8433
mbelsky@sbwlaw.com
Attorney for Lieutenant Brian Rice

By mail and email to: Ivan Bates
Tony Garcia
201 N. Charles Street, Suite 1900
Baltimore, Maryland 21201
(410) 814-4600
ivan@batesgarcia.com
Attorney for Sergeant Alicia White

Respectfully submitted,

Marilyn J. Mosby

Janice L. Bledsoe (#68776)
Deputy State's Attorney
120 East Baltimore Street
The SunTrust Bank Building
Baltimore, Maryland 21202
(443) 984-6012 (telephone)
(443) 984-6256 (facsimile)
jbledsoe@stattorney.org

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* * * * * * * * * * * * *

ORDER

Having considered the State's Motion to Compel Discovery and any response thereto, it is this _____ day of _____, 2015, by the Circuit Court for Baltimore City

ORDERED that the State's Motion to Compel Discovery be and hereby is **GRANTED**; and it is further

ORDERED that the Defendant shall fully comply with the defense discovery obligations set forth in Rule 4-263 within five days of this Order.

_____

Judge
Circuit Court for Baltimore City